

SCOMM

82:3

Alaska State Legislature

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-2828



During Interim
3111 C Street, Suite 510
Anchorage, Alaska 99503
(907) 561-2040

Senator Virginia Collins

March 14, 1991

MEMORANDUM

TO: Senator Rick Halford, Chair
Senate Judiciary Committee

FROM: Senator Virginia Collins, Chair
Special Committee on Ethics Reform

SUBJECT: Committee Hearing for SB 185 - Legislative Ethics

I respectfully request that you schedule SB 185 for a committee hearing at your earliest opportunity. We need to expedite the public hearing process if we plan to pass an ethics reform bill this session. It would be nice to pass our bill across to the House.

SB 185 is a good compromise between HB 4 and the old Josephson bill. The Special Committee on Ethics Reform started with the bill that the Select Committee on Ethics passed out of their committee last year. SB 185 includes some of the COGEL model bill's suggestion on ethics reform as well as some items from the Common Cause model bill.

Attached is a copy of the fiscal note and a sectional analysis we received from legal services.

Thank you for your consideration of this request.

Attachments



DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3857 or 465-2450
FAX (907) 465-2029

*give attorney
briefing
to a case while
in session*

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101
March 11, 1991

MEMORANDUM

March 11, 1991

SUBJECT: Sectional analysis of legislative ethics bill (SB 185)

TO: Senator Virginia Collins
Chair, Senate Special Committee on Ethics Reform

FROM: John B. Gaguine *JB*
Legislative Counsel

*add
Section
20*

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 adds several prohibitions to the current list of prohibited conduct by a lobbyist. It would prohibit a lobbyist from serving as a campaign treasurer or deputy campaign treasurer for a legislative candidate, from offering gifts (except for food or beverages), loans, and campaign contributions to persons covered by the ethics act during session, and from making a gift or campaign contribution in violation of the ethics act.

Section 2 prohibits a former legislator from lobbying the legislature for one year after the former legislator leaves office.

Section 3 amends and expands the findings and purposes section of the Legislative Ethics Act, AS 24.60

Section 4 extends the coverage of the Legislative Ethics Act to all employees Range 15 and above (instead of current Range 18) and to the public members of the Select Committee on Legislative Ethics.

Section 5 essentially gathers in one place all of the prohibitions that are currently spread throughout AS 24.60, and adds a couple of new prohibitions, relating to use of state property and funds for political purposes and to taking action that could

substantially affect a person with whom the action-taker is negotiating employment. It retains the provision in current law that an action does not constitute a conflict of interest unless the impact on the legislator or legislative employee is substantial; e.g., a legislator does not need to worry if he or she owns a couple of shares of Exxon.

Section 6 prohibits a legislator from soliciting or accepting campaign contributions during a session and from accepting money from an event during a session that is designed to raise money for candidates (such as a political party fundraiser).

Section 7 provides that disclosures of close economic associations must be reasonably specific; it would no longer suffice to just state that a close economic association exists, and provide no details.

Sections 8-11 rework the gift provisions of the ethics law. Section 7 raises the allowable limit from \$50 to \$100, and essentially provides that gifts worth less than \$100 are conclusively presumed to be proper. However, the section also prohibits the acceptance of any gift, except for the ones listed in AS 24.60.080(c), from a lobbyist or employer of a lobbyist during a legislative session. Section 8 broadens AS 24.60.080(c), the exception to the gift prohibition, to include gifts not connected to the recipient's legislative status; this change codifies an ethics committee advisory opinion. Section 9 requires the disclosure of gifts now allowed by Section 8. And Section 10 deals with gifts from foreign governments; it allows their receipt, but only on behalf of the legislature.

Section 12 prohibits honoraria; this section too codifies an ethics committee advisory opinion. The payment of actual travel expenses is allowed. There is an exception where the honorarium is not related to the recipient's legislative status, so that, for instance, a legislator who is a professor of biology could accept an honorarium for speaking at a biology symposium. The section also specifically authorizes teaching for compensation at a state-funded school or university.

Section 13 slightly modifies the nepotism prohibition, to allow a legislator's relatives who may be employed in the other house during session to begin employment one week before session and to keep working for one week after session.

Section 14 places a flat ban on representing clients for compensation before an agency, board, or commission (but not a court) of the state. It also makes clear that appearing before an officer or employee of an agency, board, or commission is prohibited. The section would replace existing law allowing such representation, as long as it is disclosed.

Section 15 states, in order to avoid any possible problems, that the Select Committee on Legislative Ethics is a permanent interim committee.

Section 16 changes the terms of public members of the committee from two years (the duration of one legislature) to three, in order to provide greater stability in the committee's membership.

Section 17 reduces the number of both total members and legislative members necessary to make a quorum of the committee.

Section 18 provides that open meetings and public procurement provisions do not apply when their application would be inconsistent with the confidentiality provisions of AS 24.60. (The procurement provisions are included because the committee may need to hire investigators to investigate complaints which are not public during the investigation.)

Section 19 changes the statute relating to advisory opinions to give the committee, when the opinion requestor consents, more time to respond to the request. During the interim it is often difficult to assemble a quorum to act on a request.

Section 20 totally overhauls the committee's complaint procedures. Under current law the procedures are totally closed to the public virtually from beginning to end, including the hearing on a complaint. As overhauled, the procedures would be closed to the public during the initial and investigation stages, but would be open if the investigation disclosed probable cause to proceed. This change would bring AS 24.60 into line with the vast majority of ethics statutes in the United States.

Section 21 would establish the Select Committee on Legislative Ethics as the body adjudicating equal employment opportunity grievances by legislative employees.

Section 22 adds a new provision that a person who was covered by the legislative ethics act (legislators and most aides and legislative employees) may not, for one year after leaving service, represent a client for compensation in any forum on a matter that the person personally and substantially participated in while a legislator or legislative employee

Section 23 states that persons covered by AS 24.60 are not covered by the total ban in AS 39.50.090(c) (part of the 1974 conflict-of-interest initiative) on representing clients for compensation before state agencies, boards, and commissions. This statute is inconsistent with current AS 24.60.100, and our office has expressed its opinion that AS 24.60.100 was intended to supersede AS 39.50.090(c) with regard to legislators and legislative employees. Note, though, that AS 24.60.100 as amended by this bill would have the same effect as AS 39.50.090(c).

Section 24 repeals two statutes (AS 24.60.060 and 24.60.120) that were incorporated into new AS 24.60.030, and AS 24.60.080(b), that was incorporated into AS 24.60.-080(a).

Senator Virginia Collins
March 11, 1991
Page 4

Section 25 provides that the three current members of the ethics committee just confirmed would serve one, two, and three year terms, with the term length to be determined by lot. The purpose of this is to stagger the three-year terms for public members; so that each year one, and only one, new member would be appointed.

JBG:mi
91-050.mai

Alaska State Legislature

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-2828



During Interim
3111 C Street, Suite 510
Anchorage, Alaska 99503
(907) 561-2040

Senator Virginia Collins

March 8, 1991

MEMORANDUM

TO: Senator Steve Frank, Vice-Chair -
Senate Special Committee On Ethics Reform

FROM: Senator Virginia Collins, Chair *VM*
Senate Special Committee On Ethics Reform

SUBJECT: Special Committee Ethics Bill

I am pleased to report that the Special Committee on Ethics Reform transmitted a bill to the Senate Secretary for introduction at Monday's session. It would be nice to pass our bill across to the House because it is a good compromise between HB 4 and the old Josephson bill.

Due to the demands on each of the committee member's time and the difficulty of scheduling an acceptable time for meeting, the general agreement of the committee was that if further refinement of the bill was needed, it would take place in the next committee of referral.

Since we addressed those areas that last year's Select committee stated needed changing as well as including some of the COGEL model bill's suggestions, it's time to move on to a work session on campaign financing if we are to pass a reform bill this session.



Alaska State Legislature

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-2828



During Interim
3111 C Street, Suite 510
Anchorage, Alaska 99503
(907) 561-2040

Senator Virginia Collins

March 8, 1991

MEMORANDUM

TO: Senator Jim Duncan

FROM: Senator Virginia Collins, Chair
Senate Special Committee On Ethics Reform

SUBJECT: Special Committee Ethics Bill

I am pleased to report that the Special Committee on Ethics Reform transmitted a bill to the Senate Secretary for introduction at Monday's session. It is a good compromise between HB 4 and the old Josephson bill.

Due to the demands on each of the committee member's time and the difficulty of scheduling an acceptable time for meeting, the general agreement of the committee was that if further refinement of the bill was needed, it would take place in the next committee of referral.

Since we addressed those areas that last year's Select committee stated needed changing as well as including some of the COGEL model bill's suggestions, it's time to move on to a work session on campaign financing if we are to pass a reform bill this session.





Official Business

Alaska State Legislature

Senate

SPECIAL COMMITTEE ON ETHICS REFORM

Senator Virginia Collins

Pouch V
State Capitol
Juneau, Alaska 99811

March 7, 1991

MEMORANDUM

TO: Senator Fred Zharoff, Chair
Senate Rules Committee

FROM: Senator Virginia Collins, *JK* Chair
Special Committee on Ethics Reform

SUBJECT: Committee Referrals for Special Committee Ethics
Bill

I am pleased to report that the Special Committee on Ethics Reform will be transmitting a bill to the Senate Secretary tomorrow for introduction at Monday's session.

The committee members generally agreed that further refinement of the bill would take place in the next committee of referral.

I respectfully request that our bill only receive a Judiciary and Rules committee referral in order to expedite the hearing process.

Due to the demands on each of the committee member's time, it is difficult to find an acceptable time for all of us to meet. However, the special committee members do sit on one or the other of the above mentioned committees. It appears doubtful that the bill will receive a fiscal note because the mechanics of the committee remain unchanged.

The consensus of the committee was that the bill is a good compromise between HB 4 and the old Josephson bill. We started with the bill that the Select Committee on Ethics reported from committee last year. The Select Committee bill addressed those areas that needed changing. It would be nice to pass our bill across to the House.



Official Business

Alaska State Legislature

SENATE

SENATOR VIRGINIA COLLINS

P.O. Box V
State Capitol
Juneau, Alaska 99811

March 7, 1991

MEMORANDUM

TO: Senate Special Committee on Ethics Reform
FROM: Senator Virginia Collins, Chair *VM*
SUBJECT: AMENDMENT TO COMMITTEE WORK DRAFT

Repeal and Reenact the following section in current statute:

Section 24.60.010 LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that

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

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

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

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

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

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

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

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

In addition I have asked John Gaguine to draft language regarding a possible amendment on a coercion section similar to the Josephson bill.

Chapter 60.
Standards of Conduct.

Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE.

The legislature finds that it is essential in the conduct of public business that legislators hold the respect and confidence of the people. Legislators must avoid conduct that even appears to violate the trust the people have placed in them. To ensure and preserve public confidence, legislators should have the benefit of specific standards to guide their conduct. Article II, sec. 12, Constitution of the State of Alaska grants to each house of the legislature the power to judge the qualifications of its members. It is the purpose of this act to establish standards of conduct for state legislators and legislative employees and to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter.

(Sec. 1 ch 36 SLA 1984)

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 28, 1991

SUBJECT: Senator Frank's suggestions on ethics bill
(Work Order No. 7LS0799)

FEB 28 1991

TO: Senator Virginia Collins
Attn: Shirley Armstrong

FROM: John B. Gaguine *JB*
Legislative Counsel

My notes of the meeting of the Special Committee on Ethics Reform indicate that Senator Frank made three proposals to amend the draft bill (W.O. 7LS0799A) at that meeting. Here are the proposals he made (to the best of my recollection), and my suggestions as to how they could be incorporated into the bill.

1. Close the loophole that would allow a lobbyist, after the session, to "de-register" so that he or she could then serve as a campaign treasurer.

Substitute the language in the current draft, page 2, lines 5-6, with the language of HB 4 (perhaps abbreviated somewhat): "(8) serve as a campaign manager or director, serve as a campaign treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a fundraising event, or otherwise actively engage in the fund-raising activity of a legislative campaign if the lobbyist has registered during the calendar year; this paragraph does not apply to a representational lobbyist as defined in the regulations of the Alaska Public Offices Commission, and does not prohibit a lobbyist from making personal contributions to or personally advocating on behalf of a candidate."

2. Define honorarium.

Insert a definition as AS 24.60.085(c), on page 5, following line 27. However, the definition in HB 4 - "anything of value, other than reimbursement of travel expenses, given to a person for making a speech, panel presentation, personal appearance, or similar activity" - isn't much different from the content of AS 24.60.085(a) in the work draft.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

FEB 28 1991

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 28, 1991

SUBJECT: Differences between HB 4 and work draft before the Senate
Special Committee on Ethics Reform

TO: Senator Virginia Collins
Attn: Shirley Armstrong

FROM: John B. Gaguine 
Legislative Counsel

You have asked for a brief synopsis of the difference between HB 4, Representative Finkelstein's ethics bill (and the successor to the Michael Josephson bill), and the work draft currently before the Senate Special Committee on Ethics Reform, W.O. 7LS0799\A. Here it is.

HB 4 repeals the existing legislative ethics law, AS 24.60, and replaces it with a new, much longer and more detailed AS 24.61. The bill replaces the relatively few general prohibitions of AS 24.60 with a laundry list of specific prohibitions. Many of these are covered in the current law, albeit in more general language, but some are new (e.g., restrictions on outside income, restrictions on legislators serving on boards of entities with legislative interests, restrictions on intercessions on behalf of constituents).

W.O. 7LS0799\A retains AS 24.60. It consolidates the existing prohibitions, adds some new ones (such as a ban on use of state resources for political purposes, and a ban on the receipt of gifts in any amount from lobbyists and lobbyist clients during the session), and revises some existing ones (such as raising the ceiling on permissible gifts from \$50 to \$100).

A good example of this aspect of the differences between the two bills is each bill's treatment of the prohibition on use of state resources for political purposes. 7LS0799\A, consistent with its broad ban on use of state resources for private benefit, covers this in four lines (AS 24.60.030(a)(6), page 3, lines 15-18). HB 4 spends 1-1/2 pages (proposed AS 24.61.120), and deals with specific items such as newsletters that might be intended to influence an election, mass mailings within 60 days of a primary, and posting campaign materials in public facilities.

Senator Virginia Collins
February 28, 1991
Page 2

HB 4 has several areas that are not found in 7LS0799\A. The most important is probably campaign finance in legislative contests; HB 4 would prohibit certain uses of campaign funds (most notably the conversion of such funds to personal use), limit the use of campaign surpluses (forbidding putting them into an office account, and limiting the amount that can be put into a political account), and limit the time when fundraising is allowed (not at all during a session). HB 4 also replaces the current APOC conflict-of-interest disclosure under AS 39.50 with a broader requirement (notably requiring disclosure of the amount a person is paid when the person works for an employer with legislative interests). It also allows for a legal defense fund; under current law, contributions to a person to assist with his or her legal defense would appear to be prohibited gifts.

7LS0799\A retains the current ethics committee structure - three house members, three senate members, and three public members. HB 4, by contrast, replaces the committee with a commission of seven public members - one appointed by the senate, one by the house, two by the supreme court, and three elected by the other four. Both bills overhaul the current complaint procedure, keeping the process confidential until probable cause is established to believe a violation has occurred, at which point proceedings are open to the public. HB 4, unlike current law, provides a list of sanctions that the commission may recommend (but not itself impose), including fines up to \$5000.

HB 4, unlike 7LS0799\A, deals extensively with legislator pay and benefits. It provides for a salary of \$36,000 but no long-term per diem (although this may be deleted and left to a salary commission to determine). It also eliminates the current \$4000 office allowance and replaces it with a voucher system for office expenses, with the amount varying from \$7000 to \$13,000 according to the legislator's number of constituents. It also provides for two state-paid trips to the legislator's district during the session, for any reason, in addition to other travel for legislative business that might be authorized by the legislature's officers.

I believe that this covers the major differences. Please feel free to contact me if I can be of further assistance.

JBG:mi
91-037.mai

Wed

Rep. Finkelstein
February 4, 1991

HB 4 - Legislative Ethics

Overview

ARTICLE 1. PURPOSE

P.1 AS 24.61.010 is a brief purpose section.

ARTICLE 2. STANDARDS OF CONDUCT

- P.2 AS 24.61.100 says that a legislator or legislative employee may not accept anything other than their regular paycheck and benefits for doing their legislative duties.
- P.2 AS 24.61.110 prohibits a legislator or legislative employee from using public funds or resources for private gain. There are exceptions for minor acts, like using a state photocopier to copy a medical form.
- P.3 AS 24.61.120 prohibits a legislator or legislative employee from using public funds or resources for political purposes. A legislator who is running for office may not use state funds to send out a mass mailing within 60 days of an election. A legislative employee may not work on political party activities on government time. Campaign contributions may not be solicited in state offices.
- P.4 AS 24.61.130 prohibits the use of a legislator's or legislative employee's title for private benefit.
- P.4 AS 24.61.140 prohibits a legislator from coercing political or other contributions by threatening to take a given action.
- P.5 AS 24.61.150 is the current legislative nepotism law.
- P.5 AS 24.61.160 prohibits a legislator or legislative assistant (higher level staff) from working for a lobbyist, or allowing a lobbyist to take an active part in the legislator's campaign.
- P.6 AS 24.61.170 restricts legislators and legislative assistants' membership on government and private boards.
- P.6 AS 24.61.180 states the general conflict-of-interest prohibition that one cannot take an action that will significantly benefit one's financial interests. This is current law.
- P.7 AS 24.61.190 restricts the ability of legislators and legislative assistants to represent clients for pay before state boards and agencies. Current law only requires disclosure.

ARTICLE 2. STANDARDS OF CONDUCT, continued

- p.7 AS 24.61.200 adopts, with slight modification, current law regarding participation in state contracts and leases. In addition, legislators and legislative assistants may not accept a contract concerning a matter which he or she worked on in the legislature for one year after leaving legislative service.
- P.9 AS 24.61.210 adopts, with slight modification, current law regarding the receipt of gifts.
- P.11 AS 24.61.220 prohibits honoraria and outside employment that would create conflicts of interest.
- P.12 AS 24.61.230 prohibits improper intercession by legislators on behalf of constituents
- P.13 AS 24.61.240 prohibits reprisals against or harassment of whistle blowers.
- P.13 AS 24.61.250 requires legislators to abide by the Open Meetings Act.
- P.13 AS 24.61.260 prohibits legislators and legislative employees from engaging in unlawful discrimination.

ARTICLE 3. CAMPAIGN FINANCE RESTRICTIONS

- P.13 AS 24.61.300 prohibits certain uses of campaign funds, including using funds for contributions to other campaigns or as personal income.
- P.14 AS 24.61.310 limits the use of surplus campaign funds. House candidates may transfer \$5,000, and Senate candidates \$7,500, into a future campaign account. Additional surplus funds may be used to pay back loans, pay for a victory party, repay contributors, or make a donation to the general fund or a charitable organization.
- P.14 AS 24.61.320 restricts fundraising to the period from June 1 of the year before the election through the general election. Legislators and other public office holders would also be unable to raise funds from Jan. 1 through May 31 in the year of the election.
- P.15 AS 24.61.330 gives APOC the responsibility for enforcing the campaign finance sections of HB 4, AS 24.61.300 - 320.

ARTICLE 4. LEGAL DEFENSE FUNDS

- P.15 AS 24.61.350 authorizes the establishment of legal defense and election challenge funds not subject to the limitations on gifts.

ARTICLE 5. FINANCIAL DISCLOSURE

- P.16 AS 24.61.400-24.61.420 enacts financial disclosure requirements broader than those in current AS 39.50. Legislators, candidates and legislative directors must disclose the sources of their income to the commission. When the source of income is a source that has a substantial interest in state government, the nature of the services and the amount of compensation must also be disclosed. The spouses and dependent children of legislators, candidates and directors must also disclose the sources of their outside income.
- P.18 AS 24.61.430 requires disclosure to the Commission of a legislator's or legislative assistant's close economic associations with lobbyists. Current law requires public disclosure of associations with lobbyists and some other categories of people.
- P.19 AS 24.61.440 adopts, with slight modification, current law regarding disclosure of participation in state loans and programs.
- P.20 AS 24.61.450 makes it a class A misdemeanor to make a false, incomplete, or late disclosure required by the Ethics Act. In addition, if a candidate fails to make the income disclosures required in AS 24.61.400-420, the lieutenant governor will remove the candidate from the ballot.

ARTICLE 6. LEGISLATIVE ETHICS COMMISSION

- P.21-34 AS 24.61.500-24.61.580 establish a Legislative Ethics Commission consisting of seven public members, appointed by the Supreme Court, the legislature, and the other commission members. These sections provide for advisory opinions as under current law; provide for a complaint process somewhat more open than under current law; and authorize the commission to issue exemptions from the standards of conduct.

The Commission must hold voluntary ethics education courses for legislators, staff and lobbyists, as well as prepare a biennial report. Commissioners are subject to the Ethics Act, and are restricted from participating in political activities.

ARTICLE 7. GENERAL PROVISIONS

- P.34 AS 24.61.900-24.61.990 contain miscellaneous provisions concerning the retention of documents by the Commission, the penalty for disclosing confidential information, the definition of terms in HB 4, and the bill's general relationship to other laws.

SECTIONS 3 - 27

- P.39 Sections 3-9 make the existing APOC law consistent with the Ethics Act and prevent duplication in reporting.
- P.41 Section 10 of the bill raises the salary for legislators to \$36,000 per year from the current level of \$22,148.
- P.41 Section 11 eliminates long-term per diem payments for legislators during the interim, but continues short-term per diem during the session.
- P.42 Section 12 replaces the current \$4,000 cash office allowance with a voucher system, and raises the amount that can be vouchered under the new system to a maximum of \$7,000 for a single-representative district, \$9,000 for a two-representative district, and \$13,000 for a four-representative (Senate) district.
- P.42 Section 13 allows legislators to be reimbursed for two round-trip tickets from Juneau to their districts.
- P.42 Section 14 prohibits lobbyists from using state resources in the conduct of their business and from taking an active part in a legislative campaign.
- P.43 Section 15 prohibits a legislator from working as a lobbyist for one session after leaving office.
- P.43 Section 16-21 make the existing APOC conflict of interest laws consistent with the Ethics Act and prevent duplication in reporting.
- P.45 Section 22 explains how the initial commission appointments will be made.
- P.45 Section 23 allows the commission to consider complaints of violations of the old ethics law (24.60) that occurred before the Ethics Act of 1991 was in effect.
- P.46 Section 24 provides a transition period before the prohibition on representation of clients before state agencies goes fully into effect.
- P.46 Section 25 says that Article 3, campaign finance restrictions, will go into effect immediately.
- P.46 Section 26 says that the portion of the bill which sets up the Commission will go into effect on July 1, 1991
- P.46 Section 27 says that the remainder of HB 4 goes into effect on January 1, 1992.

Shelly Copy

7-LS0799A

SENATE BILL NO. 185

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE SPECIAL COMMITTEE ON ETHICS REFORM

Introduced: 3/11/91
Referred: Judiciary

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 *COBEL* (4) cause or influence the introduction of a legislative measure ^{solely} for the purpose
12 of thereafter being employed to secure its passage or its defeat; *contingent fees*

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 *ROGEL* (c) A former member of the legislature may not engage in activity as a lobbyist before
23 *Select Com* 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 *Code of Conduct* Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that

26 *Gathered* (1) high moral and ethical standards among public servants in the legislative
27 *From* branch of government are essential to assure the trust, respect, and confidence of the people of
28 *Josephson* 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 *Select Committee* (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;

Select Committee

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

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

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

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

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

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

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

(5) uses state funds or state property, except property under lease from the state, for private advancement or gain; *a statement about a legislator's duty -*

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

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

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

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

(2) the person's authority is relatively far removed from an official action that 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 *added Special* (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 *Special Committee on Josephson Bill* (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 *Select Committee* (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 *Select Committee* (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 *Select Committee* (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 *Select Committee* (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 *Select Committee* 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, or brother, and "interim between sessions" means the period beginning on the
14 eighth day after the legislature adjourns from a regular session, and ending eight days
15 before the date that the legislature shall convene under AS 24.05.090.

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

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

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

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

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

31 (g) Each legislative member serves for the duration of the legislature during which the

Special Committee

1 member is appointed. Each public member serves for a three-year term.

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

majority of the committee must

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

11 * Sec. 18. AS 24.60.130 is amended by adding a new paragraph to read:

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

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

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

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

opens up process

30 Sec. 24.60.170. PROCEEDINGS BEFORE THE COMMITTEE. (a) The committee
31 shall consider a complaint alleging a violation of this chapter if the alleged violation occurred

Adams to extend statute of limitations
1 within five years of the date that the complaint is filed with the committee and, when the subject
2 of the complaint is a former member of the legislature, the complaint is filed within one year of
3 the subject's departure from the legislature. The committee may not consider a complaint filed
4 against a person employed by the legislative branch of government after the person has
5 terminated legislative service. The committee may also initiate complaints on its own motion,
6 subject to the same time limitations. The time limitations of this subsection do not bar
7 proceedings against a person who intentionally prevents discovery of a violation of this chapter.

APAC does not have a confidentially attended
8 (b) A complaint may be initiated by any person. The complaint must be in writing and
9 signed under oath by the person making the complaint. The committee shall upon request
10 provide a form for a complaint to a person wishing to file a complaint. The committee shall
11 immediately provide a copy of the complaint to the person who is the subject of the complaint.

12 (c) When the committee receives a complaint under (a) of this section, it shall determine
13 whether the allegations of the complaint, if true, constitute a violation of this chapter. If the
14 committee determines that the allegations, if proven, would not give rise to a violation, or if the
15 committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall
16 dismiss the complaint, and shall notify the complainant and the subject of the complaint of the
17 dismissal. *need to have the same confidentiality standard*

18 (d) If the committee determines that some or all of the allegations of a complaint, if
19 proven, would constitute a violation of this chapter, or if the committee has initiated a complaint,
20 the committee shall investigate the complaint, on a confidential basis. Before beginning an
21 investigation of a complaint [not initiated by the committee], *Adams* the committee shall adopt a resolution
22 defining the scope of the investigation. A copy of this resolution shall be provided to the
23 complainant and to the subject of the complaint. As part of its investigation, the committee shall
24 afford the subject of the complaint an opportunity to explain the conduct alleged to be a violation
25 of this chapter.

26 (e) If the committee determines after investigation that there is not probable cause to
27 believe that the subject of the complaint has violated this chapter, the committee shall dismiss
28 the complaint. The committee may also dismiss portions of a complaint if it finds no probable
29 cause to believe that the subject of the complaint has violated this chapter as alleged in those
30 portions. The committee shall issue a decision explaining its dismissal. A copy of the dismissal
31 order and decision shall be sent to the complainant and to the subject of the complaint.

1 Notwithstanding (l) of this section, a dismissal order and decision is open to inspection and
2 copying by the public.

3 (f) If the committee investigation determines that a probable violation of this chapter
4 exists that may be corrected by action of the subject of the complaint and that does not warrant
5 sanctions other than correction, the committee may issue an opinion recommending corrective
6 action. This opinion shall be provided to the complainant and to the subject of the complaint,
7 and is open to inspection by the public. The subject of the complaint may comply with the
8 opinion or may request a hearing before the committee under (h) of this section. After the
9 hearing the committee may amend or affirm the opinion.

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

18 (h) If the committee has issued a formal charge under (g) of this section, and if the
19 person charged has not admitted the allegations of the charge, the committee shall schedule a
20 hearing on the charge. The hearing shall be scheduled for a date more than 20 days after service
21 of the charge on the person charged, unless the person agrees to an earlier hearing date. At the
22 hearing, the person charged shall have the right to appear personally before the committee, to
23 subpoena witnesses and require the production of books or papers relating to the proceedings, to
24 be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath.
25 The committee is not bound by the rules of evidence but the committee's findings must be based
26 upon clear and convincing evidence. Testimony taken at the hearing shall be recorded and
27 evidence shall be maintained.

28 (i) Following the hearing, the committee shall issue a decision stating whether or not the
29 subject of the complaint violated this chapter, and explaining the reasons for the determination.
30 The committee's decision may also indicate whether the subject cooperated with the committee
31 in its proceedings. If the committee finds a violation, or lack of cooperation by the subject, the

1 decision shall recommend what sanctions, if any, the committee believes are appropriate. If there
2 has not been a hearing because the person charged admitted to the allegations of the charge, the
3 committee shall issue a decision outlining the facts of the violation and containing a sanctions
4 recommendation.

5 (j) If the committee issues a decision finding that a member of the legislature has
6 violated a provision of this chapter or that the member has failed to cooperate with the
7 committee, it shall refer the decision to the presiding officer of the house of the legislature to
8 which the member belongs. The legislature shall act on the decision as it considers appropriate.

9 (k) If the committee issues a decision finding that an employee of the legislative branch
10 of government has violated a provision of this chapter, or that the employee has failed to
11 cooperate with the committee, it shall refer the decision to the chair of the legislative council.
12 The legislative council shall act on the decision as it considers appropriate.

13 (l) Proceedings of the committee relating to complaints before it are confidential until
14 the committee determines that there is probable cause to believe that a violation of this chapter
15 has occurred. The complaint and all documents produced or disclosed as a result of the
16 committee investigation are confidential and not subject to inspection by the public, except that
17 the committee may transmit a report of its investigation, including documents disclosed by the
18 investigation, to a law enforcement agency, including the Alaska Public Offices Commission.
19 All meetings of the committee before the determination of probable cause are closed to the
20 public. The confidentiality provisions of this subsection may be waived by the subject of the
21 complaint. *advised delete this*

22 (m) All documents issued by the committee after a determination of probable cause to
23 believe that the subject of a complaint has violated this chapter, including an opinion
24 recommending corrective action under (f) of this section and a formal charge under (g) of this
25 section, are subject to public inspection. All hearings of the committee under (h) of this section
26 are open to the public, and all documents presented at a hearing, and all motions filed in
27 connection with the hearing, are subject to inspection by the public. Deliberations of the
28 committee following a hearing, deliberations on motions filed by the subject of a charge under
29 (g) of this section, and deliberations concerning appropriate sanctions are confidential.

30 (n) The committee shall dismiss a complaint against a person employed by the legislative
31 branch of government if the person terminates legislative service. The committee may in its

1 discretion dismiss a complaint against a former member of the legislature whether the complaint
2 was filed before or after the former member departed from the legislature.

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

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

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

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

15 (1) provide for mediation of a grievance;

16 (2) dismiss a grievance without prejudice; or

17 (3) after a hearing, make appropriate recommendations concerning a grievance
18 to the president of the senate, the speaker of the house, or the head of the legislative agency
19 where the grievant is or was employed.

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

22 (d) In this section, "committee" means the legislative members of the house
23 subcommittee when the grievant is or was employed by a member or a committee of the house,
24 the legislative members of the senate subcommittee when the grievant is or was employed by a
25 member or a committee of the senate, and the legislative members of the full committee when
26 the grievant is or was an employee of an agency of the legislature.

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

28 ARTICLE 2. RESTRICTIONS ON FORMER LEGISLATORS
29 AND LEGISLATIVE EMPLOYEES.

30 Sec. 24.60.200. RESTRICTIONS ON FORMER LEGISLATORS AND LEGISLATIVE
31 EMPLOYEES. (a) A person to whom this chapter applied may not, for a period of one year

1 after this chapter ceased to apply to the person, represent another person for compensation before
2 a court, agency, board, or commission of the state with regard to a matter in which the person
3 participated personally and substantially while this chapter applied to the person.

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

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

7 (c) A public official may not represent a client before a state agency for a fee. However,
8 *Select* this prohibition does not apply to a person to whom AS 24.60 applies, to a municipal officer,
9 *Committee* or to the chair [CHAIRMAN] or a member of a state commission or board except with regard
10 to representation before that commission or board; this exception from the general prohibition
11 does not apply to one whose service on the commission or board constitutes the person as a full-
12 *Select* time state employee under this title. *rights*

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

14 *Special Committee* * Sec. 25. TRANSITIONAL PROVISIONS RELATING TO PUBLIC MEMBERS OF SELECT
15 COMMITTEE ON LEGISLATIVE ETHICS. Notwithstanding AS 24.61.130(g), as amended by sec. 16
16 of this Act, one of the public members of the Select Committee on Legislative Ethics shall serve until
17 the commencement of the 1992 regular session of the Alaska State Legislature; one of the public
18 members shall serve until the commencement of the 1993 regular session; and the remaining public
19 member shall serve until the commencement of the 1994 regular session. The length of each public
20 member's term under this section shall be determined by lot.

SENATE BILL NO.**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE SPECIAL COMMITTEE ON ETHICS REFORM**

Introduced:

Referred:

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 for the purpose
12 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 treasurer or deputy campaign treasurer for a
6 legislative candidate or a legislative candidate's campaign committee;
7 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
8 covered by AS 24.60, during a legislative session,
9 (A) a gift, other than food or beverage for immediate consumption;
10 (B) a loan, other than a loan made in the ordinary course of business
11 by a person authorized to transact business in this state at terms and interest rates
12 generally available to a member of the public; or
13 (C) a campaign contribution;
14 (10) make or offer a gift or a campaign contribution whose acceptance by the
15 person to whom it is offered would violate AS 24.60. *

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

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

19 * Sec. 3. AS 24.60.020(a) is amended to read:

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

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

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

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

30 * Sec. 4. AS 24.60.030 is repealed and reenacted to read:

31 Sec. 24.60.030. CONFLICTS OF INTEREST. (a) A person to whom this chapter

1 applies may not have a conflict of interest. A person has a conflict of interest when the person

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

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

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

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

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

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

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

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

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

26 (2) the person's authority is relatively far removed from an official action that
27 could reasonably be affected by the potential conflict of interest, provided that no attempt has
28 been made to remove the appearance of impropriety by delegating responsibility for official
29 action.

30 * Sec. 5. AS 24.60 is amended by adding a new section to read:

31 Sec. 24.60.035. PROHIBITED FUND RAISING. (a) A member of the legislature may

1 not

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

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

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

7 * Sec. 6. AS 24.60.070 is amended by adding a new subsection to read:

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

10 * Sec. 7. AS 24.60.080(a) is amended to read:

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

20 * Sec. 8. AS 24.60.080(c) is amended to read:

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

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

24 (A) with incidental transportation at the residence of a person; or

25 (B) at a social event or meal;

26 (2) discounts that are available generally to the public or to a large class of
27 persons to which the person belongs;

28 (3) food or foodstuffs indigenous to the state that are shared generally as a
29 cultural or social norm;

30 (4) travel and hospitality primarily for the purpose of obtaining information on
31 matters of legislative concern;

1 (5) gifts from the family of the person; or

2 (6) gifts that are not connected with the recipient's legislative status.

3 * Sec. 9. AS 24.60.080(d) is amended to read:

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

14 * Sec. 10. AS 24.60.080 is amended by adding a new subsection to read:

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

20 * Sec. 11. AS 24.60 is amended by adding a new section to read:

21 Sec. 24.60.085. HONORARIA PROHIBITED. (a) A person to whom this chapter
22 applies may not accept a payment of money or anything of value for an appearance or speech
23 by the person, except that the person may accept payment of actual and necessary travel expenses
24 incurred by the person in making the appearance or speech.

25 (b) Notwithstanding (a) of this section, a person to whom this chapter applies may accept
26 a payment for an appearance or speech if the appearance or speech is not connected with the
27 person's legislative status.

28 * Sec. 12. AS 24.60.090(a) is amended to read:

29 (a) An [A SPOUSE OR AN] individual [OTHER THAN A SPOUSE] who is related to
30 a member of the legislature may not be employed in the house in which the legislator is a
31 member, by an agency of the legislature established under AS 24.20, or in either house during

1 the interim between sessions. An individual who is related to an employee of the legislature may
2 not be employed in a position over which the employee has supervisory authority. In this
3 subsection, "an individual who is related to" means a child, stepchild, husband, wife, mother,
4 father, sister, or brother, and "interim between sessions" means the period beginning on the
5 eighth day after the legislature adjourns from a regular session, and ending eight days
6 before the date that the legislature shall convene under AS 24.05.090.

7 * Sec. 13. AS 24.60.100 is amended to read:

8 Sec. 24.60.100. REPRESENTATION **PROHIBITED**. A person to whom this chapter
9 applies may not represent [WHO REPRESENTS] another person for compensation before an
10 agency, board, or commission of the state, or before an officer or employee of the agency,
11 board, or commission of the state [SHALL DISCLOSE THE NAME OF THE PERSON
12 REPRESENTED, THE SUBJECT MATTER OF THE REPRESENTATION, AND THE BODY
13 BEFORE WHICH THE REPRESENTATION IS TO TAKE PLACE IN THE JOURNAL OF
14 THE APPROPRIATE BODY OR IF THE LEGISLATURE IS NOT IN SESSION TO THE
15 COMMITTEE. THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF THE
16 DISCLOSURE AND FORWARD THE DISCLOSURE TO THE RESPECTIVE HOUSE FOR
17 INCLUSION IN THE JOURNAL BY THE FIFTH DAY OF THE SESSION].

18 * Sec. 14. AS 24.60 is amended by adding a new section to read:

19 Sec. 24.60.105. LEGISLATIVELY FINANCED TRAVEL. (a) A person to whom this
20 chapter applies who is traveling on legislative business paid for by legislative funds must receive
21 approval in writing in advance of the person's trip if the trip involves less than four hours of
22 legislative business, excluding travel time. This requirement does not apply if the travel is for
23 the purpose of attending a meeting of a committee of the legislature. The approval shall be ob-
24 tained from

- 25 (1) the speaker of the house, if the person is a member of the house;
26 (2) the president of the senate, if the person is a member of the senate;
27 (3) the person's supervisor, if the person is a person covered by this chapter other
28 than a legislator.

29 (b) The speaker of the house, the president of the senate, a public member of the Select
30 Committee on Legislative Ethics, and a legislative employee who does not have an individual
31 supervisor shall state in writing the reason for travel described in (a) of this section, and shall

1 file the statement with the Legislative Affairs Agency.

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

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

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

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

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

9 (i) A quorum of the full [A] committee established under this section consists of at least
10 two legislative members and at least two public members [A MAJORITY OF THE
11 MEMBERS OF THE COMMITTEE]. A quorum of a subcommittee established under this
12 section consists of at least one legislative member and at least two public members [A
13 MAJORITY OF THE MEMBERS OF THE SUBCOMMITTEE. NOTWITHSTANDING THE
14 PROVISIONS OF THIS SUBSECTION, A COMMITTEE DOES NOT HAVE A QUORUM
15 UNLESS THREE LEGISLATIVE MEMBERS ARE PRESENT AND A SUBCOMMITTEE
16 DOES NOT HAVE A QUORUM UNLESS TWO LEGISLATIVE MEMBERS ARE PRESENT].

17 * Sec. 18. AS 24.60.130 is amended by adding a new paragraph to read:

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

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

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

1 advisory opinion. Except as provided in this chapter an advisory opinion is confidential but shall
2 [MAY] be made public if a written request by the person who requested the opinion is filed with
3 the committee.

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

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

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

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

24 (d) If the committee determines that some or all of the allegations of a complaint, if
25 proven, would constitute a violation of this chapter, or if the committee has initiated a complaint,
26 the committee shall investigate the complaint, on a confidential basis. Before beginning an
27 investigation of a complaint not initiated by the committee, the committee shall adopt a resolution
28 defining the scope of the investigation. A copy of this resolution shall be provided to the
29 complainant and to the subject of the complaint. As part of its investigation, the committee shall
30 afford the subject of the complaint an opportunity to explain the conduct alleged to be a violation
31 of this chapter.

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

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

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

24 (h) If the committee has issued a formal charge under (g) of this section, and if the
25 person charged has not admitted the allegations of the charge, the committee shall schedule a
26 hearing on the charge. The hearing shall be scheduled for a date more than 20 days after service
27 of the charge on the person charged, unless the person agrees to an earlier hearing date. At the
28 hearing, the person charged shall have the right to appear personally before the committee, to
29 subpoena witnesses and require the production of books or papers relating to the proceedings, to
30 be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath.
31 The committee is not bound by the rules of evidence but the committee's findings must be based

1 upon clear and convincing evidence. Testimony taken at the hearing shall be recorded and
2 evidence shall be maintained.

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

11 (j) If the committee issues a decision finding that a member of the legislature has
12 violated a provision of this chapter or that the member has failed to cooperate with the
13 committee, it shall refer the decision to the presiding officer of the house of the legislature to
14 which the member belongs. The legislature shall act on the decision as it considers appropriate.

15 (k) If the committee issues a decision finding that an employee of the legislative branch
16 of government has violated a provision of this chapter, or that the employee has failed to
17 cooperate with the committee, it shall refer the decision to the chair of the legislative council.
18 The legislative council shall act on the decision as it considers appropriate.

19 (l) Proceedings of the committee relating to complaints before it are confidential until
20 the committee determines that there is probable cause to believe that a violation of this chapter
21 has occurred. The complaint and all documents produced or disclosed as a result of the
22 committee investigation are confidential and not subject to inspection by the public, except that
23 the committee may transmit a report of its investigation, including documents disclosed by the
24 investigation, to a law enforcement agency, including the Alaska Public Offices Commission.
25 All meetings of the committee before the determination of probable cause are closed to the
26 public. The confidentiality provisions of this subsection may be waived by the subject of the
27 complaint.

28 (m) All documents issued by the committee after a determination of probable cause to
29 believe that the subject of a complaint has violated this chapter, including an opinion
30 recommending corrective action under (f) of this section and a formal charge under (g) of this
31 section, are subject to public inspection. All hearings of the committee under (h) of this section

1 are open to the public, and all documents presented at a hearing, and all motions filed in
2 connection with the hearing, are subject to inspection by the public. Deliberations of the
3 committee following a hearing, deliberations on motions filed by the subject of a charge under
4 (g) of this section, and deliberations concerning appropriate sanctions are confidential.

5 (n) The committee shall dismiss a complaint against a person employed by the legislative
6 branch of government if the person terminates legislative service. The committee may in its
7 discretion dismiss a complaint against a former member of the legislature whether the complaint
8 was filed before or after the former member departed from the legislature.

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

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

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

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

21 (1) provide for mediation of a grievance;

22 (2) dismiss a grievance without prejudice; or

23 (3) after a hearing, make appropriate recommendations concerning a grievance
24 to the president of the senate, the speaker of the house, or the head of the legislative agency
25 where the grievant is or was employed.

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

28 (d) In this section, "committee" means the legislative members of the house
29 subcommittee when the grievant is or was employed by a member or a committee of the house,
30 the legislative members of the senate subcommittee when the grievant is or was employed by a
31 member or a committee of the senate, and the legislative members of the full committee when

1 the grievant is or was an employee of an agency of the legislature.

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

3 ARTICLE 2. RESTRICTIONS ON FORMER LEGISLATORS
4 AND LEGISLATIVE EMPLOYEES.

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

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

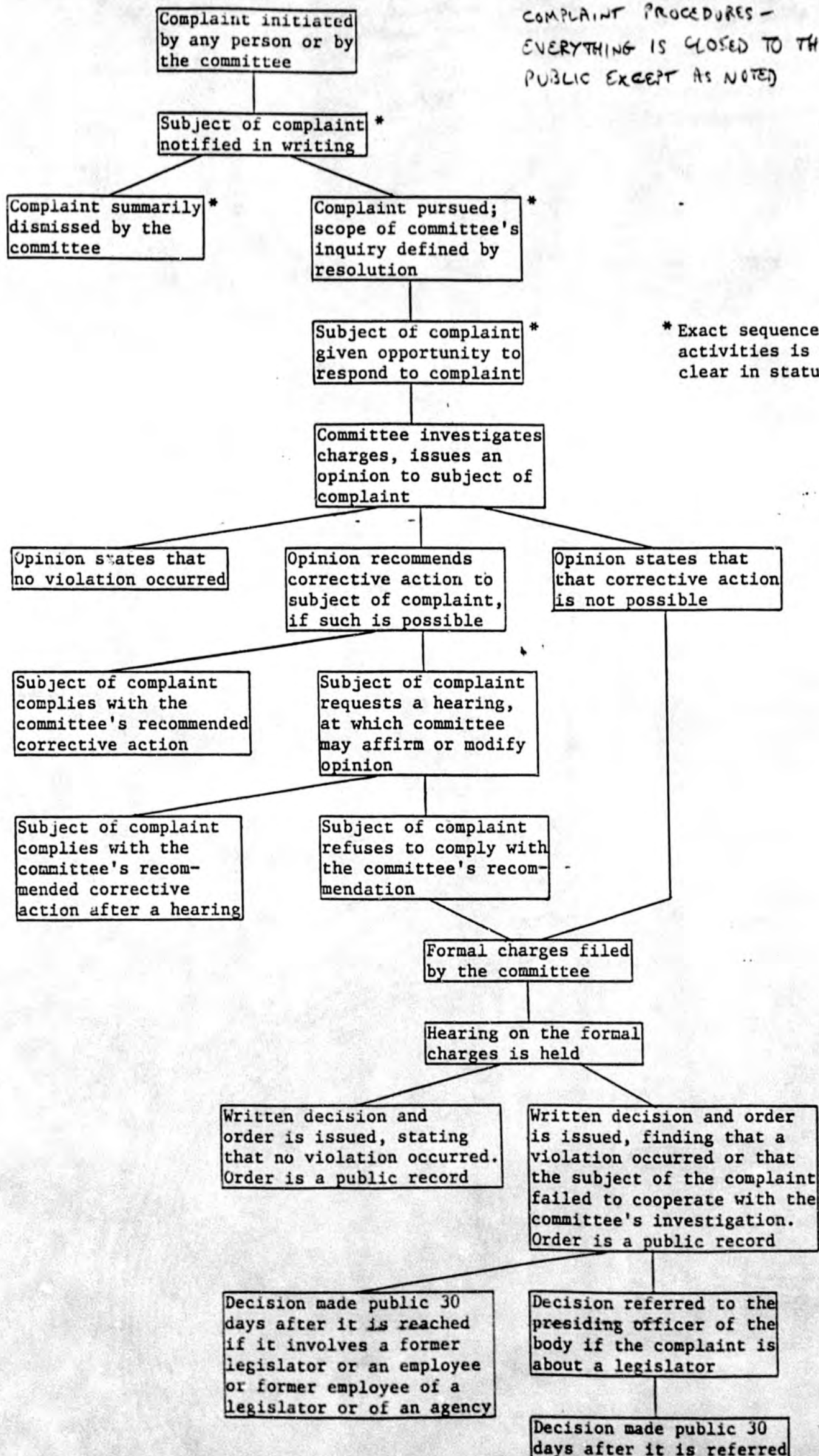
12 * Sec. 23. AS 39.50.090(c) is amended to read:

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

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

20 * Sec. 25. TRANSITIONAL PROVISIONS RELATING TO PUBLIC MEMBERS OF SELECT
21 COMMITTEE ON LEGISLATIVE ETHICS. Notwithstanding AS 24.61.130(g), as amended by sec. 16
22 of this Act, one of the public members of the Select Committee on Legislative Ethics shall serve until
23 the commencement of the 1992 regular session of the Alaska State Legislature; one of the public
24 members shall serve until the commencement of the 1993 regular session; and the remaining public
25 member shall serve until the commencement of the 1994 regular session. The length of each public
26 member's term under this section shall be determined by lot.

CURRENT ETHICS COMMITTEE
COMPLAINT PROCEDURES -
EVERYTHING IS CLOSED TO THE
PUBLIC EXCEPT AS NOTED



ETHICS COMMITTEE COMPLAINT PROCESS - AS PROPOSED FOR

MODIFICATION BY
ETHICS COMMITTEE IN
1990. AFTER FINDING OF
PROBABLE CAUSE, EVERYTH
IS PUBLIC EXCEPT AS NO

COMPLAINT FILED OR INITIATED
BY COMMITTEE (CONFIDENTIAL);
SENT TO SUBJECT OF COMPLAINT

INITIAL CONSIDERATION

ALLEGATIONS OF COMPLAINT,
IF TRUE, WOULD CONSTITUTE
ETHICS LAW VIOLATION;
COMMITTEE ADOPTS CONFIDENTIAL
RESOLUTION ON SCOPE OF
INVESTIGATION, SENT TO
COMPLAINANT & SUBJECT

COMPLAINT DISMISSED IF NOT PROCEDURALLY
CORRECT, OR IF COMPLAINT ON ITS FACE
DOES NOT ALLEGE VIOLATION OF ETHICS
LAW, OR IF LACK OF JURISDICTION (E.G.
STATUTE OF LIMITATIONS) IS APPARENT;
COMMITTEE MAY ISSUE CONFIDENTIAL
STATEMENT, SENT TO COMPLAINANT &
SUBJECT

INVESTIGATION

INVESTIGATION ESTABLISHES
PROBABLE CAUSE TO BELIEVE
VIOLATION EXISTS

COMPLAINT DISMISSED IF INVESTIGATION
DOES NOT ESTABLISH PROBABLE CAUSE TO
BELIEVE THAT SUBJECT VIOLATED ETHICS
LAW; COMMITTEE MAY ISSUE CONFIDENTIAL
STATEMENT EXPLAINING DISMISSAL, SENT
TO COMPLAINANT & SUBJECT

IF VIOLATION MINOR, COMMITTEE ISSUES
PUBLIC OPINION FINDING PROBABLE CAUSE
& RECOMMENDING CORRECTIVE ACTION;
IF SUBJECT COMPLIES, PROCEEDINGS END

IF PROBABLE VIOLATION MAY WARRANT
SANCTIONS, OR IF SUBJECT DOES NOT
UNDERTAKE RECOMMENDED CORRECTIVE
ACTION

FORMAL CHARGE ISSUED; PUBLIC
DOCUMENT SENT TO COMPLAINANT
& SUBJECT

SUBJECT ADMITS
ALLEGATIONS OF
CHARGE

MEETING OF COMMITTEE
TO DETERMINE SANCTIONS
(CONFIDENTIAL)

SUBJECT DENIES SOME OR ALL
ALLEGATIONS OF CHARGE

PUBLIC HEARING
(DELIBERATIONS
CONFIDENTIAL)

IF ALLEGATIONS NOT
PROVEN, COMPLAINT
DISMISSED; COMMITTEE
MAY ISSUE PUBLIC
DECISION EXPLAINING
DISMISSAL

ALLEGATIONS PROVEN

FINAL DISPOSITION; IF
SANCTIONS FOUND WARRANTED,
RECOMMENDATIONS SENT TO
SENATE PRESIDENT, HOUSE
SPEAKER OR LAA EXEC. DIRECTOR.
RECOMMENDATIONS ARE PUBLIC.

NOTE:

IF COMPLAINT IS AGAINST LEGISLATIVE EMPLOYEE, AND EMPLOYEE
QUITS, COMPLAINT IS DISMISSED AT ANY STAGE. IF COMPLAINT IS
AGAINST FORMER LEGISLATOR, OR IS AGAINST LEGISLATOR WHO QUIT
OR WHOSE TERM EXPIRES (AND IS NOT RE-ELECTED), COMMITTEE MAY
AT ITS DISCRETION DISMISS COMPLAINT.