

CS FOR SENATE BILL NO. 141(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/2/96

Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL FOR THE SELECT COMMITTEE ON LEGISLATIVE ETHICS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative ethics; prohibiting the spouses and cohabitants
2 of legislators from serving as legislative lobbyists; relating to campaigning by
3 state employees; relating to the filing of financial disclosures by certain state
4 employees and officials; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

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

10 * **Sec. 2.** AS 24.45 is amended by adding a new section to read:

11 Sec. 24.45.165. SPOUSES AND COHABITANTS OF LEGISLATORS. (a)
12 A spouse of or a person cohabitating with a legislator may not engage in lobbying the
13 legislature during the legislator's term of office.

14 (b) In this section,

- 1 (1) "engage in lobbying" means to act as a lobbyist;
- 2 (2) "person cohabitating with a legislator" means a person who is
- 3 cohabitating with the legislator in a conjugal relationship that is not a legal marriage.

4 * **Sec. 3.** AS 24.60.030(a) is amended to read:

5 (a) A legislator or legislative employee may not

6 (1) solicit, agree to accept, or accept a benefit other than official

7 compensation for the performance of public duties; this paragraph may not be

8 construed to prohibit lawful solicitation for and acceptance of campaign contributions

9 or the acceptance of a lawful gratuity under AS 24.60.080;

10 (2) use public funds, facilities, equipment, services, or another

11 government asset or resource for a nongovernmental purpose or for the private benefit

12 of either the legislator, legislative employee, or another person; this paragraph does not

13 prohibit

14 (A) [LIMITED] use of state property and resources for personal

15 purposes if the use does not interfere with the performance of public duties and

16 either the cost or value related to the use is nominal or the legislator or

17 legislative employee reimburses the state for the cost; a legislative

18 employee shall comply with the policy on use of state property adopted by

19 the employee's supervisor; this subparagraph does not apply to telephone

20 or facsimile use;

21 (B) the use of mailing lists, computer data, or other information

22 lawfully obtained from a government agency and available to the general public

23 for nongovernmental purposes; or

24 (C) telephone or facsimile use; however, a legislator or

25 legislative employee who incurs a special charge for use of the telephone

26 or facsimile machine shall reimburse the state for the cost [THAT DOES

27 NOT CARRY A SPECIAL CHARGE];

28 (3) knowingly seek, accept, use, allocate, grant, or award public funds

29 for a purpose other than that approved by law, or make a false statement in connection

30 with a claim, request, or application for compensation, reimbursement, or travel

31 allowances from public funds;

1 (4) require a legislative employee to perform services for the private
2 benefit of the legislator or employee at any time, or allow a legislative employee to
3 perform services for the private benefit of a legislator or employee on government
4 time; it is not a violation of this paragraph if the services were performed in an
5 unusual or infrequent situation and the person's services were reasonably necessary to
6 permit the legislator or legislative employee to perform official duties;

7 (5) use or authorize the use of state funds, facilities, equipment,
8 services, or another government asset or resource for the purpose of political fund
9 raising or campaigning; this paragraph does not prohibit

10 (A) [LIMITED] use of state property and resources for personal
11 purposes if the use does not interfere with the performance of public duties and
12 either the cost or value related to the use is nominal or the legislator or
13 legislative employee reimburses the state for the cost; a legislative
14 employee shall comply with the policy on use of state property adopted by
15 the employee's supervisor; this subparagraph does not apply to telephone
16 or facsimile use;

17 (B) the use of mailing lists, computer data, or other information
18 lawfully obtained from a government agency and available to the general public
19 for nongovernmental purposes; [OR]

20 (C) telephone or facsimile use; however, a legislator or
21 legislative employee who incurs a special charge for use of the telephone
22 or facsimile machine shall reimburse the state for the cost; or

23 (D) maintaining campaign records, including records
24 required by or relating to the Alaska Public Offices Commission, in a
25 legislator's office; however, an employee may not work on campaign
26 records on government time [THAT DOES NOT CARRY A SPECIAL
27 CHARGE].

28 * Sec. 4. AS 24.60.030(c) is repealed and reenacted to read:

29 (c) Unless approved by the committee, during a campaign period for an
30 election in which the legislator or legislative employee is a candidate, a legislator or
31 legislative employee may not use or permit another to use state funds, other than funds

1 to which the legislator is entitled as an office allowance, to print or distribute a
2 political mass mailing to individuals eligible to vote for the candidate. In this
3 subsection,

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

5 (A) begins 90 days before an election to the board of an electric
6 or telephone cooperative organized under AS 10.25, a municipal election or a
7 primary election or that begins on the date of the governor's proclamation
8 calling a special election; and

9 (B) ends the day after the cooperative election, municipal
10 election, or the general or special election;

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

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

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

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

20 * **Sec. 5.** AS 24.60.030(d) is amended to read:

21 (d) A legislator, **a legislative employee**, or another person on behalf of the
22 legislator **or legislative employee**, or a campaign committee of the legislator **or**
23 **legislative employee**, may not distribute or post campaign literature, placards, posters,
24 **fund-raising notices**, or other communications intended to influence the election of
25 a candidate in an election in public areas in a facility ordinarily used to conduct state
26 government business. **For purposes of this subsection, the office of a legislator is**
27 **not considered to be a public area.**

28 * **Sec. 6.** AS 24.60.030(f) is amended to read:

29 (f) A legislative employee may not serve in a position that requires
30 confirmation by the legislature. A legislator or legislative employee may serve on a
31 board of an organization, including a governmental entity, that regularly has a

1 substantial interest in the legislative activities of the legislator or employee, if the
2 legislator or employee discloses the board membership to the committee. **A legislator**
3 **or legislative employee who is required to make a disclosure under this subsection**
4 **shall file an annual written report with the committee by February 15 of each**
5 **year stating the name of each organization on whose board the person serves. If**
6 **the legislator or legislative employee becomes a member of a board after filing the**
7 **annual disclosure statement, or after February 15 if no annual disclosure**
8 **statement is filed, the legislator or legislative employee shall file a supplemental**
9 **disclosure within 60 days after appointment or election to the board. The**
10 **committee shall maintain a public record of the disclosure and forward the**
11 **disclosure to the appropriate house for inclusion in the journal. This subsection**
12 **does not require a legislator or legislative employee who is appointed to a board**
13 **by the presiding officer to make a disclosure of the appointment to the committee**
14 **if the appointment has been published in the appropriate legislative journal**
15 **during the calendar year.**

16 * **Sec. 7.** AS 24.60.030(g) is repealed and reenacted to read:

17 (g) A legislator or legislative employee who has a substantial financial interest
18 that may be affected by legislative, administrative, or political action may not take the
19 legislative, administrative, or political action unless the legislator or legislative
20 employee first discloses the financial interest as required by this subsection. Before
21 acting on a matter subject to this subsection in a legislative committee or a house of
22 the legislature, a legislator or legislative employee shall orally disclose the financial
23 interest to the committee or the legislative house, as appropriate. The disclosure shall
24 be reported in the journal or in the committee minutes, as appropriate. If the action
25 is not taken in a legislative committee or a house of the legislature, the legislator or
26 legislative employee shall disclose the financial interest to the committee in writing,
27 to be received by the committee within seven days after the legislator or legislative
28 employee took the action. This written disclosure is a public document. The
29 committee shall promptly forward the disclosure to the clerk of the house or the senate
30 secretary for publication in the journal. A disclosure under this subsection, whether
31 written or oral, must include the nature of the financial interest and a short description

1 of how the action taken affects the interest. In this subsection, a financial interest
2 includes

3 (1) an equity or ownership interest in a business, investment, real
4 property, lease, or other enterprise if the effect of the action on that interest is greater
5 than the effect on a substantial class of persons to which the legislator or legislative
6 employee belongs as a member of a profession, occupation, industry, or region;

7 (2) an interest based on employment of the legislator or legislative
8 employee or the spouse or dependent child of the legislator or legislative employee;

9 (3) an interest based on a contract in which the legislator or legislative
10 employee or the spouse or dependent child of the legislator or legislative employee is
11 entitled to receive a benefit from a business or other entity, including a personal
12 services contract;

13 (4) an interest created by membership on the board of directors of a
14 corporation regardless of whether the effect of the action on that interest is greater than
15 the effect on a substantial class of persons to which the legislator or legislative
16 employee belongs as a member of a profession, occupation, industry, or region.

17 * **Sec. 8.** AS 24.60.030 is amended by adding a new subsection to read:

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

26 * **Sec. 9.** AS 24.60.031(a) is amended to read:

27 (a) A legislator or legislative employee may not

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

31 (2) accept money from an event held **on a day when either house of the**
32 **legislature is in regular or special** [DURING A LEGISLATIVE] session if a substantial

1 purpose of the event is [EITHER] to raise money on behalf of the member or legislative
2 employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR] state legislative
3 political purposes; or

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

8 * **Sec. 10.** AS 24.60.039 is amended by adding a new subsection to read:

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

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

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

1 * **Sec. 12.** AS 24.60.040 is amended by adding a new subsection to read:

2 (c) This section does not apply to a contract or lease issued under a state
3 program or loan that is subject to AS 24.60.050. A grant that results in a contract but
4 that is not subject to AS 24.60.050 is subject to this section.

5 * **Sec. 13.** AS 24.60.050(c) is amended to read:

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

25 * **Sec. 14.** AS 24.60.060 is amended by adding a new subsection to read:

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

29 * **Sec. 15.** AS 24.60.070(b) is amended to read:

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

1 **existence. If the legislator or legislative employee forms a close economic association**
2 **after that date, the disclosure must be made within 60 days after forming the**
3 **association.** A disclosure under this section must be sufficiently detailed that a reader
4 of the disclosure can ascertain the nature of the association.

5 * **Sec. 16.** 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 relationship
7 with a lobbyist to whom the legislator or legislative employee is married or who is the
8 legislator's or legislative employee's spousal equivalent, the legislator or legislative
9 employee shall also disclose the name and address of each employer of the lobbyist and
10 the total monetary value received from the lobbyist's employer. The legislator or
11 legislative employee shall report changes in the employer of the spouse or spousal
12 equivalent within 48 hours after the change. In this subsection,

13 (1) "employer 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. 17.** 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 worth
20 **\$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 value.
23 **Except for food or beverage for immediate consumption, a legislator or legislative**
24 **employee** [, AND] may not solicit, accept, or receive during a legislative session a gift
25 with any monetary value from a lobbyist or a person acting on behalf of a lobbyist.

26 * **Sec. 18.** AS 24.60.080(c) is amended to read:

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

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

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

31 **however, a vacation home located outside the state is not considered a**
32 **residence for the purposes of this subparagraph;** or

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

12 * **Sec. 19.** AS 24.60.080(d) is amended to read:

13 (d) A legislator or legislative employee who accepts a gift under (c)(4) [OR (6)]

14 of this section shall disclose the gift if it has a value of **\$250** [\$100] or more; **the** [.

15 THE] disclosure must include the name and occupation of the person making the gift and

16 the approximate value of the gift. A gift under (c)(4) of this section required to be

17 disclosed under this subsection shall be disclosed **to the committee** within 30 days **after**

18 [OF] the receipt of the gift. **Except as provided in (i) of this section, a gift** [TO THE

19 COMMITTEE. GIFTS] under (c)(6) of this section **that has a value of \$250 or more**

20 shall be disclosed to the committee annually on or before **February 15** [APRIL 15] of

21 the following calendar year; **the** [AND THE] disclosure needs to include **only a**

22 **description of the gift and the identity of the donor** [THE VALUE ONLY IF THE

23 VALUE OF THE GIFT EXCEEDS \$250]. The committee shall maintain a public record

24 of the disclosure it receives relating to gifts under (c)(4) of this section and shall forward

25 the disclosure to the appropriate house for inclusion in the journal. Disclosures relating

26 to gifts under (c)(6) of this section shall be maintained, but are confidential and may only

27 be used by the committee and its employees and contractors in the investigation of a

28 possible violation of this section or in a proceeding under AS 24.60.170. If the

29 disclosures become part of the record of a proceeding under AS 24.60.170, the

30 confidentiality provisions of that section apply to the disclosures. **The committee shall**

31 **forward disclosures it receives from legislators concerning gifts under (c)(4) of this**

32 **section to the Alaska Public Offices Commission.**

1 * **Sec. 20.** AS 24.60.080(f) is amended to read:

2 (f) Notwithstanding (a) of this section, a legislator or legislative employee may
3 accept a gift of property worth \$250 [\$100] or more, other than money, from a foreign
4 government or from the government of the United States or another state or from
5 an official of a foreign government or of the government of the United States or
6 another state if the person accepts the gift on behalf of the legislature. The person shall,
7 within 60 days after [OF] receiving the gift, deliver the gift to the legislative council,
8 which shall determine the appropriate disposition of the gift.

9 * **Sec. 21.** AS 24.60.080(g) is amended to read:

10 (g) In this section, "immediate family" or "family member"

11 (1) means

12 (A) the spouse of the person;

13 (B) another person cohabiting with the person in a conjugal
14 relationship with the person that is not a legal marriage;

15 (C) a child, including a stepchild and an adoptive child, of the
16 person;

17 (D) a parent, sibling, grandparent, aunt, or uncle of the
18 person; and

19 (E) a parent, sibling, grandparent, aunt, or uncle of the
20 person's spouse [HAS THE MEANING GIVEN IN AS 24.60.990(a)(5) AND
21 INCLUDES THE GRANDPARENTS, AUNTS, AND UNCLES OF A PERSON,
22 AND ALSO INCLUDES A PERSON DESCRIBED IN THIS SUBSECTION OR
23 AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON BY MARRIAGE].

24 * **Sec. 22.** AS 24.60.080 is amended by adding new subsections to read:

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

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

1 value of the inheritance.

2 (j) A legislator, a legislative committee other than the Select Committee on
3 Legislative Ethics, or a legislative agency may accept (1) a gift of volunteer services
4 for legislative purposes so long as the person making the gift of services is not
5 receiving compensation from another source for the services or (2) a gift of the
6 services of a trainee who is participating in an educational program approved by the
7 committee if the services are used for legislative purposes. The committee shall
8 approve training under a program of the University of Alaska and training under 29
9 U.S.C. 1501 - 1792b (Job Training Partnership Act). A legislative volunteer or
10 educational trainee shall be considered to be a legislative employee for purposes of
11 compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158
12 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative volunteer
13 or educational trainee has violated the provisions of one of those sections, the person
14 may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to
15 the proceeding. This subsection does not permit a legislator or legislative employee
16 to accept a gift of services for nonlegislative purposes.

17 (k) A legislator or legislative employee who knows or reasonably ought to
18 know that a family member has received a gift because of the family member's
19 connection with the legislator or legislative employee shall report the receipt of the gift
20 by the family member to the committee if the gift would have to be reported under this
21 section if it had been received by the legislator or legislative employee or if receipt of
22 the gift by a legislator or legislative employee would be prohibited under this section.

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

25 * **Sec. 23.** AS 24.60.085(a) is amended to read:

26 (a) A legislator or legislative employee may not

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

31 (2) accept a payment of anything of value, except for actual and

1 necessarily incurred travel expenses, for an appearance or speech by the legislator or
2 legislative employee; this paragraph does not apply to the salary paid to a legislator
3 or legislative employee for making an appearance or speech as part of the legislator's
4 or legislative employee's normal course of employment.

5 * **Sec. 24.** AS 24.60.100 is amended to read:

6 Sec. 24.60.100. REPRESENTATION. A legislator or legislative employee
7 who represents another person for compensation before an agency, board, or
8 commission of the state shall disclose the name of the person represented, the subject
9 matter of the representation, and the body before which the representation is to take
10 place to the committee. **The disclosure shall be made within 60 days after**
11 **beginning the representation. In addition, a legislator or legislative employee**
12 **shall, no later than February 15, make an annual disclosure of all of the clients**
13 **represented during the previous calendar year.** The committee shall maintain a
14 public record of a [THE] disclosure **under this section** and forward the disclosure to
15 the respective house for inclusion in the journal. A legislator or legislative employee
16 may not represent another person for compensation before an agency, committee, or
17 other entity of the legislative branch.

18 * **Sec. 25.** AS 24.60 is amended by adding a new section to article 2 to read:

19 Sec. 24.60.111. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS.

20 (a) A legislator or legislative employee may establish a fund to assist with the
21 payment of attorney fees and other costs arising from the legislator's or employee's
22 defense of a civil, criminal, or administrative action brought against the legislator or
23 employee, or from the prosecution or defense of an administrative or judicial action
24 concerning a contested election in which the legislator or employee is a candidate.
25 Contributions to a fund under this section are not subject to the restrictions of
26 AS 24.60.080.

27 (b) The Alaska Public Offices Commission shall adopt regulations relating to
28 the methods of establishing a fund under this section, the accounting requirements for
29 a fund, the uses for which money from the fund may be expended, and the disposition
30 of surplus money in the fund. A person who violates these regulations is guilty of a
31 class B misdemeanor and is subject to civil sanctions as recommended by the

1 committee under AS 24.60.178.

2 * **Sec. 26.** AS 24.60.111 is repealed and reenacted to read:

3 Sec. 24.60.111. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS.

4 (a) A legislator or legislative employee may establish a fund to assist with the
5 payment of attorney fees and other costs arising from the legislator's or employee's
6 defense of a civil, criminal, or administrative action brought against the legislator or
7 employee, or from the prosecution or defense of an administrative or judicial action
8 concerning a contested election in which the legislator or legislative employee was a
9 candidate.

10 (b) Notwithstanding the deadlines imposed by AS 15.13.070(d), contributions
11 to the fund may be solicited, offered, and accepted at any time permitted under this
12 chapter. Notwithstanding AS 15.13.070(e), a legislator or legislative employee may
13 solicit and accept contributions to a fund established under this section at any time
14 whether or not the legislature is in session. Notwithstanding AS 15.13.072, a legislator
15 or legislative employee may use the fund for the purposes set out in (a) of this section.
16 Notwithstanding AS 15.13.073, a legislator or legislative employee may distribute
17 money in the candidate's campaign fund or other assets of the campaign remaining
18 after the date of an election to a fund established under this section.

19 (c) Contributions to a fund under this section are not subject to the restrictions
20 of AS 24.60.031 or 24.60.080.

21 (d) The Alaska Public Offices Commission shall adopt regulations relating to
22 the methods of establishing a fund under this section, the accounting requirements for
23 a fund, the uses for which money from the fund may be expended, and the disposition
24 of surplus money in the fund. A person who violates these regulations is guilty of a
25 class B misdemeanor and is subject to civil sanctions as recommended by the
26 committee under AS 24.60.178.

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

28 (f) The committee may contract for professional services and may employ staff
29 as it considers necessary. A committee employee, including a person who provides
30 personal services under a contract with the committee, may not be a legislator, an
31 elected or appointed official of a state or local governmental entity, an officer of a

1 political party, a candidate for public office, or a registered lobbyist. The legislative
2 council shall provide office space, equipment, and additional staff support for the
3 committee. The committee shall submit a budget for each fiscal year to the finance
4 committees of the legislature and shall annually submit an estimated budget to the
5 governor for information purposes in preparation of the state operating budget. **Public**
6 **members of the committee serve without compensation for their services, but are**
7 **entitled to travel and per diem expenses authorized for members of state boards**
8 **and commissions under AS 39.20.180.**

9 * **Sec. 28.** AS 24.60.130(h) is amended to read:

10 (h) A member is disqualified from participating as a member in any
11 proceeding before the committee involving a complaint against the member **or an**
12 **employee whose work is supervised by the member** or an advisory opinion
13 requested by the member. **If a regular legislative member is disqualified under this**
14 **subsection, an alternate shall be appointed under (o) of this section.** [IF THE
15 LEGISLATURE IS IN SESSION WHEN A LEGISLATIVE MEMBER IS
16 DISQUALIFIED UNDER THIS SUBSECTION, THE PRESIDING OFFICER OF
17 THAT MEMBER'S HOUSE SHALL, WITH THE CONCURRENCE BY ROLL
18 CALL VOTE OF TWO-THIRDS OF THE FULL MEMBERSHIP OF THAT HOUSE,
19 APPOINT ANOTHER MEMBER FROM THAT HOUSE TO ACT AS A MEMBER
20 OF THE COMMITTEE IN THE PROCEEDING. IF THE LEGISLATURE IS NOT
21 IN SESSION WHEN A LEGISLATIVE MEMBER IS DISQUALIFIED, THE
22 PRESIDING OFFICER OF THE HOUSE OF WHICH THE DISQUALIFIED
23 LEGISLATOR IS A MEMBER SHALL APPOINT ANOTHER MEMBER FROM
24 THAT HOUSE, WITH A RECORDED CONCURRENCE OF A MAJORITY VOTE
25 OF THE SUBCOMMITTEE OF THAT HOUSE, TO ACT AS A MEMBER OF THE
26 COMMITTEE IN THE PROCEEDING.]

27 * **Sec. 29.** AS 24.60.130 is amended by adding a new subsection to read:

28 (o) When appointing members of the legislature to serve on the committee, the
29 speaker of the house or the president of the senate, as appropriate, shall appoint an
30 alternate member for each regular member. An alternate must have the same
31 qualifications as the regular member for whom the alternate stands as alternate and is

1 subject to confirmation as required for the regular member. If a regular legislative
2 member of the committee or a subcommittee is disqualified under (h) of this section
3 from serving on the committee or the subcommittee during a proceeding under
4 AS 24.60.170, the chair of the committee or a subcommittee shall appoint the regular
5 member's alternate to serve in place of the regular member in the proceeding unless
6 the alternate is also disqualified from serving. The appointment shall be treated as
7 confidential to the same extent that the identity of the subject of a complaint is
8 required to be kept confidential.

9 * **Sec. 30.** AS 24.60.134(a) is amended to read:

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

15 (1) [PARTICIPATE IN] political management or in a political
16 campaign **for a candidate for election to federal, state, or local office, regardless**
17 **of whether the campaign is partisan or nonpartisan, or for a ballot measure of**
18 **any type** [DURING THE PERSON'S TERM OF OFFICE, EMPLOYMENT, OR
19 CONTRACT];

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

22 (A) a candidate for the legislature;

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

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

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

30 * **Sec. 31.** AS 24.60.134 is amended by adding new subsections to read:

31 (c) In addition to the prohibitions under (a) of this section, a public member

1 of the committee, an employee of the committee, or a person under contract to provide
2 personal services to the committee may not, during the duration of the person's term
3 of office or employment, or during the life of the contract, participate in or attend a
4 fund-raising event held on behalf of a political party.

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

12 * **Sec. 32.** AS 24.60.150(b) is amended to read:

13 (b) The committee may

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

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

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

25 * **Sec. 33.** AS 24.60.160 is amended to read:

26 Sec. 24.60.160. ADVISORY OPINIONS. **(a)** The committee shall issue an
27 advisory opinion within **60** [30] days on the request of a person to whom the chapter
28 applies or a person elected to the legislature who at the time of election is not a
29 member of the legislature as to whether the facts and circumstances of a particular case
30 constitute a violation of ethical standards. **If it finds that it is advisable to do so, the**
31 **committee may issue an opinion under this section on the request of a person who**

1 reasonably expects to become subject to this chapter within the next 45 days. The
2 60-day [30-DAY] period for issuing an opinion may be extended by the committee if
3 the person requesting the opinion consents.

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

12 * **Sec. 34.** AS 24.60.170(a) is amended to read:

13 (a) The committee shall consider a complaint alleging a violation of this
14 chapter if the alleged violation occurred within five years before [OF] the date that the
15 complaint is filed with the committee and, when the subject of the complaint is a
16 former member of the legislature, the complaint is filed within one year after [OF] the
17 subject's departure from the legislature. The committee may not consider a complaint
18 filed against all members of the legislature, against all members of one house of
19 the legislature, or against a person employed by the legislative branch of government
20 after the person has terminated legislative service. However, the committee may
21 reinstitute proceedings concerning a complaint that was closed because a former
22 employee terminated legislative service or because a legislator left the legislature
23 if the former employee or legislator resumes legislative service, whether as an
24 employee or legislator, within five years after the alleged violation. The committee
25 may also initiate complaints on its own motion, subject to the same time limitations.
26 The time limitations of this subsection do not bar proceedings against a person who
27 intentionally prevents discovery of a violation of this chapter.

28 * **Sec. 35.** AS 24.60.170(b) is amended to read:

29 (b) A complaint may be initiated by any person. The complaint must be in
30 writing and signed under oath by the person making the complaint. The committee
31 shall upon request provide a form for a complaint to a person wishing to file a

1 complaint. The committee shall immediately provide a copy of the complaint to the
2 person who is the subject of the complaint. The committee shall advise the
3 complainant of the provisions concerning release of confidential information set
4 out in (i) of this section.

5 * Sec. 36. AS 24.60.170(c) is amended to read:

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

30 * Sec. 37. AS 24.60.170(f) is amended to read:

31 (f) If the committee determines after investigation that there is not probable

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

10 * **Sec. 38.** AS 24.60.170(g) is amended to read:

11 (g) If the committee investigation determines that a probable violation of this
12 chapter exists that may be corrected by action of the subject of the complaint and that
13 does not warrant sanctions other than correction, the committee may issue an opinion
14 recommending corrective action. This opinion shall be provided to the complainant
15 and to the subject of the complaint, and is open to inspection by the public. The
16 subject of the complaint may comply with the opinion or may request a hearing before
17 the committee under (j) of this section. After the hearing the committee may amend
18 or affirm the opinion. **If the subject of the complaint agrees to comply with the**
19 **opinion but later fails to complete the corrective action in a timely manner, the**
20 **committee may formally charge the person as provided in (h) of this section or**
21 **may refer the matter to the appropriate house of the legislature, in the case of a**
22 **legislator, or, in the case of a legislative employee, to the employee's appointing**
23 **authority. The appropriate house of the legislature or the appointing authority,**
24 **as appropriate, may take action to enforce the corrective action or may decline**
25 **to take action and refer the matter to the committee. In that case, the committee**
26 **may formally charge the person under (h) of this section.**

27 * **Sec. 39.** AS 24.60.170(h) is amended to read:

28 (h) If the subject of a complaint fails to comply with an opinion **and the**
29 **committee formally charges the person** [ISSUED] under (g) of this section, or if the
30 committee determines after investigation that there is probable cause to believe that the
31 subject of the complaint has committed a violation of this chapter that may require

1 sanctions instead of or in addition to corrective action, the committee shall formally
2 charge the person. The charge shall be served on the person charged, in a manner
3 consistent with the service of summons under the rules of civil procedure, and a copy
4 of the charge shall be sent to the complainant. The person charged may file a
5 responsive pleading to the committee admitting or denying some or all of the
6 allegations of the charge.

7 * **Sec. 40.** AS 24.60.170(i) is amended to read:

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

11 **(1) impose reasonable restrictions on the time for this discovery and on**
12 **the materials that may be discovered;**

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

15 **(3) impose reasonable restrictions on the release of information that**
16 **the subject of a complaint acquires from the committee in the course of discovery,**
17 **or on information obtained by use of the committee's authority, in order to**
18 **protect the privacy of persons not under investigation to whom the information**
19 **pertains; however, the committee may not impose restrictions on the release of**
20 **information by the subject of the complaint unless the complainant has agreed to**
21 **be bound by similar restrictions and has not made public the information**
22 **contained in the complaint, information about the complaint, or the fact of filing**
23 **the complaint.**

24 * **Sec. 41.** AS 24.60.170(l) is amended to read:

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

1 appropriate law enforcement agency. If the committee finds evidence of a probable
2 violation of AS 15.13, the committee shall transmit a statement to that effect and
3 factual findings limited to the probable violation to the Alaska Public Offices
4 Commission. All meetings of the committee before the determination of probable
5 cause are closed to the public **and to legislators who are not members of the**
6 **committee. However, the committee shall permit the subject of the complaint and**
7 **the subject's attorney to attend any meeting concerning the complaint, including**
8 **confidential meetings. The committee shall notify the subject of the complaint of**
9 **the schedule of its proceedings.** The confidentiality provisions of this subsection may
10 be waived by the subject of the complaint, **except that the subject of the complaint**
11 **may not waive the confidentiality duty the committee owes to others.**

12 * **Sec. 42.** AS 24.60.174(a) is amended to read:

13 (a) If the person found to have violated this chapter is or was a member of the
14 legislature, the committee's recommendations shall be forwarded by the chair of the
15 committee to the presiding officer of the appropriate house of the legislature. **If the**
16 **committee recommends sanctions other than expulsion from the legislature, the**
17 **committee recommendation**

18 **(1) must include a suggested timetable for the compliance reports**
19 **required under (e) of this section, if any; and**

20 **(2) may include recommended fines that the legislature may impose**
21 **if the legislator who was found to have violated this chapter does not comply with**
22 **the sanctions imposed by the legislature in a timely manner.**

23 * **Sec. 43.** AS 24.60.174 is amended by adding a new subsection to read:

24 (e) When a house of the legislature imposes a sanction other than expulsion
25 on a member or former member, it shall advise the committee at the time of imposing
26 the sanction of the terms it has imposed and of the timetable for compliance adopted
27 with the sanctions. A legislator or former legislator on whom sanctions other than
28 expulsion have been imposed shall report to the committee as required by the
29 timetable. If the committee determines that the legislator or former legislator has not
30 complied fully and in a timely manner with the sanctions imposed by the legislature,
31 the committee may recommend that the legislature impose a fine or additional

1 sanctions.

2 * **Sec. 44.** AS 24.60.176 is amended to read:

3 Sec. 24.60.176. RECOMMENDATIONS WHERE VIOLATOR IS A
4 LEGISLATIVE EMPLOYEE. If the person found to have violated this chapter is or
5 was a legislative employee, the committee's recommendations shall be forwarded to
6 the appropriate appointing authority that shall, as soon as is reasonably possible,
7 determine the sanctions, if any, to be imposed. The appointing authority may not
8 question the committee's findings of fact. The appointing authority shall assume the
9 validity of the committee's findings [,] and determine and impose the appropriate
10 sanctions. **The appointing authority has the power to impose a sanction**
11 **recommended by the committee or to impose a different sanction. The appointing**
12 **authority shall enforce the sanction and shall report to the committee at a time**
13 **specified by the committee concerning the employee's compliance with the**
14 **sanction.**

15 * **Sec. 45.** AS 24.60.176 is amended by adding a new subsection to read:

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

17 (1) the legislative council for employees of the Legislative Affairs
18 Agency and of the legislative council and for legislative employees not otherwise
19 covered under this subsection;

20 (2) the Legislative Budget and Audit Committee for the legislative
21 fiscal analyst and employees of the division of legislative finance, the legislative
22 auditor and employees of the division of legislative audit, and employees of the
23 Legislative Budget and Audit Committee;

24 (3) the appropriate finance committee for employees of the senate or
25 house finance committees;

26 (4) the appropriate rules committee for employees of standing
27 committees of the legislature other than the finance committees, for employees of the
28 senate secretary's office and the office of the chief clerk of the house of
29 representatives;

30 (5) the legislator who made the hiring decision for employees of
31 individual legislators; however, the legislator may request the appropriate rules

1 committee to act in the legislator's stead;

2 (6) the ombudsman for employees of the office of the ombudsman,
3 other than the ombudsman;

4 (7) the legislature for the ombudsman.

5 * **Sec. 46.** AS 24.60 is amended by adding a new section to read:

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

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

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

12 (2) divestiture of specified assets or withdrawal from specified
13 associations;

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

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

19 (5) restitution of property or reimbursement of improperly received
20 benefits;

21 (6) public or private written reprimand;

22 (7) censure, including, in the case of a legislator, removal from a
23 leadership position or committee membership and a determination that the legislator
24 will not be appointed to serve in a leadership position or on a committee during the
25 remainder of that legislature;

26 (8) placing the person on probationary status;

27 (9) in the case of a legislator, expulsion from the house of the
28 legislature;

29 (10) any other appropriate measure.

30 (c) In addition to or in place of a sanction recommended under (b) of this
31 section, the committee may recommend that the subject of a complaint be required to

1 pay all or a portion of the costs related to the investigation and adjudication of a
2 complaint.

3 * **Sec. 47.** AS 24.60.200 is amended to read:

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

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

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

20 (3) as to each loan or loan guarantee over \$1,000 from a source with
21 a substantial interest in legislative, administrative, or political action, the name and
22 address of the person making the loan or guarantee, the amount of the loan, the terms
23 and conditions under which the loan or guarantee was given, the amount outstanding
24 at the time of filing, and whether or not a written loan agreement exists [;

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

31 * **Sec. 48.** AS 24.60.260(a) is amended to read:

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

8 * **Sec. 49.** AS 24.60.260 is amended by adding a new subsection to read:

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

16 * **Sec. 50.** AS 24.60.990(a)(5) is amended to read:

17 (5) "immediate family" means

18 (A) the spouse **of the person;**

19 (B) **another person cohabiting with the person in a conjugal**
20 **relationship with the person that is not a legal marriage; or**

21 (C) **a parent, child** [, PARENTS, CHILDREN], including a
22 stepchild and an adoptive child, and **sibling** [SIBLINGS] of a person **if the**
23 **parent, child, or sibling resides with the person, is financially dependent**
24 **on the person, or shares a substantial financial interest with the person;**

25 * **Sec. 51.** AS 39.25.160 is amended by adding a new subsection to read:

26 (j) A state employee, whether in the classified, partially exempt, or exempt
27 service, may not campaign on behalf of a political candidate on government time.
28 This subsection does not prohibit the employees of the division of elections from
29 carrying out duties related to elections or the members and employees of the
30 commission on judicial conduct from carrying out duties relating to the evaluation of
31 justices and judges.

1 * **Sec. 52.** AS 39.50.020 is amended to read:

2 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS.

3 (a) A **public official as defined in AS 39.50.200** [JUDICIAL OFFICER,
4 COMMISSIONER, CHAIR OR MEMBER OF A STATE COMMISSION OR BOARD
5 SPECIFIED IN AS 39.50.200(b), A PERSON HIRED OR APPOINTED AS HEAD
6 OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A
7 DEPARTMENT IN THE EXECUTIVE BRANCH, A PERSON APPOINTED
8 AS ASSISTANT TO THE GOVERNOR, A STATE INVESTMENT OFFICER AND
9 THE STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, AND A
10 MUNICIPAL OFFICER] shall file a statement giving income sources and business
11 interests, under oath and on penalty of perjury, within 30 days after taking office as
12 a public official. Candidates for state elective office other than a candidate who is
13 subject to AS 24.60 shall file **the** [SUCH A] statement with the director of elections
14 at the time of filing a declaration of candidacy or a nominating petition, or within 30
15 days **after** [OF] becoming a candidate by any other means. Candidates for elective
16 municipal office shall file **the** [SUCH A] statement at the time of filing a nominating
17 petition, declaration of candidacy, or other required filing for the elective municipal
18 office. Refusal or failure to file within the time prescribed shall require that the
19 candidate's filing fees, if any, and filing for office be refused or that a previously
20 accepted filing fee be returned and the candidate's name removed from the filing
21 records. A statement shall also be filed by public officials no later than April 15 or 15
22 days after the person files a federal income tax return in each following year,
23 whichever comes first. Persons who are members of boards or commissions not named
24 in AS 39.50.200(b) are not required to file financial statements.

25 (b) **A public official other than an elected or appointed municipal officer**
26 [THE GOVERNOR, LIEUTENANT GOVERNOR, JUDICIAL OFFICERS, EACH
27 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A
28 DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH,
29 ASSISTANT TO THE GOVERNOR, STATE INVESTMENT OFFICERS AND THE
30 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR
31 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER

1 THIS CHAPTER,] shall file the statement with the Alaska Public Offices Commission.
2 Candidates for the office of governor and lieutenant governor and, if the candidate is
3 not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or
4 15.25.180. Municipal officers, and candidates for elective municipal office, shall file
5 with the municipal clerk or other municipal official designated to receive their filing
6 for office. All statements required to be filed under this chapter are public records.

7 * **Sec. 53.** AS 39.50.070 is amended to read:

8 Sec. 39.50.070. FAILURE TO REPORT BY CERTAIN STATE
9 EMPLOYEES [DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT
10 HEADS]. A person hired or appointed as the head or deputy head of, or director of
11 a division within, a department in the executive branch or another state employee
12 subject to this chapter who refuses or fails to file a report of financial interests
13 required under this chapter when due may not hold office, and the person's name may
14 not be submitted to the legislature for confirmation, until the person complies. The
15 person may not be confirmed, hired, or appointed, and the person forfeits and may not
16 be paid any salary, per diem, or travel expenses, until the person complies. If, after
17 installation as the head or deputy head of, or director of a division within, a
18 department, or, for other state employees, after beginning employment in the
19 position subject to this chapter, the person refuses or fails to file the required
20 statement when due, the person is guilty of a misdemeanor and upon conviction is
21 punishable by a fine of not less than \$100 nor more than \$1,000 and shall be removed
22 from office if compliance is not made within 30 days after the due date of the report.

23 * **Sec. 54.** AS 39.50.080 is amended to read:

24 Sec. 39.50.080. FAILURE TO REPORT BY A COMMISSION OR BOARD
25 CHAIR [CHAIRMAN] OR MEMBER. A person hired or appointed as a
26 commissioner, chair, [CHAIRMAN] or member of a state commission or board
27 specified in AS 39.50.200(b), including the executive director of the Alaska
28 Tourism Marketing Council, who fails to file a report of financial interests required
29 under this chapter when due may not hold office, and the person's name may not be
30 submitted to the legislature until the person complies. The person may not be
31 confirmed, and the person forfeits and may not be paid any salary, per diem or travel

1 expenses, until the person complies. If, after being seated as commissioner, chair,
2 [CHAIRMAN] or member of the [SUCH A] commission or board the person refuses
3 or fails to file the required statement when due, the person is guilty of a misdemeanor
4 and upon conviction is punishable by a fine of not less than \$100 nor more than
5 \$1,000 and shall be removed from office if compliance is not made within 30 days
6 after the due date.

7 * **Sec. 55.** AS 39.50.200(a)(8) is amended to read:

8 (8) "public official" means a judicial officer, the governor, the
9 lieutenant governor, a person hired or appointed as the head or deputy head of, or
10 director of a division, a department in the executive branch, [AN ASSISTANT TO
11 THE GOVERNOR,] chair or member of a state commission or board, [STATE
12 INVESTMENT OFFICERS AND THE STATE COMPTROLLER IN THE
13 DEPARTMENT OF REVENUE,] the executive director of the Alaska Tourism
14 Marketing Council, another state employee subject to this chapter, and each
15 appointed or elected municipal officer;

16 * **Sec. 56.** AS 39.50.200(a) is amended by adding a new paragraph to read:

17 (10) "another state employee subject to this chapter" means a state
18 employee who is employed in a position in the executive branch of state government
19 in the exempt or partially exempt service and who is compensated at Range 21 or
20 above on the state salary schedule under AS 39.27.011, an assistant to the governor,
21 and a state investment officer, and the state comptroller in the Department of Revenue,
22 but does not include a state officer or employee who is otherwise included in the
23 definition of "public official" under this section.

24 * **Sec. 57.** Section 26 of this Act takes effect only if an initiative relating to election
25 campaign financing and the Alaska Public Offices Commission is approved by the voters in
26 1996.

27 * **Sec. 58.** If sec. 26 of this Act takes effect, it takes effect on the day after the initiative
28 described in sec. 57 of this Act takes effect.

29 * **Sec. 59.** This Act takes effect January 1, 1997.