

CS FOR SENATE BILL NO. 185 (JUDICIARY) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Amended: 5/16/91
Offered: 5/8/91
Referred: Rules

Sponsor(s): SENATE SPECIAL COMMITTEE ON ETHICS REFORM

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to conduct of legislators, legislative employees, former legislators, former
2 legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 24.45.121(a) is amended to read:

5 (a) A lobbyist may not

6 (1) engage in any activity as a lobbyist before registering under AS 24.45.041;

7 (2) do anything with the intent of placing a public official under personal
8 obligation to the lobbyist or to the lobbyist's employer;

9 (3) intentionally deceive or attempt to deceive any public official with regard to
10 any material fact pertinent to pending or proposed legislative or administrative action;

11 (4) cause or influence the introduction of a legislative measure solely for the
12 purpose of thereafter being employed to secure its passage or its defeat;

13 (5) cause a communication to be sent to a public official in the name of any
14 fictitious person or in the name of any real person, except with the consent of that person;

1 (6) accept or agree to accept any payment in any way contingent upon the defeat,
2 enactment or outcome of any proposed legislative or administrative action;

3 (7) serve as a member of a state board, or commission, if the lobbyist's employer
4 may receive direct economic benefit from a decision of that board or commission;

5 (8) serve as a campaign manager or director, serve as a campaign treasurer
6 or deputy campaign treasurer on a finance or fundraising committee, host a fundraising
7 event, or otherwise actively engage in the fundraising activity of a legislative campaign if
8 the lobbyist has registered during the calendar year; this paragraph does not apply to a
9 representational lobbyist as defined in the regulations of the Alaska Public Offices
10 Commission, and does not prohibit a lobbyist from making personal contributions to or
11 personally advocating on behalf of a candidate;

12 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
13 covered by AS 24.60, during a legislative session,

14 (A) a gift, other than food or beverage for immediate consumption;

15 (B) a loan, other than a loan made in the ordinary course of business
16 by a person authorized to transact business in this state at terms and interest rates
17 generally available to a member of the public; or

18 (C) a campaign contribution;

19 (10) make or offer a gift or a campaign contribution whose acceptance by the
20 person to whom it is offered would violate AS 24.60.

21 * Sec. 2. AS 24.45.121 is amended by adding a new subsection to read:

22 (c) A former member of the legislature may not engage in activity as a lobbyist before
23 the legislature for a period of one year after the former member has left the legislature.

24 * Sec. 3. AS 24.60.010 is repealed and reenacted to read:

25 Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that

26 (1) high moral and ethical standards among public servants in the legislative
27 branch of government are essential to assure the trust, respect, and confidence of the people of
28 this state;

29 (2) a fair and open government requires that legislators and legislative employees
30 conduct the public's business in a manner that preserves the integrity of the legislative process
31 and avoids conflicts of interest or even appearances of conflicts of interest;

1 (3) the public's commitment to a part-time citizen legislature requires legislators
2 be drawn from all parts of society and the best way to attract competent people is to
3 acknowledge that they provide their time and energy to the state, often at substantial personal and
4 financial sacrifice;

5 (4) a part-time citizen legislature implies that legislators are expected and
6 permitted to earn outside income and that the rules governing legislators' conduct during and
7 after leaving public service must be clear, fair, and as complete as possible; the rules, however,
8 should not impose unreasonable or unnecessary burdens that will discourage citizens from
9 entering or staying in government service;

10 (5) in order for the rules governing conduct to be respected both during and after
11 leaving public service, the code must be administered fairly without bias or favoritism;

12 (6) no code of conduct, however comprehensive, can anticipate all situations in
13 which violations may occur nor can it prescribe behaviors that are appropriate to every situation;
14 in addition, laws and regulations regarding ethical responsibilities cannot legislate morality,
15 eradicate corruption, or eliminate bad judgment;

16 (7) compliance with a code of ethics is an individual responsibility; thus all who
17 serve the legislature have a solemn responsibility to avoid improper conduct and prevent
18 improper behavior by colleagues and subordinates;

19 (8) the purpose of this chapter is to establish standards of conduct for state
20 legislators and legislative employees and to establish the Select Committee on Legislative Ethics
21 to consider alleged violations of this chapter and to render advisory opinions to persons affected
22 by this chapter.

23 * Sec. 4. AS 24.60.020(a) is amended to read:

24 (a) Except as otherwise provided in this subsection, this chapter applies to a member of
25 the legislature, [AND] to a person employed by the legislative branch of government, and to
26 public members of the Select Committee on Legislative Ethics. This chapter does not apply
27 to

28 (1) a former member of the legislature or to a person formerly employed by the
29 legislative branch of government unless the provision specifically states that it [SO] applies;

30 (2) a person elected to the legislature who at the time of election is not a member
31 of the legislature;

1 (3) a person employed by the legislative branch of government whose position
2 is established below Range 15 [18] of the state salary schedule established in AS 39.27.011(a).

3 * Sec. 5. AS 24.60.030 is repealed and reenacted to read:

4 Sec. 24.60.030. CONFLICTS OF INTEREST. (a) A person to whom this chapter
5 applies may not have a conflict of interest. A person has a conflict of interest when the person

6 (1) uses public office for private advancement or gain;

7 (2) takes or withholds official action or exerts official influence that could
8 substantially benefit or harm a financial or political matter in which the person has a direct or
9 indirect private interest;

10 (3) solicits or accepts a benefit beyond that which may accrue uniformly to
11 members of the profession, occupation, or group to which the person belongs, or to the public
12 at large;

13 (4) wilfully discloses, or knowingly uses, for personal gain or the gain of another,
14 information that by law is not available to the public and that the person acquired in the course
15 of official duties; a person who violates this paragraph may be subject to prosecution under
16 AS 11.56.860;

17 (5) uses state funds or state property, except property under lease from the state,
18 for private advancement or gain;

19 (6) knowingly uses or authorizes the use of the facilities of a public office,
20 including office space, stationery, postage, office machines and equipment, vehicles, and official
21 publications, or knowingly uses or authorizes the use of state-paid employees, with the intent to
22 affect a candidate or campaign for elective office; or

23 (7) takes or withholds official action or exerts official influence that could
24 substantially benefit or harm the financial interest of another person with whom the person to
25 whom this chapter applies is negotiating for employment.

26 (b) Notwithstanding (a) of this section, a person covered by this chapter does not have
27 a conflict of interest if, as to a specific matter, there is no substantial impropriety or appearance
28 of impropriety because

29 (1) the person's interest is relatively insignificant; or

30 (2) the person's authority is relatively far removed from an official action that
31 could reasonably be affected by the potential conflict of interest, provided that no attempt has

1 been made to remove the appearance of impropriety by delegating responsibility for official
2 action.

3 (c) This section does not prohibit customary constituent contacts by a legislator, including
4 newsletters and other constituent correspondence that express the legislator's opinions or views
5 on issues before the legislature, or that describe the legislator's votes, legislative proposals, or
6 other legislative actions.

7 * Sec. 6. AS 24.60 is amended by adding a new section to read:

8 Sec. 24.60.035. PROHIBITED FUND RAISING. (a) A member of the legislature may
9 not

10 (1) solicit or accept a contribution during a legislative session; or

11 (2) accept money from an event held during a legislative session if a substantial
12 purpose of the event is either to raise money on behalf of the member for campaign purposes or
13 to raise money for state legislative political purposes.

14 (b) In this section, "contribution" has the meaning given in AS 15.13.130.

15 * Sec. 7. AS 24.60.070 is amended by adding a new subsection to read:

16 (b) A disclosure under this section must be sufficiently detailed that a reader of the
17 disclosure can ascertain the nature of the association.

18 * Sec. 8. AS 24.60.080(a) is amended to read:

19 (a) A person to whom this chapter applies may not solicit, accept, or receive, directly or
20 indirectly, a gift worth \$100 or more [IN ANY AMOUNT], whether in the form of money,
21 services, a loan, travel, entertainment, hospitality, promise, or other form, or gifts from the same
22 person worth less than \$100 that in a calendar year aggregate to \$100 or more in value, and
23 may not solicit, accept, or receive a gift with any monetary value from a lobbyist, the client
24 of a lobbyist, or a person acting on behalf of a lobbyist or the client of a lobbyist during a
25 legislative session [UNDER CIRCUMSTANCES IN WHICH IT COULD REASONABLY BE
26 INFERRED THAT THE GIFT IS INTENDED TO INFLUENCE THE PERFORMANCE OF
27 OFFICIAL DUTIES, ACTIONS, OR JUDGMENT].

28 * Sec. 9. AS 24.60.080(c) is amended to read:

29 (c) Notwithstanding (a) [(b)] of this section, it is not a violation of this section for a
30 person to whom this chapter applies to accept

31 (1) hospitality, other than hospitality described in (4) of this subsection

- 1 (A) with incidental transportation at the residence of a person; or
2 (B) at a social event or meal;
3 (2) discounts that are available generally to the public or to a large class of
4 persons to which the person belongs;
5 (3) food or foodstuffs indigenous to the state that are shared generally as a
6 cultural or social norm;
7 (4) travel and hospitality primarily for the purpose of obtaining information on
8 matters of legislative concern;
9 (5) gifts from the family of the person; or
10 (6) gifts that are not connected with the recipient's legislative status.

11 * Sec. 10. AS 24.60.080(d) is amended to read:

12 (d) A person to whom this chapter applies who accepts a gift under (c)(4) or (6) of this
13 section [OF TRAVEL AND HOSPITALITY PRIMARILY FOR THE PURPOSE OF
14 OBTAINING INFORMATION ON MATTERS OF LEGISLATIVE CONCERN] shall disclose
15 the gift if it has a value of \$100 or more. The disclosure must include the name and occupation
16 of the person making the gift and the approximate value of the gift. Each gift required to be
17 disclosed under this subsection shall be disclosed within 30 days of the receipt of the gift in the
18 journal of the appropriate body or, if the legislature is not in session, to the committee. The
19 committee shall maintain a public record of the disclosure it receives and shall forward the
20 disclosure to the appropriate house for inclusion in the journal by the fifth day of the next regular
21 session.

22 * Sec. 11. AS 24.60.080 is amended by adding a new subsection to read:

23 (f) Notwithstanding (a) of this section, a person to whom this chapter applies may accept
24 a gift of property worth \$100 or more, other than money, from a foreign government or from an
25 official of a foreign government if the person accepts the gift on behalf of the legislature. The
26 person shall, within 60 days of receiving the gift, deliver the gift to the legislative council, which
27 shall determine the appropriate disposition of the gift.

28 * Sec. 12. AS 24.60 is amended by adding a new section to read:

29 Sec. 24.60.085. HONORARIA PROHIBITED. (a) A person to whom this chapter
30 applies may not accept a payment of money or anything of value for an appearance or speech
31 by the person, except that the person may accept payment of actual and necessary travel expenses

1 incurred by the person in making the appearance or speech.

2 (b) Notwithstanding (a) of this section, a person to whom this chapter applies may accept
3 a payment for an appearance or speech if the appearance or speech is not connected with the
4 person's legislative status, and for teaching at a state-funded school or university, provided that
5 influence was not used to obtain the position.

6 * Sec. 13. AS 24.60.090(a) is amended to read:

7 (a) An [A SPOUSE OR AN] individual [OTHER THAN A SPOUSE] who is related to
8 a member of the legislature may not be employed in the house in which the legislator is a
9 member, by an agency of the legislature established under AS 24.20, or in either house during
10 the interim between sessions. An individual who is related to an employee of the legislature may
11 not be employed in a position over which the employee has supervisory authority. In this
12 subsection, "an individual who is related to" means a child, stepchild, husband, wife, mother,
13 father, sister, brother, or spousal equivalent living together in a conjugal relationship not as
14 a legal marriage, and "interim between sessions" means the period beginning on the eighth
15 day after the legislature adjourns from a regular session, and ending eight days before the
16 date that the legislature shall convene under AS 24.05.090.

17 * Sec. 14. AS 24.60.100 is amended to read:

18 Sec. 24.60.100. REPRESENTATION PROHIBITED. A person to whom this chapter
19 applies may not represent [WHO REPRESENTS] another person for compensation before an
20 agency, board, or commission of the state, or before an officer or employee of the agency,
21 board, or commission of the state [SHALL DISCLOSE THE NAME OF THE PERSON
22 REPRESENTED, THE SUBJECT MATTER OF THE REPRESENTATION, AND THE BODY
23 BEFORE WHICH THE REPRESENTATION IS TO TAKE PLACE IN THE JOURNAL OF
24 THE APPROPRIATE BODY OR IF THE LEGISLATURE IS NOT IN SESSION TO THE
25 COMMITTEE. THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF THE
26 DISCLOSURE AND FORWARD THE DISCLOSURE TO THE RESPECTIVE HOUSE FOR
27 INCLUSION IN THE JOURNAL BY THE FIFTH DAY OF THE SESSION].

28 * Sec. 15. AS 24.60.130(a) is amended to read:

29 (a) There is established as a permanent interim committee within the legislative branch
30 of state government the Select Committee on Legislative Ethics.

31 * Sec. 16. AS 24.60.130(g) is amended to read:

1 (g) Each legislative member serves for the duration of the legislature during which the
2 member is appointed. Each public member serves for a three-year term.

3 * Sec. 17. AS 24.60.130(i) is amended to read:

4 (i) A quorum of a committee established under this section consists of a majority of the
5 members of the committee and must include at least two legislative members and two public
6 members. A quorum of a subcommittee established under this section consists of a majority of
7 the members of the subcommittee and must include at least one legislative member and two
8 public members. [NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, A
9 COMMITTEE DOES NOT HAVE A QUORUM UNLESS THREE LEGISLATIVE MEMBERS
10 ARE PRESENT AND A SUBCOMMITTEE DOES NOT HAVE A QUORUM UNLESS TWO
11 LEGISLATIVE MEMBERS ARE PRESENT.]

12 * Sec. 18. AS 24.60.130 is amended by adding new subsections to read:

13 (j) The committee is not subject to AS 44.62.310 - 44.62.312, to the procurement
14 provisions adopted by the legislative council under AS 36.30.020, and to the Uniform Rules of
15 the Alaska State Legislature to the extent that those provisions would prevent the committee from
16 complying with the confidentiality provisions of this chapter. The committee may adopt rules
17 to implement this subsection.

18 (k) A member of the committee or of the committee staff may obtain access to closed
19 committee files containing information that is confidential under AS 24.60.160 or 24.60.170 only
20 if the full committee determines, by a majority vote, that the member has a need to obtain access
21 to the closed files.

22 * Sec. 19. AS 24.60.160 is amended to read:

23 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an advisory opinion
24 within 30 days on the request of a person to whom the chapter applies or a person elected to the
25 legislature who at the time of election is not a member of the legislature as to whether the facts
26 and circumstances of a particular case constitute a violation of ethical standards. The 30-day
27 period for issuing an opinion may be extended by the committee [FOR NOT MORE THAN AN
28 ADDITIONAL 10 DAYS] if the person requesting the opinion consents. The opinion issued is
29 binding on the committee in any subsequent proceedings concerning the facts and circumstances
30 of the particular case unless material facts were omitted or misstated in the request for the
31 advisory opinion. Except as provided in this chapter an advisory opinion is confidential but shall

1 [MAY] be made public if a written request by the person who requested the opinion is filed with
2 the committee.

3 * Sec. 20. AS 24.60.170 is repealed and reenacted to read:

4 Sec. 24.60.170. PROCEEDINGS BEFORE THE COMMITTEE. (a) The committee
5 shall consider a complaint alleging a violation of this chapter if the alleged violation occurred
6 within five years of the date that the complaint is filed with the committee and, when the subject
7 of the complaint is a former member of the legislature, the complaint is filed within one year of
8 the subject's departure from the legislature. The committee may not consider a complaint filed
9 against a person employed by the legislative branch of government after the person has
10 terminated legislative service. The committee may also initiate complaints on its own motion,
11 subject to the same time limitations. The time limitations of this subsection do not bar
12 proceedings against a person who intentionally prevents discovery of a violation of this chapter.

13 (b) A complaint may be initiated by any person. The complaint must be in writing and
14 signed under oath by the person making the complaint. The committee shall upon request
15 provide a form for a complaint to a person wishing to file a complaint. The committee shall
16 immediately provide a copy of the complaint to the person who is the subject of the complaint.

17 (c) When the committee receives a complaint under (a) of this section, it shall determine
18 whether the allegations of the complaint, if true, constitute a violation of this chapter. If the
19 committee determines that the allegations, if proven, would not give rise to a violation, or if the
20 committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall
21 dismiss the complaint, and shall notify the complainant and the subject of the complaint of the
22 dismissal.

23 (d) If the committee determines that some or all of the allegations of a complaint, if
24 proven, would constitute a violation of this chapter, or if the committee has initiated a complaint,
25 the committee shall investigate the complaint, on a confidential basis. Before beginning an
26 investigation of a complaint, the committee shall adopt a resolution defining the scope of the
27 investigation. A copy of this resolution shall be provided to the complainant and to the subject
28 of the complaint. As part of its investigation, the committee shall afford the subject of the
29 complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

30 (e) If during the investigation under (d) of this section, the committee discovers facts that
31 justify an expansion of the investigation and the possibility of additional charges beyond those

1 contained in the complaint, the resolution described in (d) of this section shall be amended
2 accordingly and a copy of the amended resolution shall be provided to the subject of the
3 complaint.

4 (f) If the committee determines after investigation that there is not probable cause to
5 believe that the subject of the complaint has violated this chapter, the committee shall dismiss
6 the complaint. The committee may also dismiss portions of a complaint if it finds no probable
7 cause to believe that the subject of the complaint has violated this chapter as alleged in those
8 portions. The committee shall issue a decision explaining its dismissal. A copy of the dismissal
9 order and decision shall be sent to the complainant and to the subject of the complaint.
10 Notwithstanding (n) of this section, a dismissal order and decision is open to inspection and
11 copying by the public.

12 (g) If the committee investigation determines that a probable violation of this chapter
13 exists that may be corrected by action of the subject of the complaint and that does not warrant
14 sanctions other than correction, the committee may issue an opinion recommending corrective
15 action. This opinion shall be provided to the complainant and to the subject of the complaint,
16 and is open to inspection by the public. The subject of the complaint may comply with the
17 opinion or may request a hearing before the committee under (j) of this section. After the
18 hearing the committee may amend or affirm the opinion.

19 (h) If the subject of a complaint fails to comply with an opinion issued under (g) of this
20 section, or if the committee determines after investigation that there is probable cause to believe
21 that the subject of the complaint has committed a violation of this chapter that may require
22 sanctions instead of or in addition to corrective action, the committee shall formally charge the
23 person. The charge shall be served on the person charged, in a manner consistent with the
24 service of summons under the rules of civil procedure, and a copy of the charge shall be sent to
25 the complainant. The person charged may file a responsive pleading to the committee admitting
26 or denying some or all of the allegations of the charge.

27 (i) A person charged under (b) of this section may engage in discovery in a manner
28 consistent with the Alaska Rules of Civil Procedure. The committee may impose reasonable
29 restrictions on the time for this discovery and on the materials that may be discovered.

30 (j) If the committee has issued a formal charge under (h) of this section, and if the person
31 charged has not admitted the allegations of the charge, the committee shall schedule a hearing

1 on the charge. The hearing shall be scheduled for a date more than 20 days after service of the
2 charge on the person charged, unless the person agrees to an earlier hearing date. At the hearing,
3 the person charged shall have the right to appear personally before the committee, to subpoena
4 witnesses and require the production of books or papers relating to the proceedings, to be
5 represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The
6 committee is not bound by the rules of evidence but the committee's findings must be based
7 upon clear and convincing evidence. Testimony taken at the hearing shall be recorded and
8 evidence shall be maintained.

9 (k) Following the hearing, the committee shall issue a decision stating whether or not the
10 subject of the complaint violated this chapter, and explaining the reasons for the determination.
11 The committee's decision may also indicate whether the subject cooperated with the committee
12 in its proceedings. If the committee finds a violation, or lack of cooperation by the subject, the
13 decision shall recommend what sanctions, if any, the committee believes are appropriate. If there
14 has not been a hearing because the person charged admitted to the allegations of the charge, the
15 committee shall issue a decision outlining the facts of the violation and containing a sanctions
16 recommendation.

17 (l) If the committee issues a decision finding that a member of the legislature has
18 violated a provision of this chapter or that the member has failed to cooperate with the
19 committee, it shall refer the decision to the presiding officer of the house of the legislature to
20 which the member belongs. The legislature shall act on the decision as it considers appropriate.

21 (m) If the committee issues a decision finding that an employee of the legislative branch
22 of government has violated a provision of this chapter, or that the employee has failed to
23 cooperate with the committee, it shall refer the decision to the chair of the legislative council.
24 The legislative council shall act on the decision as it considers appropriate.

25 (n) Proceedings of the committee relating to complaints before it are confidential until
26 the committee determines that there is probable cause to believe that a violation of this chapter
27 has occurred. The complaint and all documents produced or disclosed as a result of the
28 committee investigation are confidential and not subject to inspection by the public. If in the
29 course of an investigation or probable cause determination the committee finds evidence of
30 probable criminal activity, the committee shall transmit a statement and factual findings limited
31 to that activity to the appropriate law enforcement agency. If the committee finds evidence of

1 a probable violation of AS 15.13, the committee shall transmit a statement to that effect and
2 factual findings limited to the probable violation to the Alaska Public Offices Commission. All
3 meetings of the committee before the determination of probable cause are closed to the public.
4 The confidentiality provisions of this subsection may be waived by the subject of the complaint.

5 (o) All documents issued by the committee after a determination of probable cause to
6 believe that the subject of a complaint has violated this chapter, including an opinion
7 recommending corrective action under (g) of this section and a formal charge under (h) of this
8 section, are subject to public inspection. All hearings of the committee under (j) of this section
9 are open to the public, and all documents presented at a hearing, and all motions filed in
10 connection with the hearing, are subject to inspection by the public. Deliberations of the
11 committee following a hearing, deliberations on motions filed by the subject of a charge under
12 (h) of this section, and deliberations concerning appropriate sanctions are confidential.

13 (p) The committee shall dismiss a complaint against a person employed by the legislative
14 branch of government if the person terminates legislative service. The committee may in its
15 discretion dismiss a complaint against a former member of the legislature whether the complaint
16 was filed before or after the former member departed from the legislature.

17 (q) A committee member or member of the committee staff who divulges information
18 concerning a proceeding, except as permitted by this chapter, is guilty of a class A misdemeanor.

19 * **Sec. 21.** AS 24.60 is amended by adding a new section to read:

20 Sec. 24.60.175. EMPLOYMENT DISCRIMINATION GRIEVANCES. (a) A person
21 employed or formerly employed by the legislative branch of government may file a grievance
22 with the committee alleging a violation of AS 18.80.220 by the person's employer or former
23 employer. The committee shall adopt procedures concerning the filing, the investigation, the
24 mediation, and the hearing of grievances under this subsection. In adopting procedures, the
25 committee shall consider regulations of the office of equal employment opportunity adopted
26 under AS 44.19.443 and shall protect the confidentiality of grievances.

27 (b) In accordance with the procedures established under (a) of this section the committee
28 may

- 29 (1) provide for mediation of a grievance;
30 (2) dismiss a grievance without prejudice; or
31 (3) after a hearing, make appropriate recommendations concerning a grievance

1 to the president of the senate, the speaker of the house, or the head of the legislative agency
2 where the grievant is or was employed.

3 (c) This section does not diminish rights under other state or federal law relating to
4 employment discrimination.

5 (d) In this section, "committee" means the legislative members of the house
6 subcommittee when the grievant is or was employed by a member or a committee of the house,
7 the legislative members of the senate subcommittee when the grievant is or was employed by a
8 member or a committee of the senate, and the legislative members of the full committee when
9 the grievant is or was an employee of an agency of the legislature.

10 * Sec. 22. AS 24.60 is amended by adding a new section to read:

11 ARTICLE 2. RESTRICTIONS ON FORMER LEGISLATORS
12 AND LEGISLATIVE EMPLOYEES.

13 Sec. 24.60.200. RESTRICTIONS ON FORMER LEGISLATORS AND LEGISLATIVE
14 EMPLOYEES. (a) A person to whom this chapter applied may not, for a period of one year
15 after this chapter ceased to apply to the person, represent another person for compensation before
16 a court, agency, board, or commission of the state with regard to a matter in which the person
17 participated personally and substantially while this chapter applied to the person.

18 (b) A person who violates this section may be enjoined from continuing to violate it, and
19 is subject to a civil penalty of up to \$5,000.

20 * Sec. 23. AS 39.50.090(c) is amended to read:

21 (c) A public official may not represent a client before a state agency for a fee. However,
22 this prohibition does not apply to a person to whom AS 24.60 applies, to a municipal officer,
23 or to the chair [CHAIRMAN] or a member of a state commission or board except with regard
24 to representation before that commission or board; this exception from the general prohibition
25 does not apply to one whose service on the commission or board constitutes the person as a full-
26 time state employee under this title.

27 * Sec. 24. AS 24.60.060, 24.60.080(b), and 24.60.120 are repealed.

28 * Sec. 25. TRANSITIONAL PROVISIONS RELATING TO PUBLIC MEMBERS OF SELECT
29 COMMITTEE ON LEGISLATIVE ETHICS. Notwithstanding AS 24.61.130(g), as amended by sec. 16
30 of this Act, one of the public members of the Select Committee on Legislative Ethics shall serve until
31 the commencement of the 1992 regular session of the Alaska State Legislature; one of the public

1 members shall serve until the commencement of the 1993 regular session; and the remaining public
2 member shall serve until the commencement of the 1994 regular session. The length of each public
3 member's term under this section shall be determined by lot.