

CS FOR SENATE BILL NO. 141(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/1/96

Referred: Today's Calendar

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 and executive branch ethics; relating to the
2 conduct of lobbyists with respect to public officials; relating to campaigning by
3 state employees; relating to the filing of financial disclosures by certain state
4 employees and officials; making a conforming amendment to the definition of
5 'public official' for employment security statutes; and providing for an effective
6 date."

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

8 * **Section 1.** AS 23.20.526(d) is amended to read:

9 (d) For the purposes of AS 23.20.525(a)(4) - (6) and (14), the term
10 "employment" does not apply to service performed

11 (1) by a duly ordained, commissioned, or licensed minister of a church
12 in the exercise of the person's ministry or by a member of a religious order in the
13 exercise of duties required by the order;

1 (2) in a facility conducted for the purpose of carrying out a program
2 of rehabilitation for individuals whose earning capacity is impaired by age or physical
3 or mental deficiency or injury or providing remunerative work for individuals who,
4 because of their impaired physical or mental capacity, cannot be readily absorbed in
5 the competitive labor market by an individual receiving the rehabilitation or
6 remunerative work;

7 (3) as part of an unemployment work-relief or work-training program
8 assisted or financed in whole or in part by any federal agency or any agency of a state
9 or political subdivision of the state, by an individual receiving work relief or work
10 training;

11 (4) for a state hospital by an inmate of a prison or correctional
12 institution;

13 (5) in the employ of a school, college, or university [,] if the service
14 is performed by a student who is enrolled and is regularly attending classes at the
15 school, college, or university;

16 (6) by an individual under the age of 22 who is enrolled at a nonprofit
17 or public educational institution **that** [WHICH] normally maintains a regular faculty
18 and curriculum and normally has a regularly organized body of students in attendance
19 at the place where its educational activities are carried on as a student in a full-time
20 program, taken for credit at the institution, **that** [WHICH] combines academic
21 instruction with work experience, if the service is an integral part of the program, and
22 the institution has so certified to the employer, except that this paragraph does not
23 apply to service performed in a program established for or on behalf of an employer
24 or group of employers;

25 (7) in the employ of a hospital, if the service is performed by a patient
26 of the hospital, as defined in AS 23.20.520;

27 (8) in the employ of the state or a political subdivision of the state if
28 the service is performed by an individual in the exercise of duties

29 (A) as a **judicial officer, the governor, the lieutenant**
30 **governor, a person hired or appointed as the head or deputy head of a**
31 **department in the executive branch, a person hired or appointed as the**

1 director of a division of a department in the executive branch, an assistant
2 to the governor, a chair or member of a state commission or board, state
3 investment officers and the state comptroller in the Department of
4 Revenue, the executive director of the Alaska Tourism Marketing Council,
5 an appointed or elected municipal officer ["PUBLIC OFFICIAL"
6 AS DEFINED IN AS 39.50.200(a)], any other elected official, the fiscal analyst
7 of the legislative finance division, the legislative auditor of the legislative audit
8 division, the executive director of the Legislative Affairs Agency, and the
9 directors of the divisions within the Legislative Affairs Agency;

10 (B) as a member of the Alaska Army National Guard or Alaska
11 Air National Guard or Alaska Naval Militia; or

12 (C) as an employee serving on only a temporary basis in case
13 of fire, storm, snow, earthquake, flood, or similar emergency;

14 (9) in the employ of

15 (A) a church or a convention or association of churches; or

16 (B) an organization that [WHICH] is operated primarily for
17 religious purposes and that [WHICH] is operated, supervised, controlled, or
18 principally supported by a church or a convention or association of churches.

19 * **Sec. 2.** AS 24.25.010(e) is amended to read:

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

23 * **Sec. 3.** AS 24.45 is amended by adding a new section to read:

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

27 (b) In this section,

28 (1) "engage in lobbying" means to act as a lobbyist;

29 (2) "person cohabitating with a legislator" means a person who is
30 cohabitating with the legislator in a conjugal relationship that is not a legal marriage.

31 * **Sec. 4.** AS 24.45.171(12) is amended to read:

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(12) "public official" or "public officer" means a

(A) public official as defined in AS 39.50.200(a) **but does not include a judicial officer or an elected or appointed municipal officer;**

(B) [,] a member of the legislature; [,] or

(C) a legislative director **or another legislative employee who is subject to disclosure** as defined in AS 24.60.990(a) [; HOWEVER, IT DOES NOT INCLUDE A JUDICIAL OFFICER OR AN ELECTED OR APPOINTED MUNICIPAL OFFICER].

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

(a) A legislator or legislative employee may not

(1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions or the acceptance of a lawful gratuity under AS 24.60.080;

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nongovernmental purpose or for the private benefit of either the legislator, legislative employee, or another person; this paragraph does not prohibit

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

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

(C) telephone **or facsimile** use; **however, a legislator or legislative employee who incurs a special charge for use of the telephone or facsimile machine shall reimburse the state for the cost** [THAT DOES

1 NOT CARRY A SPECIAL CHARGE];

2 (3) knowingly seek, accept, use, allocate, grant, or award public funds
3 for a purpose other than that approved by law, or make a false statement in connection
4 with a claim, request, or application for compensation, reimbursement, or travel
5 allowances from public funds;

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

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

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

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

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

28 (D) maintaining campaign records, including records
29 required by or relating to the Alaska Public Offices Commission, in a
30 legislator's office; however, an employee may not work on campaign
31 records on government time [THAT DOES NOT CARRY A SPECIAL

1 CHARGE].

2 * **Sec. 6.** AS 24.60.030(c) is repealed and reenacted to read:

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

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

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

14 (B) ends the day after the cooperative election, municipal
15 election, or the general or special election;

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

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

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

23 (C) person other than a legislator or a legislative employee who
24 is a candidate for election to a federal, state, or municipal office or to the board
25 of a telephone or electric cooperative.

26 * **Sec. 7.** AS 24.60.030(d) is amended to read:

27 (d) A legislator, **a legislative employee**, or another person on behalf of the
28 legislator **or legislative employee**, or a campaign committee of the legislator **or**
29 **legislative employee**, may not distribute or post campaign literature, placards, posters,
30 **fund-raising notices**, or other communications intended to influence the election of
31 a candidate in an election in public areas in a facility ordinarily used to conduct state

1 government business. **For purposes of this subsection, the office of a legislator is**
2 **not considered to be a public area.**

3 * **Sec. 8.** AS 24.60.030(f) is amended to read:

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

22 * **Sec. 9.** AS 24.60.030(g) is repealed and reenacted to read:

23 (g) A legislator or legislative employee who has a substantial financial interest
24 that may be affected by legislative, administrative, or political action may not take the
25 legislative, administrative, or political action unless the legislator or legislative
26 employee first discloses the financial interest as required by this subsection. Before
27 acting on a matter subject to this subsection in a legislative committee or a house of
28 the legislature, a legislator or legislative employee shall orally disclose the financial
29 interest to the committee or the legislative house, as appropriate. The disclosure shall
30 be reported in the journal or in the committee minutes, as appropriate. If the action
31 is not taken in a legislative committee or a house of the legislature, the legislator or

1 legislative employee shall disclose the financial interest to the ethics committee in
2 writing, to be received by the ethics committee within seven days after the legislator
3 or legislative employee took the action. This written disclosure is a public document.
4 The ethics committee shall promptly forward the disclosure to the clerk of the house
5 or the senate secretary for publication in the journal. A disclosure under this
6 subsection, whether written or oral, must include the nature of the financial interest and
7 a short description of how the action taken affects the interest. In this subsection, a
8 financial interest includes

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

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

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

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

23 * **Sec. 10.** AS 24.60.030 is amended by adding a new subsection to read:

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

32 * **Sec. 11.** AS 24.60.031(a) is amended to read:

1 (a) A legislator or legislative employee may not
2 (1) **on a day when either house of** [WHILE] the legislature is in regular
3 or special session, solicit or accept a contribution or a promise or pledge to make a
4 contribution for a state legislative campaign;
5 (2) accept money from an event held **on a day when either house of the**
6 **legislature is in regular or special** [DURING A LEGISLATIVE] session if a substantial
7 purpose of the event is [EITHER] to raise money on behalf of the member or legislative
8 employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR] state legislative
9 political purposes; or
10 (3) expend money in a state legislative campaign that was raised by or
11 on behalf of a legislator **on a day when either house of the legislature was in**
12 [DURING] a legislative session under **a declaration of candidacy or** a general letter of
13 intent to become a candidate for public office.

14 * **Sec. 12.** AS 24.60.039 is amended by adding a new subsection to read:

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

20 * **Sec. 13.** AS 24.60.040(a) is amended to read:

21 (a) A legislator or legislative employee, or a member of the immediate family
22 of a legislator or legislative employee may not be a party to or have an interest in a state
23 contract or lease unless the contract or lease is let [THROUGH COMPETITIVE
24 SEALED BIDDING] under AS 36.30 (State Procurement Code) **or, for agencies that**
25 **are not subject to AS 36.30, under similar procedures** or the total annual amount of
26 the state contract or lease is **\$5,000** [\$1,000] or less, or is a standardized contract or lease
27 that was developed under publicly established guidelines and is generally available to the
28 public at large **or to** [,] members of a profession, occupation, or group. A person has an
29 interest in a state contract or lease under this section if the person receives direct or
30 indirect financial benefits. **A legislator or legislative employee who participates in,**
31 **or who knows or reasonably ought to know that a family member is participating**
32 **in, a state contract or lease that has an annual value of \$5,000 or more shall disclose**

1 the participation to the committee by February 15 of each year. The disclosure
2 must state the amount of the contract or lease and the name of the state agency
3 issuing the contract or lease, and must identify the procedures under which the
4 contract or lease was issued. If the disclosure concerns a contract or lease in which
5 a family member of the discloser is participating, the disclosure must identify the
6 relationship between the participant and the discloser.

7 * Sec. 14. AS 24.60.040 is amended by adding a new subsection to read:

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

11 * Sec. 15. AS 24.60.050(c) is amended to read:

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

31 * Sec. 16. AS 24.60.060 is amended by adding a new subsection to read:

32 (b) A legislator or legislative employee who is the subject of a complaint under

1 AS 24.60.170 violates this section if the legislator or legislative employee violates a
2 protective order issued under AS 24.60.170(i).

3 * **Sec. 17.** AS 24.60.070(b) is amended to read:

4 (b) **A legislator or legislative employee required to make a disclosure under**
5 **this section shall make an annual disclosure no later than February 15 of each year**
6 **of the legislator's or legislative employee's close economic associations then in**
7 **existence. If the legislator or legislative employee forms a close economic association**
8 **after that date, the disclosure must be made within 60 days after forming the**
9 **association.** A disclosure under this section must be sufficiently detailed that a reader
10 of the disclosure can ascertain the nature of the association.

11 * **Sec. 18.** AS 24.60.070 is amended by adding a new subsection to read:

12 (d) When making a disclosure under (a) of this section concerning a relationship
13 with a lobbyist to whom the legislator or legislative employee is married or who is the
14 legislator's or legislative employee's spousal equivalent, the legislator or legislative
15 employee shall also disclose the name and address of each employer of the lobbyist and
16 the total monetary value received from the lobbyist's employer. The legislator or
17 legislative employee shall report changes in the employer of the spouse or spousal
18 equivalent within 48 hours after the change. In this subsection,

19 (1) "employer of the lobbyist" means the person from whom the lobbyist
20 received amounts or things of value for engaging in lobbying on behalf of the person;

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

23 * **Sec. 19.** AS 24.60.080(a) is amended to read:

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

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

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

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

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

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

7 (B) at a social event or meal;

8 (2) discounts that are available

9 (A) generally to the public or to a large class of persons to which
10 the person belongs; **or**

11 **(B) when on state business;**

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

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

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

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

18 * **Sec. 21.** AS 24.60.080(d) is amended to read:

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

1 be used by the committee and its employees and contractors in the investigation of a
2 possible violation of this section or in a proceeding under AS 24.60.170. If the
3 disclosures become part of the record of a proceeding under AS 24.60.170, the
4 confidentiality provisions of that section apply to the disclosures. **The committee shall**
5 **forward disclosures it receives from legislators concerning gifts under (c)(4) of this**
6 **section to the Alaska Public Offices Commission.**

7 * **Sec. 22.** AS 24.60.080(f) is amended to read:

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

15 * **Sec. 23.** AS 24.60.080(g) is amended to read:

16 (g) In this section, "immediate family" **or "family member" means**

17 **(1) the spouse of the person;**

18 **(2) another person cohabiting with the person in a conjugal**
19 **relationship that is not a legal marriage;**

20 **(3) a child, including a stepchild and an adoptive child, of the person;**

21 **(4) a parent, sibling, grandparent, aunt, or uncle of the person; and**

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

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

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

31 (i) A legislator or legislative employee who receives an inheritance from a
32 person other than a family member shall disclose the fact of the receipt of an

1 inheritance and the identity of the person from whom it was received to the committee
2 within 60 days after receiving notice of the inheritance. The committee shall maintain
3 a public record of the disclosure. This subsection does not require disclosure of the
4 value of the inheritance.

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

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

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

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

30 (a) A legislator or legislative employee may not

31 (1) seek or accept compensation for personal services that is

1 significantly greater than the value of [INVOLVES PAYMENTS THAT ARE NOT
2 COMMENSURATE WITH] the services rendered taking into account the higher rates
3 generally charged by specialists in a profession; or

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

9 * **Sec. 26.** AS 24.60.100 is amended to read:

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

22 * **Sec. 27.** AS 24.60 is amended by adding a new section to article 2 to read:

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

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

31 (b) The Alaska Public Offices Commission shall adopt regulations relating to

1 the methods of establishing a fund under this section, the accounting requirements for
2 a fund, the uses for which money from the fund may be expended, and the disposition
3 of surplus money in the fund. A person who violates these regulations is guilty of a
4 class B misdemeanor and is subject to civil sanctions as recommended by the
5 committee under AS 24.60.178.

6 * **Sec. 28.** AS 24.60.111 is repealed and reenacted to read:

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

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

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

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

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

31 * **Sec. 29.** AS 24.60.130(f) is amended to read:

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

13 * **Sec. 30.** AS 24.60.130(h) is amended to read:

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

31 * **Sec. 31.** AS 24.60.130 is amended by adding a new subsection to read:

1 (o) When appointing members of the legislature to serve on the committee, the
2 speaker of the house or the president of the senate, as appropriate, shall appoint an
3 alternate member for each regular member. An alternate must have the same
4 qualifications as the regular member for whom the alternate stands as alternate and is
5 subject to confirmation as required for the regular member. If a regular legislative
6 member of the committee or a subcommittee is disqualified under (h) of this section
7 from serving on the committee or the subcommittee during a proceeding under
8 AS 24.60.170, the chair of the committee or a subcommittee shall appoint the regular
9 member's alternate to serve in place of the regular member in the proceeding unless
10 the alternate is also disqualified from serving. The appointment shall be treated as
11 confidential to the same extent that the identity of the subject of a complaint is
12 required to be kept confidential.

13 * **Sec. 32.** AS 24.60.134(a) is amended to read:

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

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

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

26 (A) a candidate for the legislature;

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

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

31 (3) [PARTICIPATE IN] lobbying activities that would require the

1 person to register as a lobbyist except as required to inform the legislature concerning
2 legislation requested by the committee or other matters related to the committee.

3 * **Sec. 33.** AS 24.60.134 is amended by adding new subsections to read:

4 (c) In addition to the prohibitions under (a) of this section and except as
5 provided in (d) of this section, a public member of the committee, an employee of the
6 committee, or a person under contract to provide personal services to the committee
7 may not, during the duration of the person's term of office or employment, or during
8 the life of the contract, participate in or attend a fund-raising event held on behalf of
9 a political party.

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

17 * **Sec. 34.** AS 24.60.150(b) is amended to read:

18 (b) The committee may

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

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

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

30 * **Sec. 35.** AS 24.60.160 is amended to read:

31 Sec. 24.60.160. ADVISORY OPINIONS. **(a)** The committee shall issue an

1 advisory opinion within **60** [30] days on the request of a person to whom the chapter
2 applies or a person elected to the legislature who at the time of election is not a
3 member of the legislature as to whether the facts and circumstances of a particular case
4 constitute a violation of ethical standards. **If it finds that it is advisable to do so, the**
5 **committee may issue an opinion under this section on the request of a person who**
6 **reasonably expects to become subject to this chapter within the next 45 days.** The
7 **60-day** [30-DAY] period for issuing an opinion may be extended by the committee if
8 the person requesting the opinion consents.

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

17 * **Sec. 36.** AS 24.60.170(a) is amended to read:

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

1 intentionally prevents discovery of a violation of this chapter.

2 * **Sec. 37.** AS 24.60.170(b) is amended to read:

3 (b) A complaint may be initiated by any person. The complaint must be in
4 writing and signed under oath by the person making the complaint. The committee
5 shall upon request provide a form for a complaint to a person wishing to file a
6 complaint. The committee shall immediately provide a copy of the complaint to the
7 person who is the subject of the complaint. **The committee shall advise the**
8 **complainant of the provisions concerning release of confidential information set**
9 **out in (i) of this section.**

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

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

1 dismissal under this subsection are confidential as provided in (l) of this section
2 unless the subject of the complaint waives confidentiality as provided in that
3 subsection.

4 * **Sec. 39.** AS 24.60.170(f) is amended to read:

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

15 * **Sec. 40.** AS 24.60.170(g) is amended to read:

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

1 * **Sec. 41.** AS 24.60.170(h) is amended to read:

2 (h) If the subject of a complaint fails to comply with an opinion **and the**
3 **committee formally charges the person** [ISSUED] under (g) of this section, or if the
4 committee determines after investigation that there is probable cause to believe that the
5 subject of the complaint has committed a violation of this chapter that may require
6 sanctions instead of or in addition to corrective action, the committee shall formally
7 charge the person. The charge shall be served on the person charged, in a manner
8 consistent with the service of summons under the rules of civil procedure, and a copy
9 of the charge shall be sent to the complainant. The person charged may file a
10 responsive pleading to the committee admitting or denying some or all of the
11 allegations of the charge.

12 * **Sec. 42.** AS 24.60.170(i) is amended to read:

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

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

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

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

29 * **Sec. 43.** AS 24.60.170(l) is amended to read:

30 (l) Proceedings of the committee relating to complaints before it are
31 confidential until the committee determines that there is probable cause to believe that

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

17 * **Sec. 44.** AS 24.60.174(a) is amended to read:

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

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

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

28 * **Sec. 45.** AS 24.60.174 is amended by adding a new subsection to read:

29 (e) When a house of the legislature imposes a sanction other than expulsion
30 on a member or former member, it shall advise the committee at the time of imposing
31 the sanction of the terms it has imposed and of the timetable for compliance adopted

1 with the sanctions. A legislator or former legislator on whom sanctions other than
2 expulsion have been imposed shall report to the committee as required by the
3 timetable. If the committee determines that the legislator or former legislator has not
4 complied fully and in a timely manner with the sanctions imposed by the legislature,
5 the committee may recommend that the legislature impose a fine or additional
6 sanctions.

7 * **Sec. 46.** AS 24.60.176 is amended to read:

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

20 * **Sec. 47.** AS 24.60.176 is amended by adding a new subsection to read:

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

22 (1) the legislative council for employees of the Legislative Affairs
23 Agency and of the legislative council and for legislative employees not otherwise
24 covered under this subsection;

25 (2) the Legislative Budget and Audit Committee for the legislative
26 fiscal analyst and employees of the division of legislative finance, the legislative
27 auditor and employees of the division of legislative audit, and employees of the
28 Legislative Budget and Audit Committee;

29 (3) the appropriate finance committee for employees of the senate or
30 house finance committees;

31 (4) the appropriate rules committee for employees of standing

1 committees of the legislature other than the finance committees, for employees of the
2 senate secretary's office and the office of the chief clerk of the house of
3 representatives;

4 (5) the legislator who made the hiring decision for employees of
5 individual legislators; however, the legislator may request the appropriate rules
6 committee to act in the legislator's stead;

7 (6) the ombudsman for employees of the office of the ombudsman,
8 other than the ombudsman;

9 (7) the legislature for the ombudsman.

10 * **Sec. 48.** AS 24.60 is amended by adding a new section to read:

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

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

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

17 (2) divestiture of specified assets or withdrawal from specified
18 associations;

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

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

24 (5) restitution of property or reimbursement of improperly received
25 benefits;

26 (6) public or private written reprimand;

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

31 (8) placing the person on probationary status;

1 (9) in the case of a legislator, expulsion from the house of the
2 legislature;

3 (10) any other appropriate measure.

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

8 * **Sec. 49.** AS 24.60.200 is amended to read:

9 Sec. 24.60.200. FINANCIAL DISCLOSURE BY LEGISLATORS, [AND]
10 LEGISLATIVE DIRECTORS, AND CERTAIN LEGISLATIVE EMPLOYEES. A
11 legislator, [AND] a legislative director, and a legislative employee who is required
12 to disclose shall file a disclosure statement, under oath and on penalty of perjury, with
13 the Alaska Public Offices Commission giving the following information about the
14 income received by them, their spouses, their dependent children, and their
15 nondependent children who are living with them:

16 (1) the information that a public official is required to report under
17 AS 39.50.030; however, a legislator, legislative director, or legislative employee is
18 not required to report any gifts [, EXCEPT THAT SOURCES OF INCOME OTHER
19 THAN GIFTS OF \$1,000 OR LESS, AND LOANS OF \$1,000 OR LESS NEED NOT
20 BE REPORTED];

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

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

1 at the time of filing, and whether or not a written loan agreement exists [;

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

8 * **Sec. 50.** AS 24.60.210 is amended to read:

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

14 * **Sec. 51.** AS 24.60.240 is amended to read:

15 Sec. 24.60.240. CIVIL PENALTY FOR LATE FILING. A legislator, [OR]
16 a legislative director, **or a legislative employee who is required to disclose** who fails
17 to file a properly completed report under AS 24.60.200 is subject to a civil penalty of
18 not more than \$10 a day for each day the delinquency continues as the Alaska Public
19 Offices Commission determines, subject to appeal to the superior court. An affidavit
20 stating facts in mitigation may be submitted to the Alaska Public Offices Commission
21 by the person against whom the civil penalty is assessed. However, the imposition of
22 the penalties prescribed in this section does not excuse the person from filing reports
23 required by AS 24.60.200.

24 * **Sec. 52.** AS 24.60.250 is amended to read:

25 Sec. 24.60.250. EFFECT OF FAILURE TO FILE BY LEGISLATIVE
26 CANDIDATE. In addition to the sanctions described in AS 24.60.260, if the Alaska
27 Public Offices Commission finds that a candidate for the legislature who is an
28 incumbent legislator, [OR A] legislative director, **or legislative employee who is**
29 **required to disclose** has failed or refused to file a report under AS 24.60.200 by a
30 deadline established in AS 24.60.210, it shall notify the lieutenant governor. The
31 candidate shall forfeit nomination to office and may not be seated in office. The

1 lieutenant governor may not certify the person's nomination for office or election to
2 office and nomination to the office shall be certified as provided in AS 39.50.060(b).

3 * **Sec. 53.** AS 24.60.260(a) is amended to read:

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

11 * **Sec. 54.** AS 24.60.260 is amended by adding a new subsection to read:

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

19 * **Sec. 55.** AS 24.60.990(a)(5) is amended to read:

20 (5) "immediate family" means

21 (A) the spouse of the person;

22 (B) another person cohabiting with the person in a conjugal
23 relationship that is not a legal marriage; or

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

28 * **Sec. 56.** AS 24.60.990(a) is amended by adding a new paragraph to read:

29 (15) "legislative employee who is required to disclose" means a
30 legislative employee, other than a legislator or a legislative director, who is
31 compensated at Range 19 or above of the state salary schedule under AS 39.27.011.

1 * **Sec. 57.** AS 39.25.070 is amended to read:

2 Sec. 39.25.070. POWERS AND DUTIES OF PERSONNEL BOARD. In
3 addition to the other duties imposed by this chapter, the personnel board shall

4 (1) approve or disapprove amendments to the personnel rules in
5 accordance with AS 39.25.140;

6 (2) consider and act upon recommendations for the extension of the
7 partially exempt service and the classified service as provided in AS 39.25.130;

8 (3) hear and determine appeals by employees in the classified service
9 as provided in AS 39.25.170;

10 (4) establish its own rules of procedure; two members constitute a
11 quorum for the transaction of business and two affirmative votes are required for final
12 action on matters acted upon by the board;

13 (5) elect a **chair** [CHAIRMAN] from its membership;

14 (6) have the power to administer oaths, subpoena witnesses, and compel
15 the production of books and papers pertinent to a hearing authorized by this chapter;

16 (7) employ staff members, who shall be in the classified service;

17 (8) **carry out its powers and duties under AS 39.52** [RETAIN
18 INDEPENDENT COUNSEL IN ACCORDANCE WITH AS 39.52.310(c);

19 (9) APPOINT, AND REVIEW THE FINDINGS, CONCLUSIONS,
20 AND RECOMMENDATIONS OF, HEARING OFFICERS IN ACCORDANCE WITH
21 AS 39.52.350(c), 39.52.360, AND 39.52.370;

22 (10) ISSUE FINDINGS, CONCLUSIONS, AND DECISIONS
23 REGARDING VIOLATIONS OF THE CODE OF ETHICS IN AS 39.52.110 -
24 39.52.190; AND

25 (11) IMPOSE THE PENALTIES DESCRIBED IN AS 39.52.410,
26 39.52.440, AND 39.52.450].

27 * **Sec. 58.** AS 39.25.160 is amended by adding a new subsection to read:

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

1 commission on judicial conduct from carrying out duties relating to the evaluation of
2 justices and judges.

3 * **Sec. 59.** AS 39.50.020 is amended to read:

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

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

28 (b) **A public official other than an elected or appointed municipal officer**
29 [THE GOVERNOR, LIEUTENANT GOVERNOR, JUDICIAL OFFICERS, EACH
30 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A
31 DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH,

1 ASSISTANT TO THE GOVERNOR, STATE INVESTMENT OFFICERS AND THE
2 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR
3 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER
4 THIS CHAPTER,] shall file the statement with the Alaska Public Offices Commission.
5 Candidates for the office of governor and lieutenant governor and, if the candidate is
6 not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or
7 15.25.180. Municipal officers, and candidates for elective municipal office, shall file
8 with the municipal clerk or other municipal official designated to receive their filing
9 for office. All statements required to be filed under this chapter are public records.

10 * **Sec. 60.** AS 39.50.030(a) is amended to read:

11 (a) Each statement **must** [SHALL] be an accurate representation of the
12 financial affairs of the public official or candidate and **must** [SHALL] contain the
13 same information for each member of the person's family, as specified in (b) of this
14 section, to the extent that it is ascertainable by the public official or candidate. [AN
15 ASSET OR LIABILITY UNDER \$500, HOUSEHOLD GOODS, AND PERSONAL
16 EFFECTS NEED NOT BE IDENTIFIED.]

17 * **Sec. 61.** AS 39.50.030(b) is amended to read:

18 (b) Each statement filed by a public official or candidate under this chapter
19 **must** [SHALL] include the following:

20 (1) the source of all income over **\$1,000** [\$100] during the preceding
21 calendar year, including taxable and nontaxable capital gains, received by the person,
22 the person's spouse or dependent child, or a nondependent child of the person who is
23 living with that person, **except that a source of income that is a gift must be**
24 **included if the value of the gift exceeds \$250;**

25 (2) the identity, by name and address, of each business in which the
26 person, the person's spouse or dependent child, or a nondependent child of the person
27 who is living with that person was a stockholder, owner, officer, director, partner,
28 proprietor, or employee during the preceding calendar year;

29 (3) the identity and nature of each interest owned in any business
30 during the preceding calendar year by the person, the person's spouse or dependent
31 child, or a nondependent child of the person who is living with that person;

1 (4) the identity and nature of each interest in real property, including
2 an option to buy, owned at any time during the preceding calendar year by the person,
3 the person's spouse or dependent child, or a nondependent child of the person who is
4 living with that person;

5 (5) the identity of each trust or other fiduciary relation in which the
6 person, the person's spouse or dependent child, or a nondependent child of the person
7 who is living with that person held a beneficial interest **exceeding \$1,000** during the
8 preceding calendar year, a description and identification of the property contained in
9 each trust or relation, and the nature and extent of the beneficial interest in it;

10 (6) any loan or loan guarantee **of more than \$1,000** made to the
11 person, the person's spouse or dependent child, or a nondependent child of the person
12 who is living with that person, and the identity of the maker of the loan or loan
13 guarantor and the identity of each creditor to whom the person, the person's spouse or
14 dependent child, or a nondependent child of the person who lives with that person
15 owed **more than \$1,000; this paragraph requires disclosure of a loan, loan**
16 **guarantee, or indebtedness only if the loan or guarantee was made, or the**
17 **indebtedness incurred, during the preceding calendar year, or if the amount still**
18 **owing on the loan, loan guarantee, or indebtedness was more than \$1,000 at any**
19 **time during the preceding calendar year** [\$500 OR MORE];

20 (7) a list of all contracts and offers to contract with the state or an
21 instrumentality of the state during the preceding calendar year held, bid, or offered by
22 the person, the person's spouse or dependent child, a nondependent child of the person
23 who is living with that person, **a partnership or professional corporation of which**
24 **the person is a member** [THE PERSON'S MOTHER OR FATHER], or a corporation
25 in which the person or the person's spouse or children, or a combination of them, hold
26 a controlling interest; and

27 (8) a list of all mineral, timber, oil, or any other natural resource lease
28 held, or lease offer made, during the preceding calendar year by the person, the
29 person's **spouse or** dependent child, a nondependent child of the person who is living
30 with that person, [THE PERSON'S MOTHER OR FATHER,] a partnership or
31 professional corporation of which the person is a member, or a corporation in which

1 the person or the person's spouse or children, or a combination of them, holds a
2 controlling interest.

3 * **Sec. 62.** AS 39.50.070 is amended to read:

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

19 * **Sec. 63.** AS 39.50.080 is amended to read:

20 Sec. 39.50.080. FAILURE TO REPORT BY A COMMISSION OR BOARD
21 CHAIR [CHAIRMAN] OR MEMBER. A person hired or appointed as a
22 commissioner, chair, [CHAIRMAN] or member of a state commission or board
23 specified in AS 39.50.200(b), including the executive director of the Alaska
24 Tourism Marketing Council, who fails to file a report of financial interests required
25 under this chapter when due may not hold office, and the person's name may not be
26 submitted to the legislature until the person complies. The person may not be
27 confirmed, and the person forfeits and may not be paid any salary, per diem or travel
28 expenses, until the person complies. If, after being seated as commissioner, chair,
29 [CHAIRMAN] or member of the [SUCH A] commission or board the person refuses
30 or fails to file the required statement when due, the person is guilty of a misdemeanor
31 and upon conviction is punishable by a fine of not less than \$100 nor more than

1 \$1,000 and shall be removed from office if compliance is not made within 30 days
2 after the due date.

3 * **Sec. 64.** AS 39.50.200(a)(8) is amended to read:

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

13 * **Sec. 65.** AS 39.50.200(a) is amended by adding a new paragraph to read:

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

22 * **Sec. 66.** AS 39.52.010(a) is amended to read:

23 (a) It is declared **that**

24 (1) [THAT] high moral and ethical standards among public officers in
25 the executive branch are essential **to assure the trust, respect, and confidence of the**
26 **people of this state;** [TO THE CONDUCT OF FREE GOVERNMENT; AND]

27 (2) [THAT THE LEGISLATURE BELIEVES THAT] a code of ethics
28 for the guidance of public officers will

29 **(A)** discourage those officers from acting upon personal or
30 financial interests in the performance of their public responsibilities;

31 **(B)** [, WILL] improve standards of public service; **and**

1 (C) [, AND WILL] promote and strengthen the faith and
2 confidence of the people of this state in their public officers;

3 (3) [. IT IS FURTHER DECLARED THAT] holding public office or
4 employment is a public trust and that as one safeguard of that trust, the people require
5 public officers to adhere to a code of ethics;

6 (4) a fair and open government requires that executive branch
7 public officers conduct the public's business in a manner that preserves the
8 integrity of the governmental process and avoids conflicts of interest or even
9 appearances of conflicts of interest;

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

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

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

21 * Sec. 67. AS 39.52.110(c) is amended to read:

22 (c) **Designated** [THE ATTORNEY GENERAL, DESIGNATED] supervisors,
23 hearing officers, and the personnel board must be guided by this section when issuing
24 opinions and reaching decisions.

25 * Sec. 68. AS 39.52.120(b) is amended to read:

26 (b) A public officer may not
27 (1) seek other employment or contracts through the use or attempted
28 use of official position;

29 (2) accept, receive, or solicit compensation for the performance of
30 official duties or responsibilities from a person other than the state; **this paragraph**
31 **may not be construed to prohibit the governor or the lieutenant governor from**

1 the lawful solicitation for and acceptance of campaign contributions or a public
2 officer from the acceptance of a lawful gift, other than a campaign contribution,
3 under AS 39.52.130;

4 (3) use state time, property, equipment, or other facilities to benefit
5 personal or financial interests;

6 (4) take or withhold official action in order to affect a matter in which
7 the public officer has a personal or financial interest; or

8 (5) attempt to benefit a personal or financial interest through coercion
9 of a subordinate.

10 * **Sec. 69.** AS 39.52 is amended by adding a new section to read:

11 Sec. 39.52.125. MISUSE OF OFFICIAL POSITION BY STATE OFFICIALS.

12 (a) In addition to the prohibitions under AS 39.52.120, a state official may not

13 (1) take or withhold official action or exert official influence that could
14 substantially benefit or harm the financial interest of a person with whom the state
15 official is negotiating for employment;

16 (2) knowingly seek, accept, use, allocate, grant, or award public funds
17 for a purpose other than that approved by law, or make a false statement in connection
18 with a claim, request, or application for compensation, reimbursement, or travel
19 allowances from public funds;

20 (3) require another public officer to perform services for the private
21 benefit of the state official at any time, or allow a public officer to perform services
22 for the private benefit of the state official on government time; or

23 (4) use or authorize the use of state funds, facilities, equipment,
24 services, or another government asset or resource for the purpose of political fund
25 raising or campaigning.

26 (b) Except for the governor and the lieutenant governor, a state official may
27 not on government time assist in political party or candidate activities, campaigning,
28 or fund raising. A state official, including the governor and the lieutenant governor,
29 may not require another public officer to perform an act in violation of this subsection.

30 (c) Unless approved by the personnel board, during a campaign period for an
31 election in which the state official is a candidate, a state official may not use or permit

1 another to use state funds to print or distribute a political mass mailing to individuals
2 eligible to vote for the candidate. In this subsection,

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

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

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

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

11 a

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

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

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

23 (e) A state official may not directly, or by authorizing another to act on the
24 official's behalf,

25 (1) agree to, threaten to, or state or imply that the official will take or
26 withhold an official action as a result of a person's decision to provide or not provide
27 a political contribution, donate or not donate to a cause favored by the official, or
28 provide or not provide a thing of value; or

29 (2) state or imply that the official will perform or refrain from
30 performing a lawful governmental service as a result of a person's decision to provide
31 or not provide a political contribution, donate or not donate to a cause favored by the

1 official or provide or not provide a thing of value.

2 (f) A state official may serve on a board of an organization, including a
3 governmental entity, that regularly has a substantial interest in the official actions of
4 the official, if the official discloses the board membership to the personnel board.

5 (g) In this section, when determining whether a state official is considered to
6 be performing a task on government time, the personnel board shall consider the
7 official's work schedule as set by the official's immediate supervisor, if any. An
8 official other than the governor and lieutenant governor who engages in political
9 campaign activities other than incidental campaign activities as described in this
10 subsection during the work day shall take leave for the period of campaigning.
11 Political campaign activities while on government time are permissible if the activities
12 are part of the normal governmental duties of the official, including answering
13 telephone calls and handling of incoming correspondence.

14 * **Sec. 70.** AS 39.52.130(c) is amended to read:

15 (c) In accordance with AS 39.52.240, a designated supervisor or a state
16 official may request guidance from the personnel board [ATTORNEY GENERAL]
17 concerning whether acceptance of a particular gift is prohibited.

18 * **Sec. 71.** AS 39.52.130 is amended by adding new subsections to read:

19 (e) In addition to the requirements of (a) and (b) of this section, and except
20 as provided in (f) - (n) of this section, a state official may not solicit, accept, or
21 receive, directly or indirectly, a gift worth \$250 or more, whether in the form of
22 money, service, loan, travel, entertainment, hospitality, employment, promise, or in any
23 other form, or gifts from the same person worth less than \$250 that in a calendar year
24 aggregate to \$250 or more in value. Except for food or beverage for immediate
25 consumption, a state official may not solicit, accept, or receive during a legislative
26 session a gift with any monetary value from a lobbyist or a person acting on behalf
27 of a lobbyist.

28 (f) A state official who accepts a gift under (g)(4) of this section shall disclose
29 the gift if it has a value in excess of \$250, including the name and occupation of the
30 giver and a description of the gift and its approximate value, to the personnel board
31 within 30 days after the date of its receipt. Except as provided in (j) of this section,

1 a gift under (g)(6) of this section that has a value of \$250 or more shall be disclosed
2 to the personnel board annually on or before February 15 of the following calendar
3 year; the disclosure must include only a description of the gift and the identity of the
4 donor. The personnel board shall maintain a public record of the disclosures received
5 of gifts under (g)(4) of this section. Disclosures relating to gifts under (g)(6) of this
6 section shall be maintained but are confidential and may only be used by the attorney
7 general or the personnel board and its employees and contractors in the investigation
8 of a possible violation of this section or in a proceeding under AS 39.52.310 -
9 39.52.390. If the disclosures become part of the record of a proceeding under
10 AS 39.52.310 - 39.52.390, the confidentiality provisions in AS 39.52.340 apply to the
11 disclosures. The personnel board shall forward disclosures it receives from a state
12 official concerning gifts under (g)(4) of this section to the Alaska Public Offices
13 Commission.

14 (g) Notwithstanding (e) of this section, it is not a violation of this section for
15 a state official to accept

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

17 (A) with incidental transportation at the residence of a person;
18 however, a vacation home located outside the state is not considered a
19 residence for the purposes of this subparagraph; or

20 (B) at a social event or meal;

21 (2) discounts that are available

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

24 (B) when on state business;

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

27 (4) travel and hospitality primarily for the purpose of obtaining
28 information on matters of governmental concern;

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

30 (6) gifts that are not connected with the recipient's governmental status.

31 (h) Notwithstanding (e) of this section, a state official may accept a gift of

1 property worth \$250 or more, other than money, from a foreign government or from
2 the government of the United States or another state or from an official of a foreign
3 government or of the government of the United States or another state if the person
4 accepts the gift on behalf of the state. The person shall, within 60 days after receiving
5 the gift, deliver the gift to the Office of the Governor, which shall determine the
6 appropriate disposition of the gift.

7 (i) Notwithstanding (e) of this section, a state official may solicit, accept, or
8 receive a gift on behalf of a recognized, nonpolitical charitable organization in
9 accordance with guidelines adopted by the personnel board.

10 (j) A state official who receives an inheritance from a person other than a
11 family member shall disclose the fact of the receipt of an inheritance and the identity
12 of the person from whom it was received to the personnel board within 60 days after
13 receiving notice of the inheritance. The personnel board shall maintain a public record
14 of the disclosure. This subsection does not require disclosure of the value of the
15 inheritance.

16 (k) A state official or public agency may accept (1) a gift of volunteer services
17 for governmental purposes so long as the person making the gift of services is not
18 receiving compensation from another source for the services or (2) a gift of the
19 services of a trainee who is participating in an educational program approved by the
20 personnel board if the services are used for governmental purposes. The personnel
21 board shall approve training under a program of the University of Alaska and training
22 under 29 U.S.C. 1501 - 1792b (Job Training Partnership Act). A governmental
23 volunteer or educational trainee shall be considered to be a public employee for
24 purposes of compliance with this chapter other than AS 39.52.150, 39.52.155, and
25 39.52.160. If a person believes that a governmental volunteer or educational trainee
26 has violated the provisions of one of those sections, the person may file a complaint
27 under AS 39.52.310. The provisions of AS 39.52.310 - 39.52.390 apply to the
28 proceeding. This subsection does not permit a state official to accept a gift of services
29 for nongovernmental purposes.

30 (l) A state official who knows or reasonably ought to know that a family
31 member has received a gift because of the family member's connection with the

1 official's public office shall report the receipt of the gift by the family member to the
2 personnel board if the gift would have to be reported under this section if it had been
3 received by the public officer or if receipt of the gift by a public officer would be
4 prohibited under this section.

5 (m) In this section, the value of a gift shall be determined by the fair market
6 value of the gift to the extent that the fair market value can be determined.

7 (n) In this section, "immediate family" or "family member" means

8 (1) the spouse of the person;

9 (2) another person cohabiting with the person in a conjugal relationship
10 that is not a legal marriage;

11 (3) a child, including a stepchild and an adoptive child, of the person;

12 (4) a parent, sibling, grandparent, aunt, or uncle of the person; and

13 (5) a parent, sibling, grandparent, aunt, or uncle of the person's spouse.

14 * **Sec. 72.** AS 39.52 is amended by adding new sections to read:

15 Sec. 39.52.132. RESTRICTIONS ON FUND RAISING. (a) A state official,
16 including the governor and the lieutenant governor, may not

17 (1) on a day when either house of the legislature is in regular or special
18 session, solicit or accept a contribution or a promise or pledge to make a contribution
19 for a candidate for state office;

20 (2) accept money from an event held on a day when either house of the
21 legislature is in regular or special session if a substantial purpose of the event is to
22 raise money on behalf of the state official for a campaign for state office; or

23 (3) expend money in a campaign for state office that was raised by or
24 on behalf of a state official on a day when either house of the legislature was in a
25 legislative session under a declaration of candidacy or general letter of intent to
26 become a candidate for public office.

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

28 Sec. 39.52.134. RESTRICTIONS ON EMPLOYEE CANDIDACIES. A state
29 official, other than the governor and the lieutenant governor, may not file a letter of
30 intent to become a candidate or file a declaration of candidacy for the legislature.

31 Sec. 39.52.136. OPEN MEETINGS LAW. State officials shall abide by the

1 open meetings law under AS 44.62.310 - 44 .62.312.

2 * **Sec. 73.** AS 39.52.150(d) is amended to read:

3 (d) A public officer shall report in writing to the **personnel board and the**
4 designated supervisor a personal or financial interest held by the officer, or an
5 immediate family member, in a state grant, contract, lease, or loan that is awarded,
6 executed, or administered by the agency the officer serves.

7 * **Sec. 74.** AS 39.52 is amended by adding a new section to read:

8 Sec. 39.52.155. DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS.

9 (a) A state official shall disclose to the official's designated supervisor and to the
10 Alaska Public Offices Commission, which shall maintain a public record of the
11 disclosure, the formation or maintenance of a close economic association involving a
12 substantial financial matter with

13 (1) a supervisor who is not a public officer who has responsibility or
14 authority, either directly or indirectly, over the person's employment, including
15 preparing or reviewing performance evaluations, or granting or approving pay raises
16 or promotions;

17 (2) legislators;

18 (3) a public official who is required to file a financial disclosure
19 statement under AS 39.50 and is not an appointed municipal officer;

20 (4) a registered lobbyist; or

21 (5) a public officer if the person required to make the disclosure is the
22 governor or the lieutenant governor.

23 (b) A state official required to make a disclosure under this section shall make
24 an annual disclosure no later than February 15 of each year of the individual's close
25 economic associations then in existence. If the official forms a close economic
26 association after that date, the disclosure must be made within 60 days after forming
27 the association. A disclosure under this section must be sufficiently detailed that a
28 reader of the disclosure can ascertain the nature of the association.

29 (c) When making a disclosure under (a) of this section concerning a
30 relationship with a lobbyist to whom the state official is married or who is the
31 official's spousal equivalent, the state official shall also disclose the name and address

1 of each employer of the lobbyist and the total monetary value received from the
2 lobbyist's employer. The state official shall report changes in the employer of the
3 spouse or spousal equivalent within 48 hours after the change. In this subsection,

4 (1) "employer of the lobbyist" means the person from whom the
5 lobbyist received amounts or things of value for engaging in lobbying on behalf of
6 the person;

7 (2) "spousal equivalent" means a person cohabiting with the state
8 official in a conjugal relationship that is not a legal marriage.

9 (d) In this section, "close economic association" means a financial relationship
10 that exists between a state official and some other person or entity, including but not
11 limited to relationships where the state official serves as a consultant or advisor to, is
12 a member or representative of, or has a financial interest in, any association,
13 partnership, business, or corporation.

14 * **Sec. 75.** AS 39.52.170 is amended to read:

15 Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. (a) A public
16 employee may not render services to benefit a personal or financial interest or engage
17 in or accept employment outside the agency which the employee serves, if the outside
18 employment or service is incompatible or in conflict with the proper discharge of
19 official duties or, in the case of a state official, if the compensation sought or
20 accepted for the personal services is significantly greater than the value of the
21 services rendered, taking into account the higher rates generally charged by
22 specialists in a profession.

23 (b) A public employee rendering services for compensation, or engaging in
24 employment outside the employee's agency, shall report by July 1 of each year the
25 outside services or employment to the personnel board and to the employee's
26 designated supervisor. During the year, any change in an employee's outside service
27 or employment activity must be reported to the designated supervisor as it occurs.

28 * **Sec. 76.** AS 39.52.170 is amended by adding a new subsection to read:

29 (c) A state official may not accept a payment of anything of value, except for
30 actual and necessarily incurred travel expenses, for an appearance or speech by the
31 state official; this paragraph does not apply to the salary paid to a state official for

1 making an appearance or speech as part of the official's normal course of employment.

2 * **Sec. 77.** AS 39.52.180(b) is amended to read:

3 (b) **Except as provided in (d) of this section, this** [THIS] section does not
4 prohibit an agency from contracting with a former public officer to act on a matter on
5 behalf of the state.

6 * **Sec. 78.** AS 39.52.180(c) is amended to read:

7 (c) **Except as provided in (d) of this section, and, in the case of a state**
8 **official, only after the elapse of one year from the date the state official left state**
9 **service, the** [THE] head of an agency may waive application of (a) of this section
10 after determining that representation by a former public officer is not adverse to the
11 public interest. The waiver must be in writing and a copy of the waiver must be
12 provided to the attorney general for approval or disapproval.

13 * **Sec. 79.** AS 39.52.180 is amended by adding a new subsection to read:

14 (d) An agency may not enter into a contract with a state official who has left
15 state service and the head of an agency may not waive application of (a) of this section
16 if the purpose of the proposed contract or representation includes lobbying before a
17 state agency or the state legislature.

18 * **Sec. 80.** AS 39.52.210 is amended to read:

19 Sec. 39.52.210. DECLARATION OF POTENTIAL VIOLATIONS BY
20 PUBLIC EMPLOYEES. (a) A public employee who is involved in a matter that may
21 result in a violation of AS 39.52.110 - 39.52.190 shall

22 (1) refrain from taking any official action relating to the matter until
23 a determination is made under this section; and

24 (2) immediately disclose the matter in writing to the designated
25 supervisor **and the personnel board.**

26 (b) A public employee's designated supervisor shall make a written
27 determination whether an employee's involvement violates AS 39.52.110 - 39.52.190
28 **and shall provide a copy of the written determination to the public employee and**
29 **to the personnel board.** If the supervisor determines that a violation could exist or
30 will occur, the supervisor shall,

31 (1) reassign duties to cure the employee's potential violation, if feasible;

1 or

2 (2) direct the divestiture or removal by the employee of the personal
3 or financial interests that give rise to the potential violation.

4 (c) A state official or a designated supervisor may request guidance from the
5 **personnel board** [ATTORNEY GENERAL], in accordance with AS 39.52.240, when
6 determining whether a public employee is involved in a matter that may result in a
7 violation of AS 39.52.110 - 39.52.190.

8 * **Sec. 81.** AS 39.52.220 is amended to read:

9 Sec. 39.52.220. DECLARATION OF POTENTIAL VIOLATIONS BY
10 MEMBERS OF BOARDS OR COMMISSIONS. (a) A member of a board or
11 commission who is involved in a matter that may result in a violation of AS 39.52.110
12 - 39.52.190 shall disclose the matter on the public record and in writing to the
13 designated supervisor **and to the personnel board**. The supervisor shall determine
14 whether the member's involvement violates AS 39.52.110 - 39.52.190 **and shall**
15 **provide a copy of the written determination to the board or commission member**
16 **and to the personnel board**. If a member of the board or commission objects to the
17 ruling of the supervisor, or if the supervisor discloses an involvement requiring a
18 determination, the members present at a meeting, excluding the involved member, shall
19 vote on the matter. If the supervisor or a majority of the members voting determine
20 that a violation will exist if the member continues to participate, the member shall
21 refrain from voting, deliberating, or participating in the matter.

22 (b) The **member of the board or commission, the** designated supervisor, or
23 the board or commission may request guidance from the **personnel board**
24 [ATTORNEY GENERAL], in accordance with AS 39.52.240, when determining
25 whether a member of a board or commission is involved in a matter that may result
26 in a violation of AS 39.52.110 - 39.52.190.

27 * **Sec. 82.** AS 39.52.230 is amended to read:

28 Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. A person may
29 report to a public officer's designated supervisor, under oath and in writing, a potential
30 violation of AS 39.52.110 - 39.52.190 by the public officer. The supervisor shall
31 provide a copy of the report to the officer who is the subject of the report **and to the**

1 personnel board, and shall review the report to determine whether a violation may
2 exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the
3 supervisor determines that the matter may result in a violation of AS 39.52.110 -
4 39.52.190.

5 * **Sec. 83.** AS 39.52.240(a) is amended to read:

6 (a) Upon the written request of a state official, designated supervisor, or a
7 board or commission, the personnel board [ATTORNEY GENERAL] shall issue
8 opinions interpreting this chapter. The requester must supply any additional
9 information requested by the personnel board [ATTORNEY GENERAL] in order to
10 issue the opinion. Within 60 days after receiving a complete request, the personnel
11 board [ATTORNEY GENERAL] shall issue an advisory opinion on the question.

12 * **Sec. 84.** AS 39.52.240(b) is amended to read:

13 (b) The personnel board [ATTORNEY GENERAL] may offer oral advice if
14 delay would cause substantial inconvenience or detriment to the requesting party.

15 * **Sec. 85.** AS 39.52.240(c) is amended to read:

16 (c) In the case of a request for advice from a designated supervisor or a
17 board or commission, the [THE] designated supervisor or the [A] board or
18 commission shall make a written determination based on the advice of the personnel
19 board [ATTORNEY GENERAL]. If the advice [OF THE ATTORNEY GENERAL]
20 provides more than one way for a public officer to avoid or correct a problem found
21 under AS 39.52.110 - 39.52.190, the designated supervisor or the board or commission
22 shall, after consultation with the officer, determine the alternative that is most
23 appropriate and advise the officer of any action required of the officer to avoid or
24 correct the problem.

25 * **Sec. 86.** AS 39.52.240(e) is amended to read:

26 (e) The personnel board [ATTORNEY GENERAL] may reconsider, revoke,
27 or modify an advisory opinion at any time, including upon a showing that material
28 facts were omitted or misstated in the request for the opinion.

29 * **Sec. 87.** AS 39.52.240(h) is amended to read:

30 (h) The personnel board [ATTORNEY GENERAL] shall publish in the
31 Alaska Administrative Journal, with sufficient deletions to prevent disclosure of the

1 persons whose identities are confidential under (g) of this section, the advisory
2 opinions issued under this section that the **personnel board** [ATTORNEY GENERAL]
3 determines to be of major import because of their general applicability to executive
4 branch officers.

5 * **Sec. 88.** AS 39.52.250 is amended to read:

6 Sec. 39.52.250. **ADVICE TO FORMER PUBLIC OFFICERS.** (a) A former
7 public officer may request, in writing, an opinion from the **personnel board**
8 [ATTORNEY GENERAL] interpreting this chapter. The **personnel board**
9 [ATTORNEY GENERAL] shall give advice in accordance with AS 39.52.240(a) or
10 (b) and publish opinions in accordance with AS 39.52.240(h).

11 (b) A former public officer is not liable under this chapter for any action
12 carried out in accordance with the advice of the **personnel board** [ATTORNEY
13 GENERAL] issued under this section, if the public officer fully disclosed all relevant
14 facts reasonably necessary to the issuance of the advice.

15 * **Sec. 89.** AS 39.52.260 is amended to read:

16 Sec. 39.52.260. **DESIGNATED SUPERVISOR'S REPORT AND**
17 **PERSONNEL BOARD** [ATTORNEY GENERAL] REVIEW. (a) A designated
18 supervisor shall quarterly submit a report to the **personnel board that** [ATTORNEY
19 GENERAL WHICH] states the facts, circumstances, and disposition of any disclosure
20 made under AS 39.52.210 - 39.52.240.

21 (b) The **personnel board** [ATTORNEY GENERAL] shall review
22 determinations reported under this section. The **personnel board** [ATTORNEY
23 GENERAL] may request additional information from a supervisor concerning a
24 specific disclosure and its disposition.

25 (c) The report prepared under this section is confidential and not available for
26 public inspection unless formal proceedings under AS 39.52.350 are initiated based on
27 the report. If formal proceedings are initiated, the relevant portions of the report are
28 public documents open to inspection. The **personnel board** [ATTORNEY
29 GENERAL] shall, however, make available to the public a summary of the reports
30 received under this section, with sufficient deletions to prevent disclosure of a person's
31 identity.

1 * **Sec. 90.** AS 39.52.310(a) is amended to read:

2 (a) The **personnel board** [ATTORNEY GENERAL] may initiate a complaint,
3 or elect to treat as a complaint, any matter disclosed under AS 39.52.210, 39.52.220,
4 39.52.250, or 39.52.260.

5 * **Sec. 91.** AS 39.52.310(b) is amended to read:

6 (b) A person may file a complaint with the **personnel board** [ATTORNEY
7 GENERAL] regarding the conduct of a current or former public officer. A complaint
8 must be in writing, be signed under oath, and contain a clear statement of the details
9 of the alleged violation.

10 * **Sec. 92.** AS 39.52.310(c) is amended to read:

11 (c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the
12 governor, lieutenant governor, or the attorney general, the [MATTER SHALL BE
13 REFERRED TO THE PERSONNEL BOARD. THE] personnel board shall retain
14 independent counsel who shall act in the place of the attorney general under
15 AS 39.52.350 [(d) - (i) OF THIS SECTION, AS 39.52.320 - 39.52.350,] and
16 39.52.360(c) and (d).

17 * **Sec. 93.** AS 39.52.310(d) is amended to read:

18 (d) The **personnel board** [ATTORNEY GENERAL] shall review each
19 complaint filed [,] to determine whether it is properly completed and contains
20 allegations which, if true, would constitute conduct in violation of this chapter. The
21 **personnel board** [ATTORNEY GENERAL] may require the complainant to provide
22 additional information before accepting the complaint. If the **personnel board**
23 [ATTORNEY GENERAL] determines that the allegations in the complaint do not
24 warrant an investigation, the **personnel board** [ATTORNEY GENERAL] shall dismiss
25 the complaint with notice to the complainant and the subject of the complaint.

26 * **Sec. 94.** AS 39.52.310(e) is amended to read:

27 (e) The **personnel board** [ATTORNEY GENERAL] may refer a complaint
28 to the subject's designated supervisor for resolution under AS 39.52.210 or 39.52.220.

29 * **Sec. 95.** AS 39.52.310(f) is amended to read:

30 (f) If the **personnel board** [ATTORNEY GENERAL] accepts a complaint for
31 investigation, the **personnel board** [ATTORNEY GENERAL] shall serve a copy of

1 the complaint upon the subject of the complaint, for a response. The **personnel board**
2 [ATTORNEY GENERAL] may require the subject to provide, within 20 days after
3 service, full and fair disclosure in writing of all facts and circumstances pertaining to
4 the alleged violation. Misrepresentation of a material fact in a response to the
5 **personnel board** [ATTORNEY GENERAL] is a violation of this chapter. Failure to
6 answer within the prescribed time, or within any additional time period that may be
7 granted in writing by the **personnel board** [ATTORNEY GENERAL], may be
8 considered an admission of the allegations in the complaint.

9 * **Sec. 96.** AS 39.52.310(g) is amended to read:

10 (g) If a complaint is accepted under (f) of this section, the **personnel board**
11 [ATTORNEY GENERAL] shall investigate to determine whether a violation of this
12 chapter has occurred. At any stage of an investigation or review, the **personnel board**
13 [ATTORNEY GENERAL] may issue a subpoena under AS 39.52.380.

14 * **Sec. 97.** AS 39.52.320 is amended to read:

15 Sec. 39.52.320. DISMISSAL BEFORE FORMAL PROCEEDINGS. If, after
16 investigation, it appears that there is no probable cause to believe that a violation of
17 this chapter has occurred, the **personnel board** [ATTORNEY GENERAL] shall
18 dismiss the complaint and [PREPARE AND FILE A CONFIDENTIAL SUMMARY
19 WITH THE PERSONNEL BOARD. THE ATTORNEY GENERAL] shall
20 communicate disposition of the matter promptly to the complainant and to the subject
21 of the complaint.

22 * **Sec. 98.** AS 39.52.330 is amended to read:

23 Sec. 39.52.330. CORRECTIVE OR PREVENTIVE ACTION. After
24 determining that the conduct of the subject of a complaint does not warrant a hearing
25 under AS 39.52.360, the **personnel board** [ATTORNEY GENERAL] shall recommend
26 action to correct or prevent a violation of this chapter. The **personnel board**
27 [ATTORNEY GENERAL] shall communicate the recommended action to the
28 complainant and the subject of the complaint. The subject of the complaint shall
29 comply with the **personnel board's** [ATTORNEY GENERAL'S] recommendation.

30 * **Sec. 99.** AS 39.52.340(a) is amended to read:

31 (a) Before the initiation of formal proceedings under AS 39.52.350,

1 information regarding an investigation conducted under this chapter, or obtained by the
2 **personnel board** [ATTORNEY GENERAL] during the investigation, is confidential.
3 The **personnel board** [ATTORNEY GENERAL] and all persons contacted during the
4 course of an investigation shall maintain confidentiality regarding the existence of the
5 investigation. A person who violates this section is guilty of a class A misdemeanor.

6 * **Sec. 100.** AS 39.52.350 is amended to read:

7 Sec. 39.52.350. PROBABLE CAUSE FOR HEARING. (a) If the **personnel**
8 **board** [ATTORNEY GENERAL] determines that there is probable cause to believe
9 that a knowing violation of this chapter or a violation that cannot be corrected under
10 AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with
11 a recommendation for corrective or preventive action, the **personnel board**
12 [ATTORNEY GENERAL] shall initiate formal proceedings by **requesting the**
13 **attorney general to serve** [SERVING] a copy of an accusation upon the subject of
14 the accusation. The accusation shall specifically set out the alleged violation. After
15 service, the accusation is a public document open to inspection. Except as provided
16 in AS 39.52.370(c), all subsequent proceedings are open to the public.

17 (b) The subject of the accusation shall file an answer with the **personnel**
18 **board and the** attorney general within 20 days after service of the accusation, or at
19 a later time specified by the **personnel board** [ATTORNEY GENERAL]. If the
20 subject of the accusation fails to timely answer, the allegations are considered
21 admitted.

22 (c) If the subject of the accusation denies that a violation of this chapter has
23 occurred, the [ATTORNEY GENERAL SHALL REFER THE MATTER TO THE]
24 personnel board [, WHICH] shall appoint a hearing officer to conduct a hearing.

25 (d) If the subject of the accusation admits a violation of this chapter, the
26 [ATTORNEY GENERAL SHALL REFER THE MATTER TO THE] personnel board
27 **shall** [TO] impose penalties under AS 39.52.410, 39.52.440, and 39.52.450, as
28 appropriate.

29 * **Sec. 101.** AS 39.52.920 is amended to read:

30 Sec. 39.52.920. AGENCY POLICIES. Subject to the review and approval of
31 the **personnel board** [ATTORNEY GENERAL], an agency may adopt a written policy

1 that, in addition to the requirements of this chapter, limits the extent to which a public
2 officer in the agency or an administrative unit of the agency may

3 (1) acquire a personal interest in an organization or a financial interest
4 in a business or undertaking that may benefit from official action taken or withheld by
5 the agency or unit;

6 (2) have a personal or financial interest in a state grant, contract, lease,
7 or loan administered by the agency or unit; or

8 (3) accept a gift.

9 * **Sec. 102.** AS 39.52.950 is amended to read:

10 Sec. 39.52.950. REGULATIONS. The attorney general may adopt regulations
11 under **AS 44.62** ([THE] Administrative Procedure Act) necessary to interpret and
12 implement **the provisions concerning complaints under** this chapter. **The personnel**
13 **board may adopt regulations under AS 44.62 (Administrative Procedure Act)**
14 **necessary to interpret and implement the other provisions of this chapter.**

15 * **Sec. 103.** AS 39.52.960(11) is amended to read:

16 (11) "immediate family member" means

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

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

20 **(C) a parent, child including a stepchild and an adoptive**
21 **child, and sibling of a person if the parent, child, or sibling resides with**
22 **the person, is financially dependent on the person, or shares a substantial**
23 **financial interest with the person** [A PUBLIC OFFICER'S SPOUSE, A
24 RELATION BY BLOOD WITHIN AND INCLUDING THE SECOND
25 DEGREE OF KINDRED, AND A REGULAR MEMBER OF THE OFFICER'S
26 HOUSEHOLD];

27 * **Sec. 104.** AS 39.52.960 is amended by adding a new paragraph to read:

28 (23) "state official" means the governor, the lieutenant governor, a
29 person hired or appointed as the head or deputy head of a department in the executive
30 branch or as the director of a division in a department in the executive branch, the
31 chair or member of a state commission or board, as defined in AS 39.50.200(b), the

1 executive director of the Alaska Tourism Marketing Council, an assistant to the
2 governor or the lieutenant governor, a state investment officer, the state comptroller
3 in the Department of Revenue, and a state employee who is not otherwise listed in this
4 definition who is employed by an agency in the executive branch of state government
5 in the exempt or partially exempt service and who is compensated at Range 21A or
6 above on the state salary schedule under AS 39.27.011 or at more than \$4,200 per
7 month; however, "state official" does not include an employee who is a member of a
8 collective bargaining unit.

9 * **Sec. 105.** AS 44.62.175(a) is amended to read:

10 (a) The lieutenant governor shall publish or contract for the publication of the
11 Alaska Administrative Journal. The journal shall be published weekly. The journal
12 must include

- 13 (1) notices of proposed actions given under AS 44.62.190(a);
14 (2) notices of state agency meetings required under AS 44.62.310(e),
15 even if the meeting has been held;
16 (3) notices of solicitations to bid issued under AS 36.30.130;
17 (4) notices of state agency requests for proposals issued under
18 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and
19 AS 43.40.010;
20 (5) executive orders and administrative orders issued by the governor;
21 (6) written delegations of authority made by the governor or the head
22 of a principal department under AS 44.17.010;
23 (7) the text or a summary of the text of a regulation or order of repeal
24 of a regulation for which notice is given under AS 44.62.190(a), including an
25 emergency regulation or repeal whether or not it has taken effect;
26 (8) a summary of the text of recently issued formal opinions and
27 memoranda of advice of the attorney general;
28 (9) a list of vacancies on boards, commissions, and other bodies whose
29 members are appointed by the governor; and
30 (10) in accordance with AS 39.52.240(h), advisory opinions of the
31 **personnel board** [ATTORNEY GENERAL].

1 * **Sec. 106.** Notwithstanding the amendments made to AS 39.52.240 - 39.52.250 by secs.
2 83 - 88 of this Act, a public officer or a former public officer may rely on an advisory opinion
3 given by the attorney general under AS 39.52.240 - 39.52.250 before the effective date of this
4 bill section to the same extent that the public officer or former public officer could have relied
5 on the opinion if those sections had not been amended by this Act.

6 * **Sec. 107.** Section 28 of this Act takes effect only if an initiative relating to election
7 campaign financing and the Alaska Public Offices Commission is approved by the voters in
8 1996.

9 * **Sec. 108.** If sec. 28 of this Act takes effect, it takes effect on the day after the initiative
10 described in sec. 107 of this Act takes effect.

11 * **Sec. 109.** Except as provided in sec. 108 of this Act, this Act takes effect January 1,
12 1997.