

SCOMM

#35:3



Alaska State Legislature Senate

OFFICIAL BUSINESS
RULES COMMITTEE

JAN FAIKS
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3770

AGENDA

Joint Legislative Reform Committee

February 22, 1983, 1:30 pm

Butrovich Room, Capitol Building

1. Call to Order Phillips
2. Update Faiks
 - a. Compile information for NCSL
 - b. Work plan and time schedule
 - c. Contract
3. Assignments Phillips
 - a. Persons to interview - former legislators, current legislators, staff (personal, standing committee, Leg. Finance, Leg. Affairs), executive staff (AG and OMB), general public.
 - b. Individuals and organizations to contact.
 - c. Review HB 20, FREE suggestions, other recommendations.
4. Comments and suggestions Phillips
5. Schedule future meetings Phillips
6. Adjourn Phillips



Alaska State Legislature Senate

OFFICIAL BUSINESS
RULES COMMITTEE

JAN FAIKS
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3770

AGENDA

Joint Legislative Reform Committee

February 24, 1983, 2:00 pm

Butrovich Room, Capitol Building

1. Call to Order
2. Update
3. Lists of People to Contact
4. Discussion of Conflict of Interest Proposals
5. Adjourn

Next meeting Tuesday, March 1, time to be decided.

Alaska State Legislature

2124

IN SESSION:
POUCH V
JUNEAU ALASKA 99811
(907) 485-4848



BOX 142
EAGLE RIVER, ALASKA
99877
(907) 694-4848

Representative Randy Phillips

HOUSE DISTRICT 15

LIST OF SUGGESTED CONTACTS FOR NCSL REGARDING LEGISLATIVE REFORM COMMITTEE:

Darlene Chapman, Chairman, District 15 Republican Party, PO Box 165, Eagle River, AK 99577. Telephone: (907) 694-2606.

Sam Cotten, former State Representative, PO Box 296, Eagle River, AK 99577. Telephone: (907) 694-9385

Jay Hogan, former Director of Legislative Finance, Governor's Office, Pouch A, Juneau, AK 99811. Telephone: (907) 465-3500

Dick Randolph, former Libertarian State Representative, 1105 Cushman, Fairbanks, AK 99701. Telephone: (907) 456-8480.

Ken Fanning, former Libertarian State Representative, PO Box 80929, College, AK 99708. Telephone: (907) 479-6178.

Chugiak-Eagle River Republican Women's Club, Barbara Franklin, 5710 David Street, Eagle River, AK 99577. Telephone: (907) 694-9243.

Chugiak-Eagle River Chamber of Commerce, William E. Reedy, Jr., President, PO Box 353, Eagle River, AK 99577. Telephone: (907) 694-3198.

Common Sense for Alaska, Inc., 101 West Benson Boulevard, Anchorage, AK. Telephone: (907) 276-7648

Republican Party of Alaska, Ken Stout, Chairman, 515 D Street, Anchorage, AK 99501. Telephone: (907) 276-4467

Libertarian Party of Alaska, c/o Libertarian Party of Anchorage. Telephone: (907) 272-2234.

Brad Bradley, former State Senator, 1530 Beaver Place, Anchorage, AK 99504. Telephone: (907) 337-1060.

Joe LaRocca, reporter, All-Alaska Weekly, Press Room, Capitol Building, Second Floor, Juneau, AK 99801. Telephone: (907) 586-3260.

FREE Committee

Marianne Helms

Democratic Party of Alaska

Alaska State Chamber of Commerce

AGENDA

Joint Legislative Reform Committee

March 3, 1983

Beltz Room, Capitol Building

1. Call to Order
2. Update AG,
3. Introduction of NCSL Personnel and Report
4. NCSL Contract
5. Adjournment

Next Meeting Thursday, March 10, noon, Beltz Room

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

CONTRACT BETWEEN

STATE OF ALASKA
LEGISLATIVE AFFAIRS AGENCY
Pouch Y
Juneau, Alaska 99811

AND

NATIONAL CONFERENCE OF STATE LEGISLATURES
1125 17th Street, Suite 1500
Denver, Colorado 80202

CONTRACT AMOUNT \$22,624

The parties to this agreement are the Legislative Affairs Agency on behalf of the Joint Special Legislative Reform Committee, hereinafter referred to as the "Agency", and The National Conference of State Legislatures, hereinafter referred to as the "Consultant".

THE PURPOSE OF THIS AGREEMENT is to provide the Joint Special Committee on Legislative Reform a comprehensive review of legislative rules and procedures, ethics legislation and the legislative budget process in an effort to develop specific recommendations for ways to strengthen and streamline legislative operations.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

The Consultant shall conduct a study of the Alaska Legislature's Uniform Rules, relevant state statutes dealing with conflicts of interest for public officials, code of ethics and the legislative budget process. The project will include: (A) A detailed review of relevant documents, statutes, reports, manuals and rules; (B) On-site and telephone interviews with legislators, legislative staff, interested citizens, and participants in the legislative process; (C) Collection and analysis of data from other state legislatures and possible procedural alternatives and recommendations; (D) Organization of a public hearing by audio teleconference for the joint study committee public hearing on possible changes in ethics legislation, soliciting the testimony of recognized national authorities on legislative ethics; (E) Preparation of a final report with recommendations.

The Consultant shall submit a preliminary report of its findings and recommendations on ethics legislation to the Joint Special Committee on Legislative Reform by April 1, 1983. A final report of the entire project including the Consultant's findings and recommendations on the legislative budget process and legislative rules and procedures will be submitted by May 15, 1983.

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

The work under this contract shall be performed from March 1, 1983 to May 15, 1983.

CLAUSE III - PROJECT DIRECTORS

The Project Directors shall be Senator Jan Faiks and Representative Randy Phillips, Co-Chairmen of the Joint Special Legislative Reform Committee.

CLAUSE IV - COMPENSATION AND METHOD OF PAYMENT

(A) For the work specified in this contract, the Consultant shall be paid \$16,000 (Sixteen Thousand Dollars) on April 1, 1983. Upon approval from the Project Directors, \$6,624 (Six Thousand, Six Hundred Twenty-four Dollars) will be paid on May 15, 1983.

(B) Total payments under this contract, including expenses shall not exceed \$22, 624.00 (Twenty-two Thousand Six Hundred Twenty-four Dollars).

CLAUSE V - OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

Office space, equipment and clerical support of the Consultant that will be necessary to carry out his obligations under this contract shall be supplied by the Agency at no cost to the Consultant.

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

The Consultant shall maintain accurate records, including detailed time records, as may be required by the Project Directors. The records are subject to inspection by the Agency or the Project Director at all reasonable times. All documents, reports and writings generated as a consequence of work done under this contract shall become the property of the State of Alaska and, on completion of the work or at the termination of this contract, shall be delivered to the Project Directors for disposition under Rule 23 of the Uniform Rules of the Alaska State Legislature.

CLAUSE VII - DISPUTES

A dispute concerning a question of fact arising under this contract which is not disposed of by agreement between the Agency and the Consultant shall be decided by the Project Directors; the decision shall be reduced to writing and delivered to the Consultant at the address specified in Clause VIII, Paragraph (A) of this contract. The decision of the Project Directors is final and conclusive.

CLAUSE VIII - TERMINATION

(A) This contract may be terminated by the Agency upon delivery of written notice to the Consultant delivered to the following address: 1125 17th Street, Suite 1500, Denver, Colorado 80202.

(B) If this contract is terminated, the Consultant shall be compensated for services provided under the terms of this contract to the date of termination if the Consultant provides the Agency with a written report containing a description of any research or analyses performed, a statement of the result or conclusions formed based upon the research or analyses and a copy of all data acquired by the Consultant in conjunction with this contract.

CLAUSE IX - REPORTS

The Consultant shall provide progress reports in a form approved by the Project Directors as required by the Agency.

CLAUSE X - CERTIFICATION

Execution of this contract by the Executive Director or his designee, hereby constitutes a certification that funds have been appropriated and encumbered for the amount of this contract.

CLAUSE XI - MODIFICATIONS AND PREVIOUS AGREEMENTS

This contract contains the entire agreement between the parties. A statement, promise or inducement made by a party or an agent of a party is not valid or binding unless the statement, promise or inducement is contained in this written contract. This contract may not be enlarged, modified, or altered except upon written agreement signed by all parties to the contract.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated.

CONSULTANT

LEGISLATIVE AFFAIRS AGENCY

BILL POUND Date
NATIONAL CONFERENCE OF STATE
LEGISLATURES IRS# _____

M. R. CHARNEY Date
EXECUTIVE DIRECTOR

Accepted:

Approved as to form:

SENATOR JAN FAIKS, CO-CHAIRMAN
LEGISLATIVE REFORM COMMITTEE

BILLY G. BERRIER Date
AGENCY LEGAL COUNSEL

REP. RANDY PHILLIPS Date
CO-CHAIRMAN, LEGISLATIVE REFORM CMTE.

REP. JOE L. HAYES Date
SPEAKER OF THE HOUSE

SENATOR JALMAR KERTTULA Date
PRESIDENT OF THE SENATE



Alaska State Legislature Senate

OFFICIAL BUSINESS
RULES COMMITTEE

JAN FAIKS
POLCH V
JUNEAU, ALASKA 99811
(907) 465-3770

AGENDA

Joint Legislative Reform Committee

March 10, 1983, 12:00 p.m.

Beltz Room, Capitol Building

1. Call to Order
2. NCSL Update
3. Discussion of Ethics and Conflict of Interest
 - a. AG's Progress
 - b. Phillips Suggestions
4. Comments by Committee Members
5. Adjourn

Items in packet:

1. Berrier review of Rule 23 - 5 day rule
2. List of people interviewed by NCSL
3. Draft of ethics by Phillips

Next meeting Thursday, March 17, 12:00 noon, Beltz Room



Alaska State Legislature

House

JUNEAU ALASKA

MEMORANDUM

TO: MEMBERS OF THE JOINT SPECIAL COMMITTEE ON LEGISLATIVE REFORM

FROM: REPRESENTATIVE RANDY PHILLIPS ^{REP}
CO-CHAIRMAN, JOINT SPECIAL COMMITTEE ON LEGISLATIVE REFORM

DATE: MARCH 10, 1983

RE: NCSL INTERVIEWS

For your information, listed below are the names of the persons interviewed by Jan Carpenter and/or Bill Pound of NCSL while they were in Juneau last week:

Senator Tim Kelly
Representative Barbara Lacher
Representative Joe Flood
Senator Arliss Sturgulewski
Senator Joe Josephson
Senator Rick Halford
Senator Bill Ray
Representative Mike Miller
Senator Don Gilman
Representative Al Adams
Senator Vic Fischer
Representative Ramona Barnes
House Speaker Joe Hayes
Representative Randy Phillips
Senate Secretary Peggy Mulligan
House Chief Clerk Irene Cashen
Max Gifford, Senate Finance Committee Staff
Tom Bergstrom, Senate Finance Committee Staff
Tom Jahnke, Attorney General's Office
Billy Berrier, Legislative Counsel
Myrt Charney, Executive Director, Legislative Affairs
Ralph Bennett, Representative Bettisworth's Office

If you have any questions, please do not hesitate to contact me.

RP:jss



Alaska State Legislature Senate

OFFICIAL BUSINESS
RULES COMMITTEE

March 21, 1983

JAN FAIKS
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3770

AGENDA

Special Committee on Legislative Reform

- 1) Presentation by NCSL Staff/Ethics and Conflict of Interest
- 2) Presentation by Dean Gwenelli and Diane Colvin from the Attorney General's office on status of legislation
- 3) Discussion of Bill Berrier memo (if time allows)

March 25, 1983

Special Joint Committee
on Legislative Reform
12:00 Noon
Beltz Room

AGENDA

- 1) Discussion of Tuesday's NCSL Workshop (see enclosed NCSL summary sheet).
- 2) Goal: Reach a Committee consensus on conflict of interest legislation in hopes of preparing draft legislation.
- 3) Announcements

AGENDA

Special Committee
on Legislative Reform

April 7, 1983
12:00 Noon
Beltz Room

- 1) Discussion and mark-up session of draft proposal
- 2) Discussion of Ethics Legislation by Representative Phillips
- 3) Announcements

*4/6/83 -
version*

.010 - [unclear] --- + [unclear] | OK
.020 -

Alaska State Legislature

OFFICE OF THE MINORITY



POUCH V
JUNEAU, ALASKA 99811

House of Representatives

April 7, 1983

DRAFT CONFLICTS LEGISLATION REVISIONS

by Rep. Mike Miller

1. ~~Delete~~ AS 24.60.030(a), and insert the following;

*Add
&
Remember*

"(a) No individual subject to this chapter shall use his public office for private advancement or gain."

Source - Model State Law, section 11(a).

2. ~~Delete~~ AS 24.60.030(b), and insert the following;

ok

"(b) a conflict does not exist if ~~the commission determines~~ that no benefit or detriment accrues to the individual subject to this act, beyond that which accrues uniformly to members of the profession, occupation, group, or public at large.

Source - HB 20

3. Delete AS 24.60.060(e)

4. Amend AS 24.60.110 as follows;

Pg. 6, Ln.26, delete "a person to whom this chapter applies" and insert "a member of the legislature".

5. Amend AS 24.60.170 as follows;

Pg. 12, Ln. 1, delete "three" and insert "four".

13-1185
Berrier
4/7/83 ✓

#2

1 IN THE SENATE

BY THE SPECIAL COMMITTEE
ON LEGISLATIVE REFORM

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards of conduct of legisla-
7 tors and legislative employees and establishing a
8 Legislative Ethics Commission."

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

10 * Section 1. AS 24 is amended by adding a new chapter to read:

11 CHAPTER 60. STANDARDS OF CONDUCT.

12 Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE. The legisla-
13 ture finds that it is essential in the conduct of public business that
14 legislators hold the respect and confidence of the people. Legisla-
15 tors must avoid conduct that even appears to violate the trust the
16 people have placed in them. To ensure and preserve public confidence,
17 legislators should have the benefit of specific standards to guide
18 their conduct. Article II, sec. 12, Constitution of the State of
19 Alaska grants to each house of the legislature the power to judge the
20 qualifications of its members. It is the purpose of this Act to
21 establish standards of conduct for state legislators and legislative
22 employees and to establish the Legislative Ethics Commission to con-
23 sider alleged violations of this chapter and to render advisory
24 opinions to persons affected by this chapter.

25 Sec. 24.60.020. APPLICABILITY. (a) This chapter applies to a
26 member of the legislature, to a person employed by a member of the
27 legislature, and to a permanent or temporary employee of an agency of
28 the legislature established under AS 24.20. ^{amendment to 4/6/83} This chapter applies when
29 a person listed above has a direct beneficial interest in a matter.

1 ~~whether or not the person is a party to the matter.~~ This chapter does
 2 not apply to a former member of the legislature or to a person former-
 3 ly employed by a member of the legislature or an agency of the legis-
 4 lature unless the provision specifically states that it so applies.

5 *Not a member*
 6 *House*
 6 *amend* This chapter ~~does not apply~~ to a person elected to the legislature who
 at the time of election is not a member of the legislature.

7 (b) The provisions of this chapter specifically repeal the
 8 provisions of the common law relating to legislative conflict of
 9 interest that may apply to a member of the legislature, a person
 10 employed by a member of the legislature, or to a permanent or tempo-
 11 rary employee of an agency of the legislature established under
 12 AS 24.20.

13 Sec. 24.60.030. CONFLICTS OF INTEREST. (b) A conflict of
 14 interest exists when a person to whom this chapter applies has discre-
 15 *o*tion to take or withhold official action or exert influence which
 16 could substantially benefit or harm a financial matter in which the
 17 person has a direct or indirect private interest.

18 (c) Conflicts of interest are prohibited but there is not a
 19 conflict of interest if the commission determines that as to a speci-
 20 fic matter there is no substantial impropriety or appearance of im-
 21 propriety because

22 (1) *the person's interest*
 23 ~~the legislator's interest or the interest of a person~~
 24 ~~employed by the legislator or an agency of the legislature is rela-~~
 25 ~~tively insignificant;~~

26 (2) *the person's authority*
 27 ~~the legislator's authority or the authority of a person~~
 28 ~~employed by the legislator or an agency of the legislature is rela-~~
 29 ~~tively far removed from any official action that could reasonably be~~
 affected by the potential conflict of interest, provided that no
 attempt has been made to remove the appearance of impropriety by

1 delegating responsibility for official action; or

2 (3) the interest is of a type that is readily available to
 3 the public or to a large class of persons to which the legislator, or
 4 a person employed by the legislator or an agency of the legislature
 5 belongs. (d) *Muller's amendment*

6 Sec. 24.60.040. CONTRACTS. A person to whom this chapter ap-
 7 plies may not be a party to or have an interest in a state contract
 8 unless the contract is let by competitive bidding or the total annual
 9 amount of the state contract is \$1000 or less. A person has an inter-
 10 est in a state contract under this section if direct or indirect *that person receives a*
 11 financial benefits ~~inure to the person.~~

12 Sec. 24.60.050. STATE LOANS. (a) It is not a conflict of
 13 interest for a person to whom this chapter applies to participate in a
 14 state program or to receive a loan from the state if the program or
 15 loan is generally available to members of the public, is subject to
 16 fixed eligibility standards, and minimal discretion is exercised in
 17 determining qualification.

18 (b) In determining whether a conflict of interest exists with
 19 respect to a state program or to a state loan other than those de-
 20 scribed in (a) of this section, because a legislator may be in a
 21 position to influence the loan agency, the ethics commission must
 22 consider, but is not limited to, the adequacy of existing administra-
 23 tive procedures for granting and reviewing loans to legislators.

24 (c) Upon application for a state loan by a person to whom this
 25 chapter applies, other than loans described in (a) of this section,
 26 the lending agency must send a copy of the application to the Alaska
 27 Public Offices Commission, which will incorporate the material into
 28 the applicant's financial disclosure statement, if the applicant is
 29 required to file a disclosure statement. All records relating to a

1 state loan to a person to whom this chapter applies may be disclosed
2 to the commission.

3 (d) Each February 1st, each loan agency must publish a listing
4 of all outstanding loans to legislators, except for loans described in
5 (a) of this section. The list must include the name of the legisla-
6 tor, the date of issuance and current status of the loan.

7 (e) A legislator is prohibited from applying for participation
8 in a state program or for a state loan from a loan program that was
9 created or the class of persons who qualify for the program or loan
10 was expanded by legislation acted on during the term for which the
11 legislator was elected for a period of one year after the effective
12 date of the Act which created the program or expanded the class.

13 (f) State agencies that have authority to grant loans shall
14 adopt regulations that establish separate procedures for granting and
15 reviewing loans to a person to whom this chapter applies. However,
16 the regulations need not govern loans described in (a) of this sec-
17 tion.

18 (g) The division of legislative audit shall annually review
19 state loans granted to or held by legislators to determine whether
20 appropriate procedures were observed in granting or reviewing the
21 loans. The division shall report its findings to the ethics commis-
22 sion by April 1.

23 (h) For purposes of this section "state program" means a program
24 in which tangible assets of the state or a right to use tangible
25 assets of the state are transferred from the state to a private per-
26 son.

27 Sec. 24.60.060. CONFIDENTIAL INFORMATION. It is a conflict of
28 interest if a person to whom this chapter applies discloses or uses
29 for personal gain or for the personal gain of another, information

1 that by law is not available to the public and that the person ac-
2 quired in the course of official duties.

3 Sec. 24.60.070. INTERESTS BETWEEN PUBLIC OFFICIALS. (a) A
4 person to whom this chapter applies shall disclose to the commission
5 the formation or maintenance of a close economic association involving
6 a substantial financial matter with

7 (1) a supervisor who has responsibility or authority,
8 either directly or indirectly, over the person's employment, including
9 pr oviding or reviewing performance evaluations, or granting or approv-
10 ing pay raises or promotions;

11 (2) legislators;

12 (3) a public official in another branch, if the public
13 official is required to file a financial disclosure statement under
14 AS 39.50.

15 (b) It is a prohibited conflict of interest for a person to whom
16 this chapter applies to form or maintain a close economic association
17 involving a substantial financial matter with a lobbyist.

18 Sec. 24.60.080. GIFTS. (a) A person to whom this chapter
19 applies may not solicit, accept, or receive, directly or indirectly a
20 gift, in excess of \$100, whether in the form of money, services, a
21 loan, travel, entertainment, hospitality, or other form, under circum-
22 stances in which it may reasonably be inferred that the gift is in-
23 tended to influence the person in the performance of the duties of the
24 person or is intended as a reward for an official action on the part
25 of the person.

26 (b) There is no conflict of interest under this section if a
27 person to whom this chapter applies accepts

28 (1) hospitality at another person's residence, including
29 meals, lodging or ground transportation;

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

3 (3) an invitation to attend a meal or social event that
4 does not exceed \$100 in value received by the person for each meal or
5 event and that does not in the aggregate exceed \$250 in value during
6 the calendar year from one person;

7 (4) gifts from the person's immediate family.

8 (c) The commission may establish policies that limit the extent
9 to which persons to whom this chapter applies may accept the benefits
10 set out in (b)(2) of this section, or which require public officials
11 to turn over the benefits to the agency.

12 Sec. 24.60.090. NEPOTISM. (a) An individual who is related to
13 a member of the legislature may not be employed in the house in which
14 the legislator is a member. An individual who is related to an em-
15 ployee of the legislature may not be employed in a position over which
16 the employee has supervisory authority. In this subsection, "an
17 individual who is related to" means a child, husband, wife, mother,
18 father, sister or brother.

19 (b) An individual is not employed if no compensation is received
20 from the state for the services provided.

21 Sec. 24.60.100. REPRESENTATION BY LEGISLATORS. (a) Except as
22 provided in this section, a person to whom this chapter applies may
23 not represent another person for compensation before an agency, board,
24 or commission of the state.

25 (b) A member of the legislature and a person employed by a
26 member of the legislature may represent a client in

27 (1) an action before a court of the state; or

28 (2) a matter which was pending at the time a person to whom
29 this chapter applies assumes office or is employed.

1 (c) A legislator or a person employed by a member of the legis-
2 lature cannot avoid a conflict of interest under this section by
3 waiving compensation for representing another person under circum-
4 stances where compensation would ordinarily be expected.

5 Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator
6 who has a conflict of interest shall immediately

7 (1) resign the position;

8 (2) dispose of the matter which has resulted in the con-
9 flict or potential conflict; or

10 (3) may disclose the conflict of interest in the journal of
11 the appropriate body or if the legislature is not in session to the
12 commission which shall maintain a public record of the disclosure and
13 forward the disclosure to the respective house for inclusion in the
14 journal for the first day of the session.

15 Sec. 24.60.120. STATE PROPERTY AND FUNDS. A member of the
16 legislature or a person employed by a member of the legislature may
17 not use state property or funds for personal or campaign purposes.

18 Sec. 24.60.130. LEGISLATIVE ETHICS COMMISSION. (a) There is
19 established within the legislative branch of the state government the
20 Legislative Ethics Commission.

21 (b) The commission consists of seven members appointed as fol-
22 lows:

23 (1) the president of the senate shall appoint one member to
24 the commission from the senate with the concurrence by roll call vote
25 of three-fourths of the full membership of the senate;

26 (2) the speaker of the house of representatives shall
27 appoint one member to the commission from the house of representatives
28 with the concurrence by roll call vote of three-fourths of the full
29 membership of the house;

1 (3) the president of the senate shall appoint to the com-
2 mission two persons who are citizens of the United States and resi-
3 dents of the state with the concurrence by roll call vote of two-
4 thirds of the full membership of the senate;

5 (4) the speaker of the house of representatives shall
6 appoint to the commission two persons who are citizens of the United
7 States and residents of the state with the concurrence by roll call
8 vote of two-thirds of the full membership of the house;

9 (5) one member of the commission shall be a former legisla-
10 tor of the state who is appointed by the other members of the commis-
11 sion.

12 (c) No more than four members of the commission may be members
13 of the same political party or residents of the same borough or of the
14 unorganized borough.

15 (d) The term of office of a public member of the commission is
16 four years from February 1 of the year of appointment and until a
17 successor is appointed and qualifies. A legislator appointed to the
18 commission may not serve beyond the expiration of the legislative term
19 of office. A commission member may not serve more than one full term.

20 (e) A member of the commission may not

21 (1) hold or seek elective office;

22 (2) be an officer of a political party, political commit-
23 tee, or group; or

24 (3) lobby.

25 (f) The provisions of (e) of this section do not apply to the
26 members of the commission appointed under (b)(1) and (2) of this
27 section.

28 (g) A vacancy on the commission shall be filled under (b) of
29 this section for the balance of the term.

1 h) The commission may employ an executive director and staff as
2 it considers necessary. A member of the commission may not serve as
3 executive director or on the staff of the commission.

4 (i) A member of the commission receives no compensation for
5 service on the commission. Members of the commission are entitled to
6 travel expenses and per diem authorized by law for members of boards
7 and commissions under AS 39.20.180, but a member of the commission who
8 is a legislator is not entitled to travel expenses and per diem from
9 the commission if the legislator is receiving travel expenses and per
10 diem as a legislator.

11 Sec. 24.60.140. DUTIES OF THE COMMISSION. (a) The commission
12 shall

13 (1) adopt regulations to facilitate the receipt of inquir-
14 ies and prompt rendition of its opinions;

15 (2) recommend to the legislature legislation the commission
16 considers desirable or necessary to promote and maintain high stan-
17 dards of ethical conduct in government;

18 (3) subpoena witnesses, administer oaths, and take testi-
19 mony relating to matters before the commission, and may require the
20 production for examination of any books or papers relating to any
21 matter under investigation before the commission;

22 (4) publish yearly summaries of decisions, advisory
23 opinions and informal advisory opinions, with sufficient deletions in
24 the summaries to prevent disclosing the identity of the persons in-
25 volved in the decisions or opinions which have remained confidential.

26 (b) The commission may adopt regulations to implement, clarify,
27 and interpret this chapter.

28 Sec. 24.60.150. ADVISORY OPINIONS. The commission shall issue
29 an advisory opinion on the request of a person to whom the chapter

1 applies as to whether the facts and circumstances of a particular case
2 constitute a violation of ethical standards. If an advisory opinion
3 is not issued within 30 days after the request is filed with the
4 commission, the facts and circumstances of the particular case do not
5 constitute a violation of the ethical standards. The opinion issued
6 or considered issued is binding on the commission and in any subse-
7 quent proceedings concerning the facts and circumstances of the par-
8 ticular case unless material facts were omitted or misstated in the
9 request for the advisory opinion. Except as provided in this chapter
10 an advisory opinion is confidential.

11 Sec. 24.60.160. COMPLAINTS. (a) The commission may initiate,
12 receive and consider complaints alleging a violation of this chapter.

13 (b) Before the commission may exercise power authorized in (c)
14 of this section, the commission shall by resolution, supported by a
15 vote of three members of the commission, define the nature and scope
16 of the inquiry.

17 (c) The commission may investigate a violation of this chapter
18 in a proceeding begun within one year after termination of state
19 service. Nothing in this subsection bars proceedings against a person
20 who by fraud prevents discovery of a violation of this chapter. A
21 proceeding is commenced by the filing of a complaint with the commis-
22 sion. No complaint, other than a complaint initiated by three or more
23 members of the commission may be received within a period of 60 days
24 preceding a state primary or general election.

25 (d) A complaint shall be in writing and signed under oath by the
26 person making the complaint. A complaint may also be initiated by
27 three or more members of the commission. The commission shall notify
28 in writing each person against whom a complaint is received and afford
29 the person an opportunity to explain the conduct alleged to be a

1 violation of this chapter.

2 (e) The commission shall investigate the charges filed under
3 this section and issue an advisory opinion to the person alleged to
4 have violated a provision of this chapter. The commission shall
5 investigate all complaints on a confidential basis. If the advisory
6 opinion indicates a probable violation, the person against whom the
7 complaint was made may request a formal opinion or comply with the
8 advisory opinion. If the person fails to comply with the advisory
9 opinion or if a majority of the members of the commission determine
10 that there is probable cause for belief that a violation of this
11 chapter has occurred, the commission shall file a complaint against
12 the person charged with a violation of this chapter and the complaint
13 and statement of the alleged violation shall be personally served on
14 the person charged. The alleged violator has 20 days after service of
15 the complaint and statement to respond in writing to the commission.

16 (f) The commission may set a time and place for a hearing with
17 notice to the complainant, if any, and to the person charged with a
18 violation of this chapter. The executive director of the commission
19 and the person charged with a violation of this chapter shall have an
20 opportunity to be heard, to subpoena witnesses and require the produc-
21 tion of books or papers relating to the proceedings, to be represented
22 by counsel, and to have the right of cross-examination. Each witness
23 shall testify under oath. The hearings are closed to the public
24 unless the person charged with a violation of this chapter requests an
25 open hearing. The commission is not bound by the rules of evidence
26 but the commission's findings must be based upon competent and sub-
27 stantial evidence. The testimony taken at the hearing shall be re-
28 corded and evidence shall be maintained. The testimony and evidence
29 is available only to the staff of the commission and to the person

1 charged with a violation of this chapter. If the person charged with
2 the violation of a provision of this chapter requests a copy of the
3 transcript of testimony, the copy shall be furnished by the commission
4 without charge.

5 (g) A decision of the commission shall be in writing and signed
6 by four or more members of the commission.

7 (h) If the commission issues a decision that a member of the
8 legislature has violated a provision of this chapter or that a legis-
9 lator has declined or failed to cooperate with the commission, it
10 shall refer the decision to the presiding officers of the legislature.
11 The decision shall contain a statement of the facts determined to
12 constitute the violation and may contain recommendations concerning
13 penalties including imposition of civil penalties in an amount not to
14 exceed \$25,000. If within 30 days after the referral, a committee of
15 the legislature has not reported action on the decision, the commis-
16 sion shall make the decision public. Days during which the legisla-
17 ture is not in session may not be counted in determining the 30-day
18 period. The legislature shall act on the decision as it considers
19 appropriate.

20 (i) If four members of the commission agree to a decision that a
21 former member of the legislature or an employee or a former employee
22 of a legislator or of an agency of the legislature has violated a
23 provision of this chapter, the commission may issue a public statement
24 of its decision. The attorney general may exercise whatever remedies
25 may be available to the state.

26 (j) A commission member or individual who divulges information
27 concerning a charge before the filing of a complaint by the commis-
28 sion, except as permitted by this chapter, is guilty of a class C
29 felony.

1 Sec. 24.60.170. In this chapter, "commission" means the Legisla-
2 tive Ethics Commission.
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JOINT SPECIAL COMMITTEE ON
ON LEGISLATIVE REFORM

- Thursday, April 7: Present committee with proposed code of ethics legislation and conflict of interest legislation
- Friday, April 8: Committee to make final decision on conflict of interest legislation
- Monday, April 11: Present committee with proposed Uniform Rules changes
- Thursday, April 14: Code of ethics legislation draft ready for committee approval.

Committee makes recommendation on Uniform Rules changes
- Friday, April 15: Final NCSL report will be presented