

SENATE BILL NO. 141

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL FOR
THE SELECT COMMITTEE ON LEGISLATIVE ETHICS

Introduced: 3/28/95

Referred: State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative ethics; and providing for an effective date."

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

3 * **Section 1.** AS 24.25.010(e) is amended to read:

4 (e) This section does not apply to the legislative council, the Select
5 Committee on Legislative Ethics, or [NOR TO] the Legislative Budget and Audit
6 Committee.

7 * **Sec. 2.** AS 24.60.030(c) is repealed and reenacted to read:

8 (c) Unless approved by the committee, during a campaign period for an
9 election in which the legislator or legislative employee is a candidate, a legislator or
10 legislative employee may not use or permit another to use state funds, other than funds
11 to which the legislator is entitled as an office allowance, to print or distribute a
12 political mass mailing to individuals eligible to vote for the candidate. In this
13 subsection,

14 (1) a "campaign period" is the period that

15 (A) begins 90 days before an election to the board of an electric

1 or telephone cooperative organized under AS 10.25, a municipal election or a
2 primary election or that begins on the date of the governor's proclamation
3 calling a special election; and

4 (B) ends the day after the cooperative election, municipal
5 election, or the general or special election;

6 (2) a mass mailing is considered to be political if it is from or about

7 a

8 (A) legislator who is a candidate for reelection to the legislature
9 or election to another federal, state, or municipal office or to the board of a
10 telephone or electric cooperative;

11 (B) legislative employee who is a candidate for election to the
12 legislature or another federal, state, or municipal elective office or to the board
13 of a telephone or electric cooperative;

14 (C) person other than a legislator or a legislative employee who
15 is a candidate for election to the legislature.

16 * **Sec. 3.** AS 24.60.030(d) is amended to read:

17 (d) A legislator, **a legislative employee**, or another person on behalf of the
18 legislator **or legislative employee**, or a campaign committee of the legislator **or**
19 **legislative employee**, may not distribute or post campaign literature, placards, posters,
20 **fund-raising notices**, or other communications intended to influence the election of
21 a candidate in an election in public areas in a facility ordinarily used to conduct state
22 government business.

23 * **Sec. 4.** AS 24.60.030(f) is amended to read:

24 (f) A legislative employee may not serve in a position that requires
25 confirmation by the legislature. A legislator or legislative employee may serve on a
26 board of an organization, including a governmental entity, that regularly has a
27 substantial interest in the legislative activities of the legislator or employee, if the
28 legislator or employee discloses the board membership to the committee. **A legislator**
29 **or legislative employee who is required to make a disclosure under this subsection**
30 **shall file an annual written report with the committee by February 15 of each**
31 **year stating the name of each organization on whose board the person serves. If**

1 the legislator or legislative employee becomes a member of a board after filing the
2 annual disclosure statement, or after February 15 if no annual disclosure
3 statement is filed, the legislator or legislative employee shall file a supplemental
4 disclosure within 60 days after appointment or election to the board. The
5 committee shall maintain a public record of the disclosure and forward the
6 disclosure to the appropriate house for inclusion in the journal. This subsection
7 does not require a legislator or legislative employee who is appointed to a board
8 by the presiding officer to make a disclosure of the appointment to the committee
9 if the appointment has been published in the appropriate legislative journal
10 during the calendar year.

11 * **Sec. 5.** AS 24.60.030 is amended by adding a new subsection to read:

12 (h) In this section, when determining whether an employee is considered to be
13 performing a task on government time, the committee shall consider the employee's
14 work schedule as set by the employee's immediate supervisor. An employee who
15 engages in political campaign activities other than minimal, incidental campaign
16 activities as described in this subsection during the employee's work day shall take
17 leave for the period of campaigning. Incidental political campaign activities while on
18 government time are permissible if the activities are part of the normal legislative
19 duties of the employee, including answering short telephone calls and incidental
20 handling of incoming correspondence. Incidental political campaign activities shall
21 be kept to a minimum.

22 * **Sec. 6.** AS 24.60.031(a) is amended to read:

23 (a) A legislator or legislative employee may not

24 (1) on a day when either house of [WHILE] the legislature is in
25 regular or special session, solicit or accept a contribution or a promise or pledge to
26 make a contribution for a state legislative campaign;

27 (2) accept money from an event held on a day when either house of
28 the legislature is in regular or special [DURING A LEGISLATIVE] session if a
29 substantial purpose of the event is either to raise money on behalf of the member or
30 legislative employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR]
31 state legislative political purposes; or

1 (3) expend money in a state legislative campaign that was raised by or
2 on behalf of a legislator on a day when either house of the legislature was in
3 [DURING] a legislative session under a declaration of candidacy or a general letter
4 of intent to become a candidate for public office.

5 * **Sec. 7.** AS 24.60.039 is amended by adding a new subsection to read:

6 (b) If a person files a complaint with the committee under AS 24.60.170
7 alleging a violation of this section, the committee may refer the complainant to the
8 State Commission on Human Rights and may defer its consideration of the complaint
9 until after the complainant establishes to the satisfaction of the committee that the
10 commission has completed its proceedings in the matter.

11 * **Sec. 8.** AS 24.60.040(a) is amended to read:

12 (a) A legislator or legislative employee, or a member of the immediate family
13 of a legislator or legislative employee may not be a party to or have an interest in a
14 state contract or lease unless the contract or lease is let [THROUGH COMPETITIVE
15 SEALED BIDDING] under AS 36.30 (State Procurement Code) or, for agencies that
16 are not subject to AS 36.30, under similar procedures or the total annual amount
17 of the state contract or lease is \$5,000 [\$1,000] or less, or is a standardized contract
18 or lease that was developed under publicly established guidelines and is generally
19 available to the public at large, members of a profession, occupation, or group. A
20 person has an interest in a state contract or lease under this section if the person
21 receives direct or indirect financial benefits. A legislator or legislative employee who
22 participates in, or who knows or reasonably ought to know that a family member
23 is participating in, a state contract or lease that has an annual value of \$5,000 or
24 more shall disclose the participation to the committee by February 15 of each
25 year. The disclosure must state the amount of the contract or lease and the name
26 of the state agency issuing the contract or lease, and must identify the procedures
27 under which the contract or lease was issued. If the disclosure concerns a
28 contract or lease in which a family member of the discloser is participating, the
29 disclosure must identify the relationship between the participant and the discloser.

30 * **Sec. 9.** AS 24.60.040 is amended by adding a new subsection to read:

31 (c) This section does not apply to a contract or lease issued under a state

1 program or loan that is subject to AS 24.60.050. A grant that results in a contract but
2 that is not subject to AS 24.60.050 is subject to this section.

3 * **Sec. 10.** AS 24.60.050(c) is amended to read:

4 (c) A legislator or legislative employee who participates in a program or
5 receives a loan that is not exempt from disclosure under (a) of this section shall file
6 a written report with the committee by February 15 of each year stating the amounts
7 of the loans outstanding or benefits received during the preceding calendar year from
8 nonqualifying programs. If the committee requests additional information necessary to
9 determine the propriety of participating in the program or receiving the loan, it shall
10 be promptly provided. The committee shall promptly compile a list of the statements
11 indicating the loans and programs and amounts and send it to the presiding officer of
12 each house who shall have it published in the supplemental journals within three weeks
13 after [OF] the filing date. **A legislator or legislative employee who believes that**
14 **disclosure of participation in a program would be an invasion of the participant's**
15 **right to privacy under the state constitution may request the committee to keep**
16 **the disclosure confidential. If the committee finds that publication would**
17 **constitute an invasion of privacy, the committee shall publish only the fact that**
18 **a person has participated in the program and the amount of benefit that the**
19 **unnamed person received. The committee shall maintain the disclosure of the**
20 **name of the person as confidential and may only use the disclosure in a**
21 **proceeding under AS 24.60.170. If the disclosure becomes part of the record of**
22 **a proceeding under AS 24.60.170, the disclosure may be made public as provided**
23 **in that section.**

24 * **Sec. 11.** AS 24.60.060 is amended by adding a new subsection to read:

25 (b) A legislator or legislative employee who is the subject of a complaint
26 under AS 24.60.170 violates this section if the legislator or legislative employee
27 violates a protective order issued under AS 24.60.170(i).

28 * **Sec. 12.** AS 24.60.070(b) is amended to read:

29 (b) **A legislator or legislative employee required to make a disclosure**
30 **under this section shall make an annual disclosure no later than February 15 of**
31 **each year of the legislator's or legislative employee's close economic associations**

1 then in existence. If the legislator or legislative employee forms a close economic
2 association after that date, the disclosure must be made within 60 days after
3 forming the association. A disclosure under this section must be sufficiently detailed

4 that a reader of the disclosure can ascertain the nature of the association.

5 * **Sec. 13.** AS 24.60.070 is amended by adding a new subsection to read:

6 (d) When making a disclosure under (a) of this section concerning a
7 relationship with a lobbyist to whom the legislator or legislative employee is married
8 or who is the legislator's or legislative employee's spousal equivalent, the legislator or
9 legislative employee shall also disclose the name and address of each client of the
10 lobbyist and the total monetary value received from the client. The legislator or
11 legislative employee shall report changes in a spouse's clientele within 48 hours after
12 the change. In this subsection,

13 (1) "client of the lobbyist" means the person from whom the lobbyist
14 received amounts or things of value for engaging in lobbying on behalf of the person;

15 (2) "spousal equivalent" means a person with whom the legislator or
16 legislative employee is living in a conjugal relationship not a legal marriage.

17 * **Sec. 14.** AS 24.60.080(a) is amended to read:

18 (a) **Except as provided in (c) and (h) of this section, a** [A] legislator or
19 legislative employee may not solicit, accept, or receive, directly or indirectly, a gift
20 worth **\$250** [\$100] or more, whether in the form of money, services, a loan, travel,
21 entertainment, hospitality, promise, or other form, or gifts from the same person worth
22 less than **\$250** [\$100] that in a calendar year aggregate to **\$250** [\$100] or more in
23 value. **Except for food or beverage for immediate consumption, a legislator or**
24 **legislative employee** [, AND] may not solicit, accept, or receive during a legislative
25 session a gift with any monetary value from a lobbyist or a person acting on behalf
26 of a lobbyist.

27 * **Sec. 15.** AS 24.60.080(c) is amended to read:

28 (c) Notwithstanding (a) of this section, it is not a violation of this section for
29 a legislator or legislative employee to accept

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

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

1 however, a vacation home is not considered a residence for the purposes
2 of this subparagraph; or

3 (B) at a social event or meal;

4 (2) discounts that are available

5 (A) generally to the public or to a large class of persons to
6 which the person belongs; or

7 (B) when on official state business but only if receipt of the
8 discount benefits the state;

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

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

13 (5) gifts from the immediate family of the person; or

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

15 * **Sec. 16.** AS 24.60.080(d) is amended to read:

16 (d) A legislator or legislative employee who accepts a gift under (c)(4) [OR
17 (6)] of this section shall disclose the gift if it has a value of **\$250** [\$100] or more; **the**
18 [THE] disclosure must include the name and occupation of the person making the
19 gift and the approximate value of the gift. A gift under (c)(4) of this section required
20 to be disclosed under this subsection shall be disclosed **to the committee** within 30
21 days **after** [OF] the receipt of the gift. **Except as provided in (i) of this section, a**
22 **gift** [TO THE COMMITTEE. GIFTS] under (c)(6) of this section **that has a value of**
23 **\$250 or more** shall be disclosed to the committee annually on or before **February 15**
24 [APRIL 15] of the following calendar year; **the** [AND THE] disclosure needs to
25 include **only a description of the gift and the identity of the donor** [THE VALUE
26 ONLY IF THE VALUE OF THE GIFT EXCEEDS \$250]. The committee shall
27 maintain a public record of the disclosure it receives relating to gifts under (c)(4) of
28 this section and shall forward the disclosure to the appropriate house for inclusion in
29 the journal. Disclosures **from legislative employees** relating to gifts under (c)(6) of
30 this section shall be maintained, but are confidential and may only be used by the
31 committee and its employees and contractors in the investigation of a possible violation

1 of this section or in a proceeding under AS 24.60.170. If the disclosures **from**
2 **legislative employees** become part of the record of a proceeding under AS 24.60.170,
3 the confidentiality provisions of that section apply to the disclosures. **The committee**
4 **shall maintain a public record of the disclosures it receives from legislators**
5 **concerning gifts under (c)(6) of this section and shall forward the disclosures to**
6 **the appropriate house for inclusion in the journal and to the Alaska Public**
7 **Offices Commission.**

8 * **Sec. 17.** AS 24.60.080(f) is amended to read:

9 (f) Notwithstanding (a) of this section, a legislator or legislative employee may
10 accept a gift of property worth **\$250** [\$100] or more, other than money, from a foreign
11 government or from an official of a foreign government if the person accepts the gift
12 on behalf of the legislature. The person shall, within 60 days **after** [OF] receiving the
13 gift, deliver the gift to the legislative council, which shall determine the appropriate
14 disposition of the gift.

15 * **Sec. 18.** AS 24.60.080(g) is amended to read:

16 (g) In this section, "immediate family" **or "family member"** has the meaning
17 given **for "immediate family"** in AS 24.60.990(a)(5) and includes the grandparents,
18 aunts, and uncles of a person, and also includes a person described in this subsection
19 or AS 24.60.990(a)(5) who is related to the person by marriage.

20 * **Sec. 19.** AS 24.60.080 is amended by adding new subsections to read:

21 (h) Notwithstanding (a) of this section, a legislator or legislative employee may
22 solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable
23 organization in accordance with guidelines adopted by the committee.

24 (i) A legislator or legislative employee who receives an inheritance from a
25 person other than a family member shall disclose the fact of the receipt of an
26 inheritance and the identity of the person from whom it was received to the committee
27 within 60 days after receiving notice of the inheritance. The committee shall maintain
28 a public record of the disclosure. This subsection does not require disclosure of the
29 value of the inheritance.

30 (j) A legislator, a legislative committee other than the Select Committee on
31 Legislative Ethics, or a legislative agency may accept a gift of volunteer services for

1 legislative purposes so long as the person making the gift of services is not receiving
2 compensation from another source for the services. A legislative volunteer shall be
3 considered to be a legislative employee for purposes of compliance with AS 24.60.030
4 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and
5 24.60.178. If a person believes that a legislative volunteer has violated the provisions
6 of one of those sections, the person may file a complaint under AS 24.60.170. The
7 provisions of AS 24.60.170 apply to the proceeding. This subsection does not permit
8 a legislator or legislative employee to accept a gift of services for nonlegislative
9 purposes.

10 (k) A legislator or legislative employee who knows or reasonably ought to
11 know that a family member has received a gift because of the family member's
12 connection with the legislator or legislative employee shall report the receipt of the gift
13 by the family member to the committee if the gift would have to be reported under this
14 section if it had been received by the legislator or legislative employee or if receipt of
15 the gift by a legislator or legislative employee would be prohibited under this section.

16 (l) In this section, the value of a gift shall be determined by the fair market
17 value of the gift to the extent that the fair market value can be determined.

18 * **Sec. 20.** AS 24.60.085(a) is amended to read:

19 (a) A legislator or legislative employee may not

20 (1) seek or accept compensation for personal services that **is**
21 **significantly greater than the value of** [INVOLVES PAYMENTS THAT ARE NOT
22 COMMENSURATE WITH] the services rendered taking into account the higher rates
23 generally charged by specialists in a profession; or

24 (2) accept a payment of anything of value, except for actual and
25 necessarily incurred travel expenses, for an appearance or speech by the legislator or
26 legislative employee; this paragraph does not apply to the salary paid to a legislator
27 or legislative employee for making an appearance or speech as part of the legislator's
28 or legislative employee's normal course of employment.

29 * **Sec. 21.** AS 24.60.100 is amended to read:

30 Sec. 24.60.100. REPRESENTATION. A legislator or legislative employee
31 who represents another person for compensation before an agency, board, or

1 commission of the state shall disclose the name of the person represented, the subject
2 matter of the representation, and the body before which the representation is to take
3 place to the committee. **The disclosure shall be made within 60 days after**
4 **beginning the representation. In addition, a legislator or legislative employee**
5 **shall, no later than February 15, make an annual disclosure of all of the clients**
6 **represented during the previous calendar year.** The committee shall maintain a
7 public record of a [THE] disclosure **under this section** and forward the disclosure to
8 the respective house for inclusion in the journal. A legislator or legislative employee
9 may not represent another person for compensation before an agency, committee, or
10 other entity of the legislative branch.

11 * **Sec. 22.** AS 24.60.130(f) is amended to read:

12 (f) The committee may contract for professional services and may employ staff
13 as it considers necessary. A committee employee, including a person who provides
14 personal services under a contract with the committee, may not be a legislator, an
15 elected or appointed official of a state or local governmental entity, an officer of a
16 political party, a candidate for public office, or a registered lobbyist. The legislative
17 council shall provide office space, equipment, and additional staff support for the
18 committee. The committee shall submit a budget for each fiscal year to the finance
19 committees of the legislature and shall annually submit an estimated budget to the
20 governor for information purposes in preparation of the state operating budget. **Public**
21 **members of the committee serve without compensation for their services, but are**
22 **entitled to travel and per diem expenses authorized for members of state boards**
23 **and commissions under AS 39.20.180.**

24 * **Sec. 23.** AS 24.60.130(h) is amended to read:

25 (h) A member is disqualified from participating as a member in any
26 proceeding before the committee involving a complaint against the member **or an**
27 **employee whose work is supervised by the member** or an advisory opinion
28 requested by the member. **If a regular legislative member is disqualified under this**
29 **subsection, an alternate shall be appointed under (o) of this section.** [IF THE
30 LEGISLATURE IS IN SESSION WHEN A LEGISLATIVE MEMBER IS
31 DISQUALIFIED UNDER THIS SUBSECTION, THE PRESIDING OFFICER OF

1 THAT MEMBER'S HOUSE SHALL, WITH THE CONCURRENCE BY ROLL CALL
2 VOTE OF TWO-THIRDS OF THE FULL MEMBERSHIP OF THAT HOUSE,
3 APPOINT ANOTHER MEMBER FROM THAT HOUSE TO ACT AS A MEMBER
4 OF THE COMMITTEE IN THE PROCEEDING. IF THE LEGISLATURE IS NOT
5 IN SESSION WHEN A LEGISLATIVE MEMBER IS DISQUALIFIED, THE
6 PRESIDING OFFICER OF THE HOUSE OF WHICH THE DISQUALIFIED
7 LEGISLATOR IS A MEMBER SHALL APPOINT ANOTHER MEMBER FROM
8 THAT HOUSE, WITH A RECORDED CONCURRENCE OF A MAJORITY VOTE
9 OF THE SUBCOMMITTEE OF THAT HOUSE, TO ACT AS A MEMBER OF THE
10 COMMITTEE IN THE PROCEEDING.]

11 * **Sec. 24.** AS 24.60.130 is amended by adding a new subsection to read:

12 (o) When appointing members of the legislature to serve on the committee, the
13 speaker of the house or the president of the senate, as appropriate, shall appoint an
14 alternate member for each regular member. An alternate must have the same
15 qualifications as the regular member for whom the alternate stands as alternate and is
16 subject to confirmation as required for the regular member. If a regular legislative
17 member of the committee or a subcommittee is disqualified under (h) of this section
18 from serving on the committee or the subcommittee during a proceeding under
19 AS 24.60.170, the chair of the committee or a subcommittee shall appoint the regular
20 member's alternate to serve in place of the regular member in the proceeding unless
21 the alternate is also disqualified from serving. The appointment shall be treated as
22 confidential to the same extent that the identity of the subject of a complaint is
23 required to be kept confidential.

24 * **Sec. 25.** AS 24.60.134(a) is amended to read:

25 (a) **Except as provided in (d) of this section, in** [IN] addition to the
26 requirements of this chapter, a public member of the committee, an employee of the
27 committee, or a person under contract to provide personal services to the committee
28 may not, **during the person's term of office or employment or during the life of**
29 **the contract, participate in**

30 (1) [PARTICIPATE IN] political management or in a political
31 campaign **for a candidate for election to federal, state, or local office, regardless**

1 of whether the campaign is partisan or nonpartisan, or for a ballot measure of
2 any type [DURING THE PERSON'S TERM OF OFFICE, EMPLOYMENT, OR
3 CONTRACT];

4 (2) [PARTICIPATE IN] the campaign of, attend campaign fund-raising
5 events for, or make a financial contribution to

6 (A) a candidate for the legislature;

7 (B) an incumbent legislator or legislative employee who is a
8 candidate for another public office; or

9 (C) a person running for another office against an incumbent
10 legislator or legislative employee; or

11 (3) [PARTICIPATE IN] lobbying activities that would require the
12 person to register as a lobbyist except as required to inform the legislature concerning
13 legislation requested by the committee or other matters related to the committee.

14 * **Sec. 26.** AS 24.60.134 is amended by adding new subsections to read:

15 (c) In addition to the prohibitions under (a) of this section, a public member
16 of the committee, an employee of the committee, or a person under contract to provide
17 personal services to the committee may not, during the duration of the person's term
18 of office or employment, or during the life of the contract, participate in or attend a
19 fund-raising event held on behalf of a political party.

20 (d) A person under contract to provide personal services to the committee who
21 is part of a corporation or partnership that includes individuals who will not be
22 participating directly in the work performed by the entity for the committee may
23 request the committee to exclude members of the entity from some or all of the
24 provisions of this section. The committee may grant the request if it finds that doing
25 so will not lead to the appearance that the committee is subject to undue political
26 influence and if there is no appearance of impropriety.

27 * **Sec. 27.** AS 24.60.150(b) is amended to read:

28 (b) The committee may

29 (1) recommend legislation to the legislature the committee considers
30 desirable or necessary to promote and maintain high standards of ethical conduct in
31 government;

1 (2) subpoena witnesses, administer oaths, and take testimony relating
2 to matters before the committee, and may require the production for examination of
3 any books or papers relating to any matter under investigation before the committee;

4 **(3) adopt guidelines to implement this chapter; in adopting**
5 **guidelines, the committee shall provide notice of its intended action and an**
6 **opportunity for public comment; a person who reasonably relies on a guideline**
7 **adopted by the committee may not be penalized for having violated a conflicting**
8 **provision of this chapter.**

9 * **Sec. 28.** AS 24.60.160 is amended to read:

10 Sec. 24.60.160. ADVISORY OPINIONS. **(a)** The committee shall issue an
11 advisory opinion within **60** [30] days on the request of a person to whom the chapter
12 applies or a person elected to the legislature who at the time of election is not a
13 member of the legislature as to whether the facts and circumstances of a particular case
14 constitute a violation of ethical standards. **If it finds that it is advisable to do so, the**
15 **committee may issue an opinion under this section on the request of a person who**
16 **reasonably expects to become subject to this chapter within the next 45 days.** The
17 **60-day** [30-DAY] period for issuing an opinion may be extended by the committee if
18 the person requesting the opinion consents.

19 **(b) An** [THE] opinion issued **under this section** is binding on the committee
20 in any subsequent proceedings concerning the facts and circumstances of the particular
21 case unless material facts were omitted or misstated in the request for the advisory
22 opinion. Except as provided in this chapter, an advisory opinion is confidential but
23 shall be made public if a written request by the person who requested the opinion is
24 filed with the committee. **A person who requested an opinion, including a**
25 **legislator, may not require admittance to an executive session of the committee**
26 **when it is deliberating concerning the advisory opinion request.**

27 * **Sec. 29.** AS 24.60.170(a) is amended to read:

28 (a) The committee shall consider a complaint alleging a violation of this
29 chapter if the alleged violation occurred within five years **before** [OF] the date that the
30 complaint is filed with the committee and, when the subject of the complaint is a
31 former member of the legislature, the complaint is filed within one year **after** [OF] the

1 subject's departure from the legislature. The committee may not consider a complaint
2 filed against **all members of the legislature, against all members of one house of**
3 **the legislature, or against** a person employed by the legislative branch of government
4 after the person has terminated legislative service. **However, the committee may**
5 **reinstitute proceedings concerning a complaint that was closed because a former**
6 **employee terminated legislative service or because a legislator left the legislature**
7 **if the former employee or legislator resumes legislative service, whether as an**
8 **employee or legislator, within five years after the alleged violation.** The committee
9 may also initiate complaints on its own motion, subject to the same time limitations.
10 The time limitations of this subsection do not bar proceedings against a person who
11 intentionally prevents discovery of a violation of this chapter.

12 * Sec. 30. AS 24.60.170(c) is amended to read:

13 (c) When the committee receives a complaint under (a) of this section, it **may**
14 **assign the complaint to a staff person. The staff person shall conduct a**
15 **preliminary examination of the complaint and recommend to the committee**
16 **whether the allegations of the complaint, if true, constitute a violation of this**
17 **chapter and whether there is credible information to indicate that a further**
18 **investigation and proceeding is warranted. The recommendation shall be based**
19 **on the information and evidence contained in the complaint as supplemented by**
20 **the complainant and the subject of the complaint, if requested to do so by the**
21 **staff member. The committee shall consider the recommendation of the staff**
22 **member and** shall determine whether the allegations of the complaint, if true,
23 constitute a violation of this chapter. If the committee determines that the allegations,
24 if proven, would not give rise to a violation, **that the complaint is frivolous on its**
25 **face, that there is insufficient credible information that can be uncovered to**
26 **warrant further investigation by the committee, or that** [IF] the committee's lack
27 of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the
28 complaint [,] and shall notify the complainant and the subject of the complaint of the
29 dismissal. **The committee may ask the complainant to provide clarification or**
30 **additional information before it makes a decision under this subsection and may**
31 **request information concerning the matter from the subject to the complaint. The**

1 subject of a complaint is not obligated to provide the information. A proceeding
2 conducted under this subsection, documents that are part of a proceeding, and a
3 dismissal under this subsection are confidential as provided in (l) of this section
4 unless the subject of the complaint waives confidentiality as provided in that
5 subsection.

6 * Sec. 31. AS 24.60.170(f) is amended to read:

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

17 * Sec. 32. AS 24.60.170(i) is amended to read:

18 (i) A person charged under (h) [(b)] of this section may engage in discovery
19 in a manner consistent with the Alaska Rules of Civil Procedure. The committee may
20 adopt procedures that

21 (1) impose reasonable restrictions on the time for this discovery and on
22 the materials that may be discovered;

23 (2) permit a person who is the subject of a complaint to engage in
24 discovery at an earlier stage of the proceedings;

25 (3) impose reasonable restrictions on the release of information that
26 the subject of a complaint acquires from the committee in the course of discovery,
27 or on information obtained by use of the committee's authority, in order to
28 protect the privacy of persons not under investigation to whom the information
29 pertains.

30 * Sec. 33. AS 24.60.170(l) is amended to read:

31 (l) Proceedings of the committee relating to complaints before it are

1 confidential until the committee determines that there is probable cause to believe that
2 a violation of this chapter has occurred. The complaint and all documents produced
3 or disclosed as a result of the committee investigation are confidential and not subject
4 to inspection by the public. If in the course of an investigation or probable cause
5 determination the committee finds evidence of probable criminal activity, the
6 committee shall transmit a statement and factual findings limited to that activity to the
7 appropriate law enforcement agency. If the committee finds evidence of a probable
8 violation of AS 15.13, the committee shall transmit a statement to that effect and
9 factual findings limited to the probable violation to the Alaska Public Offices
10 Commission. All meetings of the committee before the determination of probable
11 cause are closed to the public and to legislators who are not members of the
12 committee. However, the committee may permit the subject of the complaint to
13 attend a meeting other than the deliberations on probable cause. The
14 confidentiality provisions of this subsection may be waived by the subject of the
15 complaint, except that the subject of the complaint may not waive the
16 confidentiality duty the committee owes to others.

17 * **Sec. 34.** AS 24.60.176 is amended to read:

18 Sec. 24.60.176. RECOMMENDATIONS WHERE VIOLATOR IS A
19 LEGISLATIVE EMPLOYEE. If the person found to have violated this chapter is or
20 was a legislative employee, the committee's recommendations shall be forwarded to
21 the appropriate appointing authority that shall, as soon as is reasonably possible,
22 determine the sanctions, if any, to be imposed. The appointing authority may not
23 question the committee's findings of fact. The appointing authority shall assume the
24 validity of the committee's findings [,] and determine and impose the appropriate
25 sanctions. The appointing authority has the power to impose a sanction
26 recommended by the committee or to impose a different sanction.

27 * **Sec. 35.** AS 24.60.176 is amended by adding a new subsection to read:

28 (b) In this section, "appointing authority" means

29 (1) the legislative council for employees of the Legislative Affairs
30 Agency and of the legislative council and for legislative employees not otherwise
31 covered under this subsection;

1 (2) the Legislative Budget and Audit Committee for the legislative
2 fiscal analyst and employees of the division of legislative finance, the legislative
3 auditor and employees of the division of legislative audit, and employees of the
4 Legislative Budget and Audit Committee;

5 (3) the appropriate finance committee for employees of the senate or
6 house finance committees;

7 (4) the appropriate rules committee for employees of standing
8 committees of the legislature other than the finance committees, for employees of the
9 senate secretary's office and the office of the chief clerk of the house of
10 representatives, and for employees of individual legislators;

11 (5) the ombudsman for employees of the office of the ombudsman,
12 other than the ombudsman;

13 (6) the legislature for the ombudsman.

14 * **Sec. 36.** AS 24.60 is amended by adding a new section to read:

15 Sec. 24.60.178. **RECOMMENDED SANCTIONS.** (a) When the committee
16 finds that a person has violated this chapter, the committee may recommend
17 appropriate sanctions, including sanctions set out in (b) of this section.

18 (b) The sanctions that the committee may recommend include

19 (1) imposition of a civil penalty of not more than \$5,000 for each
20 offense or twice the amount improperly gained, whichever is greater;

21 (2) divestiture of specified assets or withdrawal from specified
22 associations;

23 (3) additional, detailed disclosure, either as a public disclosure or as a
24 confidential disclosure to the committee;

25 (4) in the case of a legislative employee, suspension of employment
26 with or without pay for a stated period of time or until stated conditions are met, or
27 termination from legislative employment;

28 (5) restitution of property or reimbursement of improperly received
29 benefits;

30 (6) public or private written reprimand;

31 (7) censure, including, in the case of a legislator, removal from a

1 committee chair or co-chair position and a determination that the legislator will not
2 be appointed to serve as a committee chair or co-chair during the remainder of that
3 legislature;

4 (8) placing the person on probationary status;

5 (9) in the case of a legislator, expulsion from the house of the
6 legislature;

7 (10) any other appropriate measure.

8 (c) In addition to or in place of a sanction recommended under (b) of this
9 section, the committee may recommend that the subject of a complaint be required to
10 pay all or a portion of the costs related to the investigation and adjudication of a
11 complaint.

12 * **Sec. 37.** AS 24.60.200 is amended to read:

13 Sec. 24.60.200. FINANCIAL DISCLOSURE BY LEGISLATORS AND
14 LEGISLATIVE DIRECTORS. A legislator and a legislative director shall file a
15 disclosure statement, under oath and on penalty of perjury, with the Alaska Public
16 Offices Commission giving the following information about the income received by
17 them, their spouses, their dependent children, and their nondependent children who are
18 living with them:

19 (1) the information that a public official is required to report under
20 AS 39.50.030; **however, a legislator or legislative director is not required to report**
21 **[, EXCEPT THAT]** sources of income **[OTHER THAN GIFTS]** of \$1,000 or less,
22 **[AND]** loans of \$1,000 or less, **or any gifts** **[NEED NOT BE REPORTED];**

23 (2) as to income in excess of \$1,000 received as compensation for
24 personal services, the name and address of the source of the income, and a statement
25 describing the nature of the services performed; if the source of income is known or
26 reasonably should be known to have a substantial interest in legislative, administrative,
27 or political action and the recipient of the income is a legislator or a legislative
28 director, the amount of income received from the source shall be disclosed;

29 (3) as to each loan or loan guarantee over \$1,000 from a source with
30 a substantial interest in legislative, administrative, or political action, the name and
31 address of the person making the loan or guarantee, the amount of the loan, the terms

1 and conditions under which the loan or guarantee was given, the amount outstanding
2 at the time of filing, and whether or not a written loan agreement exists [;

3 (4) THE SOURCE OF A GIFT, OTHER THAN AN INHERITANCE,
4 RECEIVED DURING THE PRECEDING CALENDAR YEAR BY THE PERSON,
5 THE PERSON'S SPOUSE OR DEPENDENT CHILD, OR A NONDEPENDENT
6 CHILD OF THE PERSON WHO IS LIVING WITH THE PERSON, IF THE
7 AMOUNT OF THE GIFT EXCEEDS \$100 AND IS RECEIVED FROM A PERSON
8 WHO IS NOT A MEMBER OF THE RECIPIENT'S FAMILY].

9 * **Sec. 38.** AS 24.60.210 is amended to read:

10 Sec. 24.60.210. DEADLINES FOR FILING [OF] DISCLOSURE
11 STATEMENTS. A legislator and a legislative director shall file an annual report with
12 the Alaska Public Offices Commission, covering the previous calendar year, containing
13 the disclosures required by AS 24.60.200, on or before **February 15** [APRIL 15] of
14 each year.

15 * **Sec. 39.** AS 24.60.260(a) is amended to read:

16 (a) A person required to make a disclosure under this chapter may not
17 knowingly make a false or deliberately misleading or incomplete disclosure to the
18 committee or to the Alaska Public Offices Commission. **A person who files** [, OR
19 FILE] a disclosure after a deadline set by this chapter or by a regulation adopted by
20 the committee or by the Alaska Public Offices Commission **has violated this chapter**
21 **and may be subject to imposition of a fine as provided in (c) of this section or**
22 **AS 24.60.240.**

23 * **Sec. 40.** AS 24.60.260 is amended by adding a new subsection to read:

24 (c) The committee may impose a fine on a person who files a disclosure after
25 a deadline set by this chapter. The amount of the fine imposed under this subsection
26 may not exceed \$2 for each day to a maximum of \$25 per disclosure for an
27 inadvertent late disclosure. If the committee finds that a person intentionally waited
28 until after a deadline had passed to file a disclosure or, knowing a disclosure was
29 required under this chapter, intentionally failed to make the disclosure, the committee
30 may impose an additional fine of \$100 under this subsection.

31 * **Sec. 41.** This Act takes effect January 1, 1996.