

CS FOR SENATE BILL NO. 105(FIN) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/18/97

Offered: 4/16/97

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative and executive branch ethics; relating to campaign
2 finances for candidates for state office; relating to the conduct and regulation of
3 lobbyists with respect to public officials; relating to the filing of disclosures by
4 certain state employees and officials; making a conforming amendment to the
5 definition of 'public official' for employment security statutes; and providing for
6 an effective date."

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

8 * **Section 1.** AS 15.13.072(d) is amended to read:

9 (d) A candidate or an individual who has filed with the commission the
10 document necessary to permit that individual to incur election-related expenses under
11 AS 15.13.100 **for election or reelection to state office** may not solicit or accept a
12 contribution if the legislature is convened in a regular or special legislative session [,
13 AND THE CANDIDATE OR INDIVIDUAL IS A MEMBER OF THE

1 LEGISLATURE, OR EMPLOYED AS A MEMBER OF THE LEGISLATOR'S
 2 STAFF OR AS A MEMBER OF THE STAFF OF A LEGISLATIVE COMMITTEE].

3 * **Sec. 2.** AS 15.13.074(c) is amended to read:

4 (c) A person or group may not make a contribution

5 (1) to a candidate for governor or lieutenant governor or an individual
 6 who files with the commission the document necessary to permit that individual to
 7 incur certain election-related expenses as authorized by AS 15.13.100 for governor or
 8 lieutenant governor, when the office is to be filled at a general election, before the
 9 later of the following dates:

10 (A) the date the individual

11 (i) becomes a candidate; or

12 (ii) files with the commission the document necessary
 13 to permit the individual to incur certain election-related expenses as
 14 authorized by AS 15.13.100; or

15 (B) January 1 of the year of the general election;

16 (2) to a candidate for **state office** [THE STATE LEGISLATURE] or
 17 an individual who files with the commission the document necessary to permit that
 18 individual to incur certain election-related expenses as authorized by AS 15.13.100 for
 19 **state office** [THE STATE LEGISLATURE], when the office is to be filled at a general
 20 election, while the legislature is convened in its regular legislative session and before
 21 the later of the following dates:

22 (A) the date the individual

23 (i) becomes a candidate; or

24 (ii) files with the commission the document necessary
 25 to permit the individual to incur certain election-related expenses as
 26 authorized by AS 15.13.100; or

27 (B) January 1 of the year of the general election;

28 (3) to a candidate or an individual who files with the commission the
 29 document necessary to permit that individual to incur certain election-related expenses
 30 as authorized by AS 15.13.100 for an office that is to be filled at a special election or
 31 municipal election before the later of the following dates:

- 1 (A) the date the individual
 2 (i) becomes a candidate; or
 3 (ii) files with the commission the document necessary
 4 to permit that individual to incur certain election-related expenses as
 5 authorized by AS 15.13.100;
- 6 (B) is nine months before the date of the general or regular
 7 municipal election or that is before the date of the proclamation of the special
 8 election at which the candidate or individual seeks election to public office; or
 9 (4) to any candidate later than the 45th day
- 10 (A) after the date of a primary election if the candidate
 11 (i) has been nominated at the primary election or is
 12 running as a write-in candidate; and
 13 (ii) is not opposed at the general election;
- 14 (B) after the date of the primary election if the candidate was not
 15 nominated at the primary election; or
- 16 (C) after the date of the general election, or after the date of a
 17 municipal or municipal runoff election, if the candidate was opposed at the
 18 general, municipal, or municipal runoff election.

19 * **Sec. 3.** AS 15.13.116(a) is amended to read:

20 (a) A candidate who, after the date of the general, special, municipal, or
 21 municipal runoff election or after the date the candidate withdraws as a candidate,
 22 whichever comes first, holds unused campaign contributions shall distribute the amount
 23 held within 90 days. The distribution may only be made to

24 (1) pay bills incurred for expenditures reasonably related to the
 25 campaign and the winding up of the affairs of the campaign, and to pay expenditures
 26 associated with post-election fund raising that may be needed to raise funds to pay off
 27 campaign debts;

28 (2) pay for a victory or a thank you party costing less than \$500, or to
 29 give a thank you gift of a value of less than \$50 to a campaign employee or volunteer;

30 (3) make donations, without condition, to

31 (A) a political party;

1 (B) the state's general fund;

2 (C) a municipality of the state; or

3 (D) the federal government;

4 (4) make donations, without condition, to organizations qualified as
5 charitable organizations under 26 U.S.C. 501(c)(3), provided the organization is not
6 controlled by the candidate or a member of the candidate's immediate family;

7 (5) repay loans from the candidate to the candidate's own campaign
8 under AS 15.13.078(b);

9 (6) repay contributions to contributors, but only if repayment of the
10 contribution is made pro rata in approximate proportion to the contributions made
11 using one of the following, as the candidate determines:

12 (A) to all contributors;

13 (B) to contributors who have contributed most recently; or

14 (C) to contributors who have made larger contributions;

15 (7) establish a fund for, and from that fund to pay, attorney fees or
16 costs incurred in the prosecution or defense of an administrative or civil judicial action
17 that directly concerns a challenge to the victory or defeat of the candidate in the
18 election;

19 (8) transfer all or a portion of the unused campaign contributions to an
20 account for a future election campaign; a transfer under this paragraph is limited to

21 (A) \$50,000, if the transfer is made by a candidate for governor
22 or lieutenant governor;

23 (B) \$10,000, if the transfer is made by a candidate for the state
24 senate;

25 (C) \$5,000, if the transfer is made by a candidate for the state
26 house of representatives; and

27 (D) \$5,000, if the transfer is made by a candidate for an office
28 not described in (A) - (C) of this paragraph;

29 (9) transfer all or a portion of the unused campaign contributions to a
30 legislative office account or to an office account reserve in accordance with (d) of
31 this section; a transfer under this paragraph is subject to the following:

1 (A) the authority to transfer is limited to candidates who are
2 elected to the state legislature;

3 (B) the legislative office account established under this
4 paragraph may be used only for expenses associated with the candidate's
5 serving as a member of the legislature;

6 (C) all amounts expended from the legislative office account
7 shall be annually accounted for under AS 15.13.110(a)(4); and

8 (D) a transfer under this paragraph is limited to \$5,000
9 multiplied by the number of years in the term to which the candidate is elected;
10 and

11 (10) transfer all or a portion of the unused campaign contributions to
12 a municipal office account; a transfer under this paragraph is subject to the following:

13 (A) the authority to transfer is limited to candidates who are
14 elected to municipal office, including a municipal school board;

15 (B) the municipal office account established under this
16 paragraph may be used only for expenses associated with the candidate's
17 serving as mayor or as a member of the assembly, city council, or school
18 board;

19 (C) all amounts expended from the municipal office account
20 shall be annually accounted for under AS 15.13.110(a)(4); and

21 (D) a transfer under this paragraph is limited to \$5,000.

22 * **Sec. 4.** AS 15.13.116 is amended by adding a new subsection to read:

23 (d) After a general or special election, a candidate for the state legislature who
24 has been elected to the state legislature in that election may, from the amount retained
25 in the office account reserve under this subsection, transfer to a legislative office
26 account not more than \$5,000 each calendar year for use only for expenses associated
27 with the candidate's serving as a member of the legislature. A candidate for the senate
28 may transfer up to \$20,000 from unused campaign contributions to a legislative office
29 account reserve. A candidate for the house of representatives may transfer up to
30 \$10,000 from unused campaign contributions to a legislative office account reserve.
31 The office account reserve may only be used to make transfers to the legislative office

1 account. At the end of the candidate's term of office, a balance in the office account
 2 reserve must be disposed of as provided in (a)(1) - (8) of this section. All amounts
 3 expended under this subsection shall be annually accounted for under
 4 AS 15.13.110(a)(4).

5 * **Sec. 5.** AS 15.13.400 is amended by adding a new paragraph to read:

6 (12) "state office" includes the office of governor, lieutenant governor,
 7 member of the legislature, or similar state office.

8 * **Sec. 6.** 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;

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

20 (3) as part of an unemployment work-relief or work-training program
 21 assisted or financed in whole or in part by any federal agency or any agency of a state
 22 or political subdivision of the state, by an individual receiving work relief or work
 23 training;

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

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

29 (6) by an individual under the age of 22 who is enrolled at a nonprofit
 30 or public educational institution that [WHICH] normally maintains a regular faculty
 31 and curriculum and normally has a regularly organized body of students in attendance

1 at the place where its educational activities are carried on as a student in a full-time
 2 program, taken for credit at the institution, **that** [WHICH] combines academic
 3 instruction with work experience, if the service is an integral part of the program, and
 4 the institution has so certified to the employer, except that this paragraph does not
 5 apply to service performed in a program established for or on behalf of an employer
 6 or group of employers;

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

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

11 (A) as a **judicial officer, the governor, the lieutenant**
 12 **governor, a person hired or appointed as the head or deputy head of a**
 13 **department in the executive branch, a person hired or appointed as the**
 14 **director of a division of a department in the executive branch, an assistant**
 15 **to the governor, a chair or member of a state commission or board, state**
 16 **investment officers and the state comptroller in the Department of**
 17 **Revenue, the executive director of the Alaska Tourism Marketing Council,**
 18 **an appointed or elected municipal officer** ["PUBLIC OFFICIAL"
 19 AS DEFINED IN AS 39.50.200(a)], any other elected official, the fiscal analyst
 20 of the legislative finance division, the legislative auditor of the legislative audit
 21 division, the executive director of the Legislative Affairs Agency, and the
 22 directors of the divisions within the Legislative Affairs Agency;

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

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

27 (9) in the employ of

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

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

1 * **Sec. 7.** AS 24.25.010(e) is amended to read:

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

5 * **Sec. 8.** AS 24.45 is amended by adding a new section to read:

6 **Sec. 24.45.165. Spouses and cohabitants of legislators.** (a) A spouse of or
 7 a person cohabiting with a legislator may not engage in lobbying the executive branch
 8 of state government or the legislature during the legislator's term of office.

9 (b) In this section,

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

11 (2) "person cohabiting with" means a person who is cohabiting with
 12 another person in a conjugal relationship that is not a legal marriage.

13 * **Sec. 9.** AS 24.45.171(12) is amended to read:

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

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

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

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

22 * **Sec. 10.** AS 24.60.030(a) is amended to read:

23 (a) A legislator or legislative employee may not

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

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

1 (A) limited use of state property and resources for personal
2 purposes if the use does not interfere with the performance of public duties and
3 **either** the cost or value related to the use is nominal **or the legislator or**
4 **legislative employee reimburses the state for the cost of the use;**

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

8 (C) telephone **or facsimile** use that does not carry a special
9 charge;

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

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

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

23 (A) limited use of state property and resources for personal
24 purposes if the use does not interfere with the performance of public duties and
25 **either** the cost or value related to the use is nominal **or the legislator or**
26 **legislative employee reimburses the state for the cost of the use;**

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

30 (C) telephone **or facsimile** use that does not carry a special
31 charge; **or**

1 **(D) storing or maintaining, consistent with (b) of this**
 2 **section, election campaign records in a legislator's office.**

3 * **Sec. 11.** AS 24.60.030(c) is repealed and reenacted to read:

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

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

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

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

17 (2) a mass mailing is considered to be political if it is from or about
 18 a legislator, legislative employee, or another person who is a candidate for election or
 19 reelection to the legislature or another federal, state, or municipal office or to the board
 20 of an electric or telephone cooperative.

21 * **Sec. 12.** AS 24.60.030(d) is amended to read:

22 (d) A legislator, **legislative employee**, or another person on behalf of the
 23 legislator **or legislative employee**, or a campaign committee of the legislator **or**
 24 **legislative employee**, may not distribute or post campaign literature, placards, posters,
 25 **fund-raising notices**, or other communications intended to influence the election of
 26 a candidate in an election in public areas in a facility ordinarily used to conduct state
 27 government business. **This prohibition applies whether or not the election has been**
 28 **concluded. However, a legislator may post, in the legislator's private office,**
 29 **communications related to an election that has been concluded.**

30 * **Sec. 13.** AS 24.60.030(f) is amended to read:

31 (f) A legislative employee may not serve in a position that requires

1 confirmation by the legislature. A legislator or legislative employee may serve on a
 2 board of an organization, including a governmental entity, that regularly has a
 3 substantial interest in the legislative activities of the legislator or employee [,] if the
 4 legislator or employee discloses the board membership to the committee. **A legislator**
 5 **or legislative employee who is required to make a disclosure under this subsection**
 6 **shall file the disclosure with the committee by the deadlines set out in**
 7 **AS 24.60.105 stating the name of each organization on whose board the person**
 8 **serves. The committee shall maintain a public record of the disclosure and**
 9 **forward the disclosure to the appropriate house for inclusion in the journal. This**
 10 **subsection does not require a legislator or legislative employee who is appointed**
 11 **to a board by the presiding officer to make a disclosure of the appointment to the**
 12 **committee if the appointment has been published in the appropriate legislative**
 13 **journal during the calendar year.**

14 * **Sec. 14.** AS 24.60.030(g) is repealed and reenacted to read:

15 (g) A legislator or legislative employee who has a substantial financial interest
 16 that may be affected by official action may not take official action on the matter unless
 17 the financial interest has been disclosed as required by this subsection. In the case of
 18 a matter that is before a legislative committee or a house of the legislature, the
 19 legislator or legislative employee shall orally disclose the financial interest to the
 20 legislative committee or to the legislative house, as appropriate. The disclosure must
 21 be reported in the journal or in the committee minutes, as appropriate. In the case of
 22 a matter that is not before a legislative committee or a house of the legislature, the
 23 legislator or legislative employee shall disclose the financial interest to the ethics
 24 committee in writing, to be received by the committee within seven days after the
 25 legislator or legislative employee takes the action. This written disclosure is a public
 26 document. The committee shall promptly forward the disclosure to the clerk of the
 27 house or the senate secretary for publication in the journal. A disclosure under this
 28 subsection, whether written or oral, must include the nature of the financial interest and
 29 a short description of how the action taken affects the interest. In this subsection,

30 (1) "financial interest" includes

31 (A) an equity or ownership interest in a business, investment,

1 real property, lease, or other enterprise if the effect of the action on that interest
 2 is greater than the effect on a substantial class of persons to which the
 3 legislator or legislative employee belongs as a member of a profession,
 4 occupation, industry, or region;

5 (B) an interest based on employment of the legislator or
 6 legislative employee or the spouse, spousal equivalent, or dependent child of
 7 the legislator or legislative employee;

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

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

17 (2) "official action" includes legislative, administrative, and political
 18 action.

19 * **Sec. 15.** AS 24.60.030 is amended by adding a new subsection to read:

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

28 * **Sec. 16.** AS 24.60.031(a) is amended to read:

29 (a) A legislator or legislative employee may not

30 (1) on a day when either house of [WHILE] the legislature is in
 31 regular or special session, solicit or accept a contribution or a promise or pledge to

1 make a contribution for a **campaign for state office** [STATE LEGISLATIVE
2 CAMPAIGN];

3 (2) accept money from an event held **on a day when either house of**
4 **the legislature is in regular or special** [DURING A LEGISLATIVE] session if a
5 substantial purpose of the event is [EITHER] to raise money on behalf of the member
6 or legislative employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR]
7 state **office** [LEGISLATIVE] political purposes; or

8 (3) expend money in a **campaign for state office** [STATE
9 LEGISLATIVE CAMPAIGN] that was raised by or on behalf of a legislator **on a day**
10 **when either house of the legislature was in** [DURING] a legislative session under
11 **a declaration of candidacy or** a general letter of intent to become a candidate for
12 public office.

13 * **Sec. 17.** AS 24.60.039 is amended by adding a new subsection to read:

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

19 * **Sec. 18.** AS 24.60.040(a) is amended to read:

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

1 more shall disclose the participation to the committee by the date required under
 2 AS 24.60.105. The legislator or legislative employee shall also disclose the
 3 renegotiation of a state contract or lease if the original had to be disclosed under
 4 this section or if, as a result of renegotiation, disclosure is required under this
 5 section. The disclosure must state the amount of the contract or lease and the
 6 name of the state agency issuing the contract or lease and must identify the
 7 procedures under which the contract or lease was issued. If the disclosure
 8 concerns a contract or lease in which a family member of the discloser is
 9 participating, the disclosure must identify the relationship between the participant
 10 and the discloser.

11 * **Sec. 19.** AS 24.60.040 is amended by adding a new subsection to read:

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

15 * **Sec. 20.** AS 24.60.050(c) is amended to read:

16 (c) A legislator or legislative employee who participates in a program or
 17 receives a loan that is not exempt from disclosure under (a) of this section shall file
 18 a written report with the committee by **the date required under AS 24.60.105**
 19 [FEBRUARY 15 OF EACH YEAR] stating the amounts of the loans outstanding or
 20 benefits received during the preceding calendar year from nonqualifying programs. If
 21 the committee requests additional information necessary to determine the propriety of
 22 participating in the program or receiving the loan, it shall be promptly provided. The
 23 committee shall promptly compile a list of the statements indicating the loans and
 24 programs and amounts and send it to the presiding officer of each house who shall
 25 have it published in the supplemental journals within three weeks **after** [OF] the filing
 26 date. **A legislator or legislative employee who believes that disclosure of**
 27 **participation in a program would be an invasion of the participant's right to**
 28 **privacy under the state constitution may request the committee to keep the**
 29 **disclosure confidential. If the committee finds that publication would constitute**
 30 **an invasion of privacy, the committee shall publish only the fact that a person has**
 31 **participated in the program and the amount of benefit that the unnamed person**

1 received. The committee shall maintain the disclosure of the name of the person
 2 as confidential and may only use the disclosure in a proceeding under
 3 AS 24.60.170. If the disclosure becomes part of the record of a proceeding under
 4 AS 24.60.170, the disclosure may be made public as provided in that section.

5 * **Sec. 21.** AS 24.60.060 is amended by adding a new subsection to read:

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

9 * **Sec. 22.** AS 24.60.070(b) is amended to read:

10 (b) A legislator or legislative employee required to make a disclosure
 11 under this section shall make a disclosure by the date set under AS 24.60.105 of
 12 the legislator's or legislative employee's close economic associations then in
 13 existence. A disclosure under this section must be sufficiently detailed that a reader
 14 of the disclosure can ascertain the nature of the association.

15 * **Sec. 23.** AS 24.60.070 is amended by adding a new subsection to read:

16 (d) When making a disclosure under (a) of this section concerning a
 17 relationship with a lobbyist to whom the legislative employee is married or who is the
 18 legislative employee's spousal equivalent, the legislative employee shall also disclose
 19 the name and address of each employer of the lobbyist and the total monetary value
 20 received from the lobbyist's employer. The legislative employee shall report changes
 21 in the employer of the spouse or spousal equivalent within 48 hours after the change.
 22 In this subsection, "employer of the lobbyist" means the person from whom the
 23 lobbyist received amounts or things of value for engaging in lobbying on behalf of the
 24 person.

25 * **Sec. 24.** AS 24.60.080(a) is amended to read:

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

1 **legislative employee** [, AND] may not solicit, accept, or receive during a legislative
 2 session a gift with any monetary value from a lobbyist or a person acting on behalf
 3 of a lobbyist.

4 * **Sec. 25.** AS 24.60.080(c) is amended to read:

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

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

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

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

11 (B) at a social event or meal;

12 (2) discounts that are available

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

15 (B) **when on official state business, but only if receipt of the**
 16 **discount benefits the state;**

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

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

21 (5) gifts from the immediate family of the person; [OR]

22 (6) gifts that are not connected with the recipient's legislative status;

23 **or**

24 (7) **a discount for all or part of a legislative session, including time**
 25 **immediately preceding or following the session, or other gift to welcome a**
 26 **legislator or legislative employee who is employed on the personal staff of a**
 27 **legislator or by a standing or special committee to the capital city or in**
 28 **recognition of the beginning of a legislative session if the gift or discount is**
 29 **available generally to all legislators and the personal staff of legislators and staff**
 30 **of standing and special committees; this paragraph does not apply to legislative**
 31 **employees who are employed by the Legislative Affairs Agency, the office of the**

1 chief clerk, the office of the senate secretary, the legislative budget and audit
 2 committee, or the office of the ombudsman.

3 * **Sec. 26.** AS 24.60.080(d) is amended to read:

4 (d) A legislator or legislative employee who accepts a gift under (c)(4) [OR
 5 (6)] of this section shall disclose the gift if it has a value of **\$250** [\$100] or more; **the**
 6 [. THE] disclosure must include the name and occupation of the person making the
 7 gift, [AND] the approximate value of the gift, **and** [. A GIFT UNDER (c)(4) OF
 8 THIS SECTION REQUIRED TO BE DISCLOSED UNDER THIS SUBSECTION]
 9 shall be disclosed **to the committee** within 30 days **after** [OF] the receipt of the gift.
 10 **Except as provided in (i) of this section, a gift** [TO THE COMMITTEE. GIFTS]
 11 under (c)(6) of this section **that has a value of \$250 or more** shall be disclosed to the
 12 committee annually on or before **February 15** [APRIL 15] of the following calendar
 13 year; **the** [AND THE] disclosure needs to include **only a description of the gift and**
 14 **the identity of the donor** [THE VALUE ONLY IF THE VALUE OF THE GIFT
 15 EXCEEDS \$250]. The committee shall maintain a public record of the disclosure it
 16 receives relating to gifts under (c)(4) of this section and shall forward the disclosure
 17 to the appropriate house for inclusion in the journal. Disclosures relating to gifts under
 18 (c)(6) of this section shall be maintained, but are confidential and may only be used
 19 by the committee and its employees and contractors in the investigation of a possible
 20 violation of this section or in a proceeding under AS 24.60.170. If the disclosures
 21 become part of the record of a proceeding under AS 24.60.170, the confidentiality
 22 provisions of that section apply to the disclosures. **The committee shall forward to**
 23 **the Alaska Public Offices Commission copies of the disclosures concerning gifts**
 24 **under (c)(4) of this section that it receives from legislative employees who are**
 25 **required to file financial disclosure statements under AS 24.60.200 and from**
 26 **legislators.**

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

28 (e) A political contribution [THAT IS REPORTED UNDER AS 15.13.040] is
 29 not a gift under this section **if it is reported under AS 15.13.040 or is exempt from**
 30 **the reporting requirement under AS 15.13.040(g).**

31 * **Sec. 28.** AS 24.60.080(f) is amended to read:

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

8 * **Sec. 29.** AS 24.60.080(g) is amended to read:

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

10 (1) the spouse of the person;

11 (2) the person's spousal equivalent;

12 (3) a child, including a stepchild and an adoptive child, of the
 13 person or of the person's spousal equivalent;

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

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

21 * **Sec. 30.** AS 24.60.080 is amended by adding new subsections to read:

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

25 (i) A legislator or legislative employee who receives an inheritance worth \$250
 26 or more from a person other than a family member shall disclose the fact of the receipt
 27 of an inheritance and the identity of the decedent to the committee by the deadline set
 28 out in AS 24.60.105. The committee shall maintain a public record of the disclosure.
 29 This subsection does not require disclosure of the value of the inheritance.

30 (j) A legislator, a legislative committee other than the Select Committee on
 31 Legislative Ethics, or a legislative agency may accept (1) a gift of volunteer services

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

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

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

22 * **Sec. 31.** AS 24.60.085(a) is amended to read:

23 (a) A legislator or legislative employee may not

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

28 (2) accept a payment of anything of value, except for actual and
 29 necessarily incurred travel expenses, for an appearance or speech by the legislator or
 30 legislative employee; this paragraph does not apply to the salary paid to a legislator
 31 or legislative employee for making an appearance or speech as part of the legislator's

1 or legislative employee's normal course of employment.

2 * **Sec. 32.** AS 24.60.100 is amended to read:

3 **Sec. 24.60.100. Representation.** A legislator or legislative employee who
4 represents another person for compensation before an agency, board, or commission
5 of the state shall disclose the name of the person represented, the subject matter of the
6 representation, and the body before which the representation is to take place to the
7 committee. **The disclosure shall be made by the deadlines set out in AS 24.60.105.**

8 The committee shall maintain a public record of a [THE] disclosure **under this section**
9 and forward the disclosure to the respective house for inclusion in the journal. A
10 legislator or legislative employee may not represent another person for compensation
11 before an agency, committee, or other entity of the legislative branch.

12 * **Sec. 33.** AS 24.60 is amended by adding a new section to read:

13 **Sec. 24.60.105. Deadlines for filing disclosures.** (a) When a legislator or
14 legislative employee is required to file a disclosure under this chapter and a date by
15 which the disclosure must be filed is not otherwise set by statute, the deadlines set out
16 in this section shall apply. For disclosure of a matter or an interest that began or was
17 acquired during the interim between regular legislative sessions, whether or not the
18 regular session is extended or there is a special session, or during the last 30 days of
19 a regular session, the legislator or legislative employee shall disclose the matter by
20 February 15. For disclosure of a matter or an interest that began or was acquired
21 during a regular legislative session, but not during the last 30 days of the regular
22 session, the disclosure must be made within 30 days after the commencement of the
23 interest or representation.

24 (b) Disclosures under the following statutes are subject to the deadlines set out
25 in this section:

26 (1) service on the board of an organization as set out in
27 AS 24.60.030(f);

28 (2) an interest in a state contract or lease under AS 24.60.040 and the
29 renegotiation of the terms of a state contract or lease that materially affect the
30 obligations of either party;

31 (3) participation in a state program or receipt of a state loan under

1 AS 24.60.050 and the renegotiation of the terms of the program or loan if the
2 renegotiation materially affects the obligations of either party;

3 (4) formation or maintenance of a close economic association under
4 AS 24.60.070;

5 (5) receipt of an inheritance under AS 24.60.080(i);

6 (6) representation of a client under AS 24.60.100.

7 * **Sec. 34.** AS 24.60.130(f) is amended to read:

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

20 * **Sec. 35.** AS 24.60.130(h) is amended to read:

21 (h) A member is disqualified from participating as a member in any
22 proceeding before the committee involving a complaint against the member **or an**
23 **employee whose work is supervised by the member** or an advisory opinion
24 requested by the member. If **a regular legislative member of the committee is**
25 **disqualified under this subsection from participating in a proceeding involving a**
26 **complaint, an alternate shall be appointed under (o) of this section** [THE
27 LEGISLATURE IS IN SESSION WHEN A LEGISLATIVE MEMBER IS
28 DISQUALIFIED UNDER THIS SUBSECTION, THE PRESIDING OFFICER OF
29 THAT MEMBER'S HOUSE SHALL, WITH THE CONCURRENCE BY ROLL
30 CALL VOTE OF TWO-THIRDS OF THE FULL MEMBERSHIP OF THAT HOUSE,
31 APPOINT ANOTHER MEMBER FROM THAT HOUSE TO ACT AS A MEMBER

1 OF THE COMMITTEE IN THE PROCEEDING. IF THE LEGISLATURE IS NOT
 2 IN SESSION WHEN A LEGISLATIVE MEMBER IS DISQUALIFIED, THE
 3 PRESIDING OFFICER OF THE HOUSE OF WHICH THE DISQUALIFIED
 4 LEGISLATOR IS A MEMBER SHALL APPOINT ANOTHER MEMBER FROM
 5 THAT HOUSE, WITH A RECORDED CONCURRENCE OF A MAJORITY VOTE
 6 OF THE SUBCOMMITTEE OF THAT HOUSE, TO ACT AS A MEMBER OF THE
 7 COMMITTEE IN THE PROCEEDING].

8 * **Sec. 36.** AS 24.60.130 is amended by adding a new subsection to read:

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

21 * **Sec. 37.** AS 24.60.134(a) is amended to read:

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

27 (1) [PARTICIPATE IN] political management or in a political
 28 campaign **for a candidate for election to federal, state, or local office, regardless**
 29 **of whether the campaign is partisan or nonpartisan, or for passage or defeat of**
 30 **a ballot measure of any type** [DURING THE PERSON'S TERM OF OFFICE,
 31 EMPLOYMENT, OR CONTRACT];

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

3 (A) a candidate for the legislature;

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

6 (C) a person running for another office against an incumbent
7 legislator or legislative employee; [OR]

8 (3) **a fund-raising event held on behalf of a political party or attend**
9 **a political party fund-raising event; or**

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

13 * **Sec. 38.** AS 24.60.134 is amended by adding a new subsection to read:

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

21 * **Sec. 39.** AS 24.60.150(b) is amended to read:

22 (b) The committee may

23 (1) recommend [LEGISLATION] to the legislature **legislation that** the
24 committee considers desirable or necessary to promote and maintain high standards of
25 ethical conduct in government;

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

29 (3) **adopt guidelines to implement this chapter; in adopting**
30 **guidelines, the committee shall provide notice of its intended action and an**
31 **opportunity for public comment; the committee may not penalize a person who**

1 reasonably relies on a guideline adopted by the committee for having violated a
 2 conflicting provision of this chapter.

3 * Sec. 40. AS 24.60.160 is amended to read:

4 Sec. 24.60.160. Advisory opinions. (a) On the request of a person to
 5 whom this chapter applies or who has been newly elected to the legislature, the
 6 [THE] committee shall issue an advisory opinion within 60 [30] days [ON THE
 7 REQUEST OF A PERSON TO WHOM THE CHAPTER APPLIES OR A PERSON
 8 ELECTED TO THE LEGISLATURE WHO AT THE TIME OF ELECTION IS NOT
 9 A MEMBER OF THE LEGISLATURE] as to whether the facts and circumstances of
 10 a particular case constitute a violation of ethical standards. If it finds that it is
 11 advisable to do so, the committee may issue an opinion under this section on the
 12 request of a person who reasonably expects to become subject to this chapter
 13 within the next 45 days. The 60-day [30-DAY] period for issuing an opinion may
 14 be extended by the committee if the person requesting the opinion consents.

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

23 * Sec. 41. AS 24.60.170(a) is amended to read:

24 (a) The committee shall consider a complaint alleging a violation of this
 25 chapter if the alleged violation occurred within five years before [OF] the date that the
 26 complaint is filed with the committee and, when the subject of the complaint is a
 27 former member of the legislature, the complaint is filed within one year after [OF] the
 28 subject's departure from the legislature. The committee may not consider a complaint
 29 filed against all members of the legislature, against all members of one house of
 30 the legislature, or against a person employed by the legislative branch of government
 31 after the person has terminated legislative service. However, the committee may

1 reinstitute proceedings concerning a complaint that was closed because a former
 2 employee terminated legislative service or because a legislator left the legislature
 3 if the former employee or legislator resumes legislative service, whether as an
 4 employee or a legislator, within five years after the alleged violation. The
 5 committee may also initiate complaints on its own motion, subject to the same time
 6 limitations. The time limitations of this subsection do not bar proceedings against a
 7 person who intentionally prevents discovery of a violation of this chapter.

8 * **Sec. 42.** AS 24.60.170(b) is amended to read:

9 (b) A complaint may be initiated by any person. The complaint must be in
 10 writing and signed under oath by the person making the complaint and must contain
 11 a statement that the complainant has reason to believe that a violation of this
 12 chapter has occurred and describe any facts known to the complainant to support
 13 that belief. The committee shall upon request provide a form for a complaint to a
 14 person wishing to file a complaint. Upon receiving a complaint, the committee shall
 15 advise the complainant that the committee or the subject of the complaint may
 16 ask the complainant to testify at any stage of the proceeding as to the
 17 complainant's belief that the subject of the complaint has violated this chapter.

18 The committee shall immediately provide a copy of the complaint to the person who
 19 is the subject of the complaint.

20 * **Sec. 43.** AS 24.60.170(c) is amended to read:

21 (c) When the committee receives a complaint under (a) of this section, it may
 22 assign the complaint to a staff person. The staff person shall conduct a
 23 preliminary examination of the complaint and advise the committee whether the
 24 allegations of the complaint, if true, constitute a violation of this chapter and
 25 whether there is credible information to indicate that a further investigation and
 26 proceeding is warranted. The staff recommendation shall be based on the
 27 information and evidence contained in the complaint as supplemented by the
 28 complainant and by the subject of the complaint, if requested to do so by the staff
 29 member. The committee shall consider the recommendation of the staff member,
 30 if any, and shall determine whether the allegations of the complaint, if true, constitute
 31 a violation of this chapter. If the committee determines that the allegations, if proven,

1 would not give rise to a violation, **that the complaint is frivolous on its face, that**
 2 **there is insufficient credible information that can be uncovered to warrant further**
 3 **investigation by the committee,** or **that** [IF] the committee's lack of jurisdiction is
 4 apparent on the face of the complaint, the committee shall dismiss the complaint [,]
 5 and shall notify the complainant and the subject of the complaint of the dismissal.
 6 **The committee may ask the complainant to provide clarification or additional**
 7 **information before it makes a decision under this subsection and may request**
 8 **information concerning the matter from the subject of the complaint. Neither the**
 9 **complainant nor the subject of a complaint is obligated to provide the**
 10 **information. A proceeding conducted under this subsection, documents that are**
 11 **part of a proceeding, and a dismissal under this subsection are confidential as**
 12 **provided in (l) of this section unless the subject of the complaint waives**
 13 **confidentiality as provided in that subsection.**

14 * **Sec. 44.** AS 24.60.170(f) is amended to read:

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

25 * **Sec. 45.** AS 24.60.170(g) is amended to read:

26 (g) If the committee investigation determines that a probable violation of this
 27 chapter exists that may be corrected by action of the subject of the complaint and that
 28 does not warrant sanctions other than correction, the committee may issue an opinion
 29 recommending corrective action. This opinion shall be provided to the complainant
 30 and to the subject of the complaint, and is open to inspection by the public. The
 31 subject of the complaint may comply with the opinion or may request a hearing before

1 the committee under (j) of this section. After the hearing, the committee may amend
 2 or affirm the opinion. **If the subject of the complaint agrees to comply with the**
 3 **opinion but later fails to complete the corrective action in a timely manner, the**
 4 **committee may formally charge the person as provided in (h) of this section or**
 5 **may refer the matter to the appropriate house of the legislature, in the case of a**
 6 **legislator, or, in the case of a legislative employee, to the employee's appointing**
 7 **authority. The appropriate house of the legislature or the appointing authority,**
 8 **as appropriate, may take action to enforce the corrective action or may decline**
 9 **to take action and refer the matter to the committee. In either case, the**
 10 **committee may formally charge the person under (h) of this section.**

11 * **Sec. 46.** AS 24.60.170(h) is amended to read:

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

22 * **Sec. 47.** AS 24.60.170(i) is amended to read:

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

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

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

30 **(3) impose reasonable restrictions on the release of information that**
 31 **the subject of a complaint acquires from the committee in the course of discovery,**

1 or on information obtained by use of the committee's authority, in order to
2 protect the privacy of persons not under investigation to whom the information
3 pertains; however, the committee may not impose restrictions on the release of
4 information by the subject of the complaint unless the complainant has agreed to
5 be bound by similar restrictions and has not made public the information
6 contained in the complaint, information about the complaint, or the fact of filing
7 the complaint.

8 * Sec. 48. AS 24.60.170(l) is amended to read:

9 (l) Proceedings of the committee relating to complaints before it are
10 confidential until the committee determines that there is probable cause to believe that
11 a violation of this chapter has occurred. The complaint and all documents produced
12 or disclosed as a result of the committee investigation are confidential and not subject
13 to inspection by the public. If in the course of an investigation or probable cause
14 determination the committee finds evidence of probable criminal activity, the
15 committee shall transmit a statement and factual findings limited to that activity to the
16 appropriate law enforcement agency. If the committee finds evidence of a probable
17 violation of AS 15.13, the committee shall transmit a statement to that effect and
18 factual findings limited to the probable violation to the Alaska Public Offices
19 Commission. All meetings of the committee before the determination of probable
20 cause are closed to the public and to legislators who are not members of the
21 committee. However, the committee may permit the subject of the complaint to
22 attend a meeting other than the deliberations on probable cause. The
23 confidentiality provisions of this subsection may be waived by the subject of the
24 complaint, except that the subject of the complaint may not waive the
25 confidentiality duty the committee owes to others and may not require the
26 committee to deliberate in public.

27 * Sec. 49. AS 24.60.174(a) is amended to read:

28 (a) If the person found to have violated this chapter is or was a member of the
29 legislature, the committee's recommendations shall be forwarded by the chair of the
30 committee to the presiding officer of the appropriate house of the legislature. If the
31 committee recommends sanctions other than expulsion from the legislature, the

1 **committee recommendation**

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

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

7 * **Sec. 50.** AS 24.60.174 is amended by adding a new subsection to read:

8 (e) When a house of the legislature imposes a sanction other than expulsion
 9 on a member or former member, it shall advise the committee at the time of imposing
 10 the sanction of the terms it has imposed and of the timetable for compliance adopted
 11 with the sanctions. A legislator or former legislator on whom sanctions other than
 12 expulsion have been imposed shall report to the committee as required by the
 13 timetable. If the committee determines that the legislator or former legislator has not
 14 complied fully and in a timely manner with the sanctions imposed by the legislature,
 15 the committee may recommend that the legislature impose a fine or additional
 16 sanctions.

17 * **Sec. 51.** AS 24.60.176 is amended to read:

18 **Sec. 24.60.176. Recommendations where violator is a legislative employee.**

19 If the person found to have violated this chapter is or was a legislative employee, the
 20 committee's recommendations shall be forwarded to the appropriate appointing
 21 authority which shall, as soon as is reasonably possible, determine the sanctions, if
 22 any, to be imposed. The appointing authority may not question the committee's
 23 findings of fact. The appointing authority shall assume the validity of the committee's
 24 findings [,] and determine and impose the appropriate sanctions. **The appointing**
 25 **authority has the power to impose a sanction recommended by the committee or**
 26 **to impose a different sanction. The appointing authority shall enforce the**
 27 **sanction and shall report to the committee at a time specified by the committee**
 28 **concerning the employee's compliance with the sanction.**

29 * **Sec. 52.** AS 24.60.176 is amended by adding a new subsection to read:

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

31 (1) the legislative council for employees of the Legislative Affairs

1 Agency and of the legislative council and for legislative employees not otherwise
2 covered under this subsection;

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

7 (3) the appropriate finance committee for employees of the senate or
8 house finance committees;

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

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

16 (6) the ombudsman for employees of the office of the ombudsman,
17 other than the ombudsman;

18 (7) the legislature for the ombudsman.

19 * **Sec. 53.** AS 24.60 is amended by adding a new section to read:

20 **Sec. 24.60.178. Recommended sanctions.** (a) When the committee finds that
21 a person has violated this chapter, the committee may recommend appropriate
22 sanctions, including sanctions set out in (b) of this section.

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

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

26 (2) divestiture of specified assets or withdrawal from specified
27 associations;

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

30 (4) in the case of a legislative employee, suspension of employment
31 with or without pay for a stated period of time or until stated conditions are met, or

1 termination from legislative employment;

2 (5) restitution of property or reimbursement of improperly received
3 benefits;

4 (6) public or private written reprimand;

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

9 (8) placing the person on probationary status;

10 (9) in the case of a legislator, expulsion from the house of the
11 legislature;

12 (10) any other appropriate measure.

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

17 * **Sec. 54.** AS 24.60.200 is amended to read:

18 **Sec. 24.60.200. Financial disclosure by legislators, [AND] legislative**
19 **directors, public members of the committee, and certain legislative employees.** A
20 legislator, [AND A] legislative director, **public member of the committee and**
21 **legislative employee who is required to disclose** shall file a disclosure statement,
22 under oath and on penalty of perjury, with the Alaska Public Offices Commission
23 giving the following information about the income received by **the person filing the**
24 **disclosure, the person's spouse or spousal equivalent, the person's** [THEM, THEIR
25 SPOUSES, THEIR] dependent children, and **the person's** [THEIR] nondependent
26 children who are living with **the discloser** [THEM]:

27 (1) the information that a public official is required to report under
28 AS 39.50.030; **however, a person subject to disclosure requirements is not**
29 **required to report any gifts** [, EXCEPT THAT SOURCES OF INCOME OTHER
30 THAN GIFTS OF \$1,000 OR LESS, AND LOANS OF \$1,000 OR LESS NEED NOT
31 BE REPORTED];

1 (2) as to income in excess of \$1,000 received as compensation for
 2 personal services, the name and address of the source of the income, and a statement
 3 describing the nature of the services performed; if the source of income is known or
 4 reasonably should be known to have a substantial interest in legislative, administrative,
 5 or political action and the recipient of the income is a **person subject to disclosure**
 6 **requirements** [LEGISLATOR OR A LEGISLATIVE DIRECTOR], the amount of
 7 income received from the source shall be disclosed;

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

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

19 * Sec. 55. AS 24.60.210 is amended to read:

20 **Sec. 24.60.210. Deadlines for filing of disclosure statements.** A **person**
 21 **subject to disclosure requirements** [LEGISLATOR AND A LEGISLATIVE
 22 DIRECTOR] shall file an annual report with the Alaska Public Offices Commission,
 23 covering the previous calendar year, containing the disclosures required by
 24 AS 24.60.200, on or before **February** [APRIL] 15 of each year. **However, a**
 25 **legislative employee who is required to disclose who was first appointed to a**
 26 **position compensated at Range 19 or above on or after January 1 of the calendar**
 27 **year in which the report is to be filed is required to file the report on or before**
 28 **the 60th day after the employee was hired into the position.**

29 * Sec. 56. AS 24.60.240 is amended to read:

30 **Sec. 24.60.240. Civil penalty for late filing.** A **person subject to disclosure**
 31 **requirements** [LEGISLATOR OR A LEGISLATIVE DIRECTOR] who fails to file

1 a properly completed report under AS 24.60.200 is subject to a civil penalty of not
 2 more than \$10 a day for each day the delinquency continues as the Alaska Public
 3 Offices Commission determines, subject to appeal to the superior court. An affidavit
 4 stating facts in mitigation may be submitted to the Alaska Public Offices Commission
 5 by the person against whom the civil penalty is assessed. However, the imposition of
 6 the penalties prescribed in this section does not excuse the person from filing reports
 7 required by AS 24.60.200.

8 * **Sec. 57.** AS 24.60.250 is amended to read:

9 **Sec. 24.60.250. Effect of failure to file by legislative candidate.** In addition
 10 to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission
 11 finds that a candidate for the legislature who is **a person subject to disclosure**
 12 **requirements** [AN INCUMBENT LEGISLATOR OR A LEGISLATIVE DIRECTOR]
 13 has failed or refused to file a report under AS 24.60.200 by a deadline established in
 14 AS 24.60.210, it shall notify the lieutenant governor. The candidate shall forfeit
 15 nomination to office and may not be seated in office. The lieutenant governor may
 16 not certify the person's nomination for office or election to office, and nomination to
 17 the office shall be certified as provided in AS 39.50.060(b).

18 * **Sec. 58.** AS 24.60.260(a) is amended to read:

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

26 * **Sec. 59.** AS 24.60.260 is amended by adding a new subsection to read:

27 (c) The committee may impose a fine on a person who files a disclosure after
 28 a deadline set by this chapter. The amount of the fine imposed under this subsection
 29 may not exceed \$2 for each day to a maximum of \$100 for each disclosure for a late
 30 disclosure. However, if the committee finds that a late filing was inadvertent, the
 31 maximum fine the committee may impose under this subsection is \$25.

1 * **Sec. 60.** AS 24.60.990(a)(5) is amended to read:

2 (5) "immediate family" means

3 (A) the spouse **or spousal equivalent of the person; or**

4 (B) **a parent, child** [, PARENTS, CHILDREN], including a
 5 stepchild and an adoptive child, and **sibling** [SIBLINGS] of a person **if the**
 6 **parent, child, or sibling resides with the person, is financially dependent**
 7 **on the person, or shares a substantial financial interest with the person;**

8 * **Sec. 61.** AS 24.60.990(a) is amended by adding new paragraphs to read:

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

12 (16) "person subject to disclosure requirements" means a legislator,
 13 legislative director, public member of the committee, or legislative employee who is
 14 required to disclose;

15 (17) "spousal equivalent" means a person who is cohabiting with
 16 another person in a relationship that is like a marriage but that is not a legal marriage;

17 (18) "state office" includes the office of governor, lieutenant governor,
 18 member of the legislature, or similar state office.

19 * **Sec. 62.** AS 39.25.070 is amended to read:

20 **Sec. 39.25.070. Powers and duties of personnel board.** In addition to the
 21 other duties imposed by this chapter, the personnel board shall

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

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

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

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

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

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

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

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

6 (9) APPOINT, AND REVIEW THE FINDINGS, CONCLUSIONS,
7 AND RECOMMENDATIONS OF, HEARING OFFICERS IN ACCORDANCE WITH
8 AS 39.52.350(c), 39.52.360, AND 39.52.370;

9 (10) ISSUE FINDINGS, CONCLUSIONS, AND DECISIONS
10 REGARDING VIOLATIONS OF THE CODE OF ETHICS IN AS 39.52.110 -
11 39.52.190; AND

12 (11) IMPOSE THE PENALTIES DESCRIBED IN AS 39.52.410,
13 39.52.440, AND 39.52.450].

14 * **Sec. 63.** AS 39.25.160 is amended by adding a new subsection to read:

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

21 * **Sec. 64.** AS 39.50.020 is amended to read:

22 **Sec. 39.50.020. Report of financial and business interests.** (a) A **public**
23 **official as defined in AS 39.50.200 other than the governor or the lieutenant**
24 **governor** [JUDICIAL OFFICER, COMMISSIONER, CHAIR OR MEMBER OF A
25 STATE COMMISSION OR BOARD SPECIFIED IN AS 39.50.200(b), A PERSON
26 HIRED OR APPOINTED AS HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF
27 A DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH, A
28 PERSON APPOINTED AS ASSISTANT TO THE GOVERNOR, A STATE
29 INVESTMENT OFFICER AND THE STATE COMPTROLLER IN THE
30 DEPARTMENT OF REVENUE, AND A MUNICIPAL OFFICER] shall file a
31 statement giving income sources and business interests, under oath and on penalty of

1 perjury, within 30 days after taking office as a public official. Candidates for state
 2 elective office other than a candidate who is subject to AS 24.60 shall file the [SUCH
 3 A] statement with the director of elections at the time of filing a declaration of
 4 candidacy or a nominating petition [,] or [WITHIN 30 DAYS OF] becoming a
 5 candidate by any other means. Candidates for elective municipal office shall file the
 6 [SUCH A] statement at the time of filing a nominating petition, declaration of
 7 candidacy, or other required filing for the elective municipal office. Refusal or failure
 8 to file within the time prescribed shall require that the candidate's filing fees, if any,
 9 and filing for office be refused or that a previously accepted filing fee be returned and
 10 the candidate's name removed from the filing records. A statement shall also be filed
 11 by public officials no later than April 15 or 15 days after the person files a federal
 12 income tax return in each following year, whichever comes first. Persons who are
 13 members of boards or commissions not named in AS 39.50.200(b) are not required to
 14 file financial statements.

15 (b) A public official other than an elected or appointed municipal officer
 16 [THE GOVERNOR, LIEUTENANT GOVERNOR, JUDICIAL OFFICERS, EACH
 17 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A
 18 DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH,
 19 ASSISTANT TO THE GOVERNOR, STATE INVESTMENT OFFICERS AND THE
 20 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR
 21 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER
 22 THIS CHAPTER,] shall file the statement with the Alaska Public Offices Commission.
 23 Candidates for the office of governor and lieutenant governor and, if the candidate is
 24 not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or
 25 15.25.180. Municipal officers, and candidates for elective municipal office, shall file
 26 with the municipal clerk or other municipal official designated to receive their filing
 27 for office. All statements required to be filed under this chapter are public records.

28 * **Sec. 65.** AS 39.50.030(a) is amended to read:

29 (a) Each statement must [SHALL] be an accurate representation of the
 30 financial affairs of the public official or candidate and must [SHALL] contain the
 31 same information for each member of the person's family, as specified in (b) and (d)

1 of this section, to the extent that it is ascertainable by the public official or candidate.
2 [AN ASSET OR LIABILITY UNDER \$500, HOUSEHOLD GOODS, AND
3 PERSONAL EFFECTS NEED NOT BE IDENTIFIED.]

4 * **Sec. 66.** AS 39.50.030(b) is amended to read:

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

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

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

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

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

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

28 (6) any loan or loan guarantee **of more than \$1,000** made to the
29 person, the person's spouse or dependent child, or a nondependent child of the person
30 who is living with that person, and the identity of the maker of the loan or loan
31 guarantor and the identity of each creditor to whom the person, the person's spouse or

1 dependent child, or a nondependent child of the person who lives with that person
 2 owed more than \$1,000; this paragraph requires disclosure of a loan, loan
 3 guarantee, or indebtedness only if the loan or guarantee was made, or the
 4 indebtedness incurred, during the preceding calendar year, or if the amount still
 5 owing on the loan, loan guarantee, or indebtedness was more than \$1,000 at any
 6 time during the preceding calendar year [\$500 OR MORE];

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

14 (8) a list of all mineral, timber, oil, or any other natural resource lease
 15 held, or lease offer made, during the preceding calendar year by the person, the
 16 person's spouse or dependent child, a nondependent child of the person who is living
 17 with that person, [THE PERSON'S MOTHER OR FATHER,] a partnership or
 18 professional corporation of which the person is a member, or a corporation in which
 19 the person or the person's spouse or children, or a combination of them, holds a
 20 controlling interest.

21 * **Sec. 67.** AS 39.50.030 is amended by adding new subsections to read:

22 (d) In addition to the requirements of (b) of this section, each statement filed
 23 by a state official under this chapter must include a disclosure of the formation or
 24 maintenance of a close economic association involving a substantial financial matter
 25 as required by this subsection. The disclosure must be sufficiently detailed that a
 26 reader can ascertain the nature of the association. A state official shall disclose a close
 27 economic association with

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

- 1 (2) a legislator;
- 2 (3) a public official who is not an appointed or elected municipal
- 3 officer; or
- 4 (4) a public officer if the person required to make the disclosure is the
- 5 governor or the lieutenant governor.

6 (e) If a state official forms a close economic association after the date on

7 which the official files the financial disclosure statement required by (a) of this section,

8 disclosure of the association must be made to the official's designated supervisor

9 within 60 days after the formation of the association.

10 (f) In this section,

11 (1) "close economic association" means a financial relationship that

12 exists between a state official and some other person or entity, including a relationship

13 where the state official serves as a consultant or advisor to, is a member or

14 representative of, or has a financial interest in an association, partnership, business, or

15 corporation;

16 (2) "designated supervisor" has the meaning given in AS 39.52.960;

17 (3) "public officer" has the meaning given in AS 39.52.960;

18 (4) "state official" has the meaning given in AS 39.52.960.

19 * **Sec. 68.** AS 39.50.070 is amended to read:

20 **Sec. 39.50.070. Failure to report by certain state employees**

21 **[DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT HEADS].** A person

22 hired or appointed as the head or deputy head of, or director of a division within, a

23 department in the executive branch **or another state employee subject to this chapter**

24 who refuses or fails to file a report of financial interests required under this chapter

25 when due may not hold office, and the person's name may not be submitted to the

26 legislature for confirmation, until the person complies. The person may not be

27 confirmed, hired, or appointed, and the person forfeits and may not be paid any salary,

28 per diem, or travel expenses, until the person complies. If, after installation as the

29 head or deputy head of, or director of a division within, a department, **or, for other**

30 **state employees, after beginning employment in the position subject to this**

31 **chapter,** the person refuses or fails to file the required statement when due, the person

1 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than
 2 \$100 nor more than \$1,000 and shall be removed from office if compliance is not
 3 made within 30 days after the due date of the report.

4 * **Sec. 69.** AS 39.50.080 is amended to read:

5 **Sec. 39.50.080. Failure to report by a commission or board chair**
 6 **[CHAIRMAN] or member.** A person hired or appointed as a commissioner, **chair,**
 7 **[CHAIRMAN]** or member of a state commission or board specified in
 8 AS 39.50.200(b), **including the executive director of the Alaska Tourism Marketing**
 9 **Council,** who fails to file a report of financial interests required under this chapter
 10 when due may not hold office, and the person's name may not be submitted to the
 11 legislature until the person complies. The person may not be confirmed, and the
 12 person forfeits and may not be paid any salary, per diem or travel expenses, until the
 13 person complies. If, after being seated as commissioner, **chair,** **[CHAIRMAN]** or
 14 member of **the** **[SUCH A]** commission or board the person refuses or fails to file the
 15 required statement when due, the person is guilty of a misdemeanor and upon
 16 conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and
 17 shall be removed from office if compliance is not made within 30 days after the due
 18 date.

19 * **Sec. 70.** AS 39.50.200(a)(8) is amended to read:

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

29 * **Sec. 71.** AS 39.50.200(a) is amended by adding a new paragraph to read:

30 (10) "another state employee subject to this chapter"

31 (A) means a state employee who is employed in a position in

1 the executive branch of state government in the exempt or partially exempt
 2 service and who is compensated at Range 19 or above on the state salary
 3 schedule under AS 39.27.011 or at more than \$4,200 per month; and

4 (B) means an assistant to the governor, an assistant to the
 5 lieutenant governor, a state investment officer, and the state comptroller in the
 6 Department of Revenue; but

7 (C) does not include a state officer or employee who is
 8 otherwise included in the definition of "public official" under this section; and

9 (D) does not include an employee who is a member of a
 10 collective bargaining unit.

11 * **Sec. 72.** AS 39.52.010(a) is amended to read:

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

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

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

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

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

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

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

26 (4) **a fair and open government requires that executive branch**
 27 **public officers conduct the public's business in a manner that preserves the**
 28 **integrity of the governmental process and avoids conflicts of interest or even**
 29 **appearances of conflicts of interest;**

30 (5) **in order for the rules governing conduct to be respected both**
 31 **during and after leaving public service, the code of ethics must be administered**

1 fairly without bias or favoritism;

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

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

10 * **Sec. 73.** AS 39.52.110(c) is amended to read:

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

14 * **Sec. 74.** AS 39.52.120(b) is amended to read:

15 (b) A public officer may not

16 (1) seek other employment or contracts through the use or attempted
 17 use of official position;

18 (2) accept, receive, or solicit compensation for the performance of
 19 official duties or responsibilities from a person other than the state; **this paragraph**
 20 **may not be construed to prohibit the governor or the lieutenant governor from**
 21 **the lawful solicitation for and acceptance of campaign contributions or a public**
 22 **officer from the acceptance of a lawful gift, other than a campaign contribution,**
 23 **under AS 39.52.130;**

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

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

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

30 * **Sec. 75.** AS 39.52 is amended by adding a new section to read:

31 **Sec. 39.52.125. Misuse of official position by state officials.** (a) In addition

1 to the prohibitions under AS 39.52.120, a state official may not

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

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

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

12 (4) 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.

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

19 (c) Unless approved by the personnel board, during a campaign period for an
20 election in which the state official is a candidate, a state official may not use or permit
21 another to use state funds to print or distribute a political mass mailing to individuals
22 eligible to vote for the candidate. In this subsection,

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

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

28 (B) ends the day after the cooperative election, municipal
29 election, or the general or special election;

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

31 a

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

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

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

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

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

18 (2) state or imply that the official will perform or refrain from
19 performing a lawful governmental service as a result of a person's decision to provide
20 or not provide a political contribution, donate or not donate to a cause favored by the
21 official or provide or not provide a thing of value.

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

25 (g) In this section, when determining whether a state official is considered to
26 be performing a task on government time, the personnel board shall consider the
27 official's work schedule as set by the official's immediate supervisor, if any. An
28 official other than the governor and lieutenant governor who engages in political
29 campaign activities other than incidental campaign activities as described in this
30 subsection during the work day shall take leave for the period of campaigning.
31 Political campaign activities while on government time are permissible if the activities

1 are part of the normal governmental duties of the official, including answering
2 telephone calls and handling of incoming correspondence.

3 * **Sec. 76.** AS 39.52.130(c) is amended to read:

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

7 * **Sec. 77.** AS 39.52.130 is amended by adding new subsections to read:

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

17 (f) A state official who accepts a gift under (g)(4) of this section shall disclose
18 the gift if it has a value in excess of \$250, including the name and occupation of the
19 giver and a description of the gift and its approximate value, to the personnel board
20 within 30 days after the date of its receipt. Except as provided in (j) of this section,
21 a gift under (g)(6) of this section that has a value of \$250 or more shall be disclosed
22 to the personnel board annually on or before February 15 of the following calendar
23 year; the disclosure must include only a description of the gift and the identity of the
24 donor. The personnel board shall maintain a public record of the disclosures received
25 of gifts under (g)(4) of this section. Disclosures relating to gifts under (g)(6) of this
26 section shall be maintained but are confidential and may only be used by the attorney
27 general or the personnel board and its employees and contractors in the investigation
28 of a possible violation of this section or in a proceeding under AS 39.52.310 -
29 39.52.390. If the disclosures become part of the record of a proceeding under
30 AS 39.52.310 - 39.52.390, the confidentiality provisions in AS 39.52.340 apply to the
31 disclosures. The personnel board shall forward disclosures it receives from a state

1 official concerning gifts under (g)(4) of this section to the Alaska Public Offices
2 Commission.

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

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

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

9 (B) at a social event or meal;

10 (2) discounts that are available

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

13 (B) when on state business;

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

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

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

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

20 (h) Notwithstanding (e) of this section, a state official may accept a gift of
21 property worth \$250 or more, other than money, from a foreign government or from
22 the government of the United States or another state or from an official of a foreign
23 government or of the government of the United States or another state if the person
24 accepts the gift on behalf of the state. The person shall, within 60 days after receiving
25 the gift, deliver the gift to the Office of the Governor, which shall determine the
26 appropriate disposition of the gift.

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

30 (j) A state official who receives an inheritance from a person other than a
31 family member shall disclose the fact of the receipt of an inheritance and the identity

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

5 (k) A state official or public agency may accept (1) a gift of volunteer services
6 for governmental purposes so long as the person making the gift of services is not
7 receiving compensation from another source for the services or (2) a gift of the
8 services of a trainee who is participating in an educational program approved by the
9 personnel board if the services are used for governmental purposes. The personnel
10 board shall approve training under a program of the University of Alaska and training
11 under 29 U.S.C. 1501 - 1792b (Job Training Partnership Act). A governmental
12 volunteer or educational trainee shall be considered to be a public employee for
13 purposes of compliance with this chapter other than AS 39.52.150, 39.52.155, and
14 39.52.160. If a person believes that a governmental volunteer or educational trainee
15 has violated the provisions of one of those sections, the person may file a complaint
16 under AS 39.52.310. The provisions of AS 39.52.310 - 39.52.390 apply to the
17 proceeding. This subsection does not permit a state official to accept a gift of services
18 for nongovernmental purposes.

19 (l) A state official who knows or reasonably ought to know that a family
20 member has received a gift because of the family member's connection with the
21 official's public office shall report the receipt of the gift by the family member to the
22 personnel board if the gift would have to be reported under this section if it had been
23 received by the public officer or if receipt of the gift by a public officer would be
24 prohibited under this section.

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

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

- 28 (1) the spouse of the person;
29 (2) another person cohabiting with the person in a conjugal relationship
30 that is not a legal marriage;
31 (3) a child, including a stepchild and an adoptive child, of the person;

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

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

3 * **Sec. 78.** AS 39.52 is amended by adding new sections to read:

4 **Sec. 39.52.132. Restrictions on fund raising.** (a) A state official, including
5 the governor and the lieutenant governor, may not

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

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

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

16 (b) In this section, "contribution" has the meaning given in AS 15.13.400.

17 **Sec. 39.52.134. Restrictions on employee candidacies.** A state official, other
18 than the governor and the lieutenant governor, may not file a letter of intent to become
19 a candidate or file a declaration of candidacy for the legislature.

20 **Sec. 39.52.136. Open meetings law.** State officials shall abide by the open
21 meetings law under AS 44.62.310 - 44.62.312.

22 * **Sec. 79.** AS 39.52.150(d) is amended to read:

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

27 * **Sec. 80.** AS 39.52 is amended by adding a new section to read:

28 **Sec. 39.52.155. Disclosure of close economic associations.** (a) A state
29 official shall disclose to the official's designated supervisor and to the Alaska Public
30 Offices Commission, which shall maintain a public record of the disclosure, the
31 formation or maintenance of a close economic association involving a substantial

1 financial matter with

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

6 (2) legislators;

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

9 (4) a registered lobbyist; or

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

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

18 (c) When making a disclosure under (a) of this section concerning a
19 relationship with a lobbyist to whom the state official is married or who is the
20 official's spousal equivalent, the state official shall also disclose the name and address
21 of each employer of the lobbyist and the total monetary value received from the
22 lobbyist's employer. The state official shall report changes in the employer of the
23 spouse or spousal equivalent within 48 hours after the change. In this subsection,

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

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

29 (d) In this section, "close economic association" means a financial relationship
30 that exists between a state official and some other person or entity, including but not
31 limited to relationships where the state official serves as a consultant or advisor to, is

1 a member or representative of, or has a financial interest in, any association,
2 partnership, business, or corporation.

3 * **Sec. 81.** AS 39.52.170 is amended to read:

4 **Sec. 39.52.170. Outside employment restricted.** (a) A public employee may
5 not render services to benefit a personal or financial interest or engage in or accept
6 employment outside the agency which the employee serves, if the outside employment
7 or service is incompatible or in conflict with the proper discharge of official duties **or,**
8 **in the case of a state official, if the compensation sought or accepted for the**
9 **personal services is significantly greater than the value of the services rendered,**
10 **taking into account the higher rates generally charged by specialists in a**
11 **profession.**

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

17 * **Sec. 82.** AS 39.52.170 is amended by adding a new subsection to read:

18 (c) A state official may not accept a payment of anything of value, except for
19 actual and necessarily incurred travel expenses, for an appearance or speech by the
20 state official; this subsection does not apply to the salary paid to a state official for
21 making an appearance or speech as part of the official's normal course of employment.

22 * **Sec. 83.** AS 39.52.180(b) is amended to read:

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

26 * **Sec. 84.** AS 39.52.180(c) is amended to read:

27 (c) **Except as provided in (d) of this section, and, in the case of a state**
28 **official, only after the elapse of one year from the date the state official left state**
29 **service, the** [THE] head of an agency may waive application of (a) of this section
30 after determining that representation by a former public officer is not adverse to the
31 public interest. The waiver must be in writing and a copy of the waiver must be

1 provided to the attorney general for approval or disapproval.

2 * **Sec. 85.** AS 39.52.180 is amended by adding a new subsection to read:

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

7 * **Sec. 86.** AS 39.52.210 is amended to read:

8 **Sec. 39.52.210. Declaration of potential violations by public employees.** (a)

9 A public employee who is involved in a matter that may result in a violation of
10 AS 39.52.110 - 39.52.190 shall

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

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

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

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

21 or

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

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

28 * **Sec. 87.** AS 39.52.220 is amended to read:

29 **Sec. 39.52.220. Declaration of potential violations by members of boards**

30 **or commissions.** (a) A member of a board or commission who is involved in a
31 matter that may result in a violation of AS 39.52.110 - 39.52.190 shall disclose the

1 matter on the public record and in writing to the designated supervisor **and to the**
 2 **personnel board**. The supervisor shall determine whether the member's involvement
 3 violates AS 39.52.110 - 39.52.190 **and shall provide a copy of the written**
 4 **determination to the board or commission member and to the personnel board**.

5 If a member of the board or commission objects to the ruling of the supervisor, or if
 6 the supervisor discloses an involvement requiring a determination, the members present
 7 at a meeting, excluding the involved member, shall vote on the matter. If the
 8 supervisor or a majority of the members voting determine that a violation will exist
 9 if the member continues to participate, the member shall refrain from voting,
 10 deliberating, or participating in the matter.

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

16 * **Sec. 88.** AS 39.52.230 is amended to read:

17 **Sec. 39.52.230. Reporting of potential violations.** A person may report to
 18 a public officer's designated supervisor, under oath and in writing, a potential violation
 19 of AS 39.52.110 - 39.52.190 by the public officer. The supervisor shall provide a
 20 copy of the report to the officer who is the subject of the report **and to the personnel**
 21 **board**, and shall review the report to determine whether a violation may exist. The
 22 supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor
 23 determines that the matter may result in a violation of AS 39.52.110 - 39.52.190.

24 * **Sec. 89.** AS 39.52.240(a) is amended to read:

25 (a) Upon the written request of a **state official**, designated supervisor, or a
 26 board or commission, the **personnel board** [ATTORNEY GENERAL] shall issue
 27 opinions interpreting this chapter. The requester must supply any additional
 28 information requested by the **personnel board** [ATTORNEY GENERAL] in order to
 29 issue the opinion. Within 60 days after receiving a complete request, the **personnel**
 30 **board** [ATTORNEY GENERAL] shall issue an advisory opinion on the question.

31 * **Sec. 90.** AS 39.52.240(b) is amended to read:

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

3 * **Sec. 91.** AS 39.52.240(c) is amended to read:

4 (c) **In the case of a request for advice from a designated supervisor or a**
5 **board or commission, the** [THE] designated supervisor or **the** [A] board or
6 commission shall make a written determination based on the advice of the **personnel**
7 **board** [ATTORNEY GENERAL]. If the advice [OF THE ATTORNEY GENERAL]
8 provides more than one way for a public officer to avoid or correct a problem found
9 under AS 39.52.110 - 39.52.190, the designated supervisor or the board or commission
10 shall, after consultation with the officer, determine the alternative that is most
11 appropriate and advise the officer of any action required of the officer to avoid or
12 correct the problem.

13 * **Sec. 92.** AS 39.52.240(e) is amended to read:

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

17 * **Sec. 93.** AS 39.52.240(h) is amended to read:

18 (h) The **personnel board** [ATTORNEY GENERAL] shall publish in the
19 Alaska Administrative Journal, with sufficient deletions to prevent disclosure of the
20 persons whose identities are confidential under (g) of this section, the advisory
21 opinions issued under this section that the **personnel board** [ATTORNEY GENERAL]
22 determines to be of major import because of their general applicability to executive
23 branch officers.

24 * **Sec. 94.** AS 39.52.250 is amended to read:

25 **Sec. 39.52.250. Advice to former public officers.** (a) A former public
26 officer may request, in writing, an opinion from the **personnel board** [ATTORNEY
27 GENERAL] interpreting this chapter. The **personnel board** [ATTORNEY
28 GENERAL] shall give advice in accordance with AS 39.52.240(a) or (b) and publish
29 opinions in accordance with AS 39.52.240(h).

30 (b) A former public officer is not liable under this chapter for any action
31 carried out in accordance with the advice of the **personnel board** [ATTORNEY

1 GENERAL] issued under this section, if the public officer fully disclosed all relevant
2 facts reasonably necessary to the issuance of the advice.

3 * **Sec. 95.** AS 39.52.260 is amended to read:

4 **Sec. 39.52.260. Designated supervisor's report and personnel board**
5 **[ATTORNEY GENERAL] review.** (a) A designated supervisor shall quarterly
6 submit a report to the **personnel board that** [ATTORNEY GENERAL WHICH] states
7 the facts, circumstances, and disposition of any disclosure made under AS 39.52.210 -
8 39.52.240.

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

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

20 * **Sec. 96.** AS 39.52.310(a) is amended to read:

21 (a) The **personnel board** [ATTORNEY GENERAL] may initiate a complaint,
22 or elect to treat as a complaint, any matter disclosed under AS 39.52.210, 39.52.220,
23 39.52.250, or 39.52.260.

24 * **Sec. 97.** AS 39.52.310(b) is amended to read:

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

29 * **Sec. 98.** AS 39.52.310(c) is amended to read:

30 (c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the
31 governor, lieutenant governor, or the attorney general, the [MATTER SHALL BE

1 REFERRED TO THE PERSONNEL BOARD. THE] personnel board shall retain
2 independent counsel who shall act in the place of the attorney general under
3 AS 39.52.350 [(d) - (i) OF THIS SECTION, AS 39.52.320 - 39.52.350,] and
4 39.52.360(c) and (d).

5 * **Sec. 99.** AS 39.52.310(d) is amended to read:

6 (d) The **personnel board** [ATTORNEY GENERAL] shall review each
7 complaint filed, to determine whether it is properly completed and contains allegations
8 which, if true, would constitute conduct in violation of this chapter. The **personnel**
9 **board** [ATTORNEY GENERAL] may require the complainant to provide additional
10 information before accepting the complaint. If the **personnel board** [ATTORNEY
11 GENERAL] determines that the allegations in the complaint do not warrant an
12 investigation, the **personnel board** [ATTORNEY GENERAL] shall dismiss the
13 complaint with notice to the complainant and the subject of the complaint.

14 * **Sec. 100.** AS 39.52.310(e) is amended to read:

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

17 * **Sec. 101.** AS 39.52.310(f) is amended to read:

18 (f) If the **personnel board** [ATTORNEY GENERAL] accepts a complaint for
19 investigation, the **personnel board** [ATTORNEY GENERAL] shall serve a copy of
20 the complaint upon the subject of the complaint, for a response. The **personnel board**
21 [ATTORNEY GENERAL] may require the subject to provide, within 20 days after
22 service, full and fair disclosure in writing of all facts and circumstances pertaining to
23 the alleged violation. Misrepresentation of a material fact in a response to the
24 **personnel board** [ATTORNEY GENERAL] is a violation of this chapter. Failure to
25 answer within the prescribed time, or within any additional time period that may be
26 granted in writing by the **personnel board** [ATTORNEY GENERAL], may be
27 considered an admission of the allegations in the complaint.

28 * **Sec. 102.** AS 39.52.310(g) is amended to read:

29 (g) If a complaint is accepted under (f) of this section, the **personnel board**
30 [ATTORNEY GENERAL] shall investigate to determine whether a violation of this
31 chapter has occurred. At any stage of an investigation or review, the **personnel board**

1 [ATTORNEY GENERAL] may issue a subpoena under AS 39.52.380.

2 * **Sec. 103.** AS 39.52.320 is amended to read:

3 **Sec. 39.52.320. Dismissal before formal proceedings.** If, after investigation,
4 it appears that there is no probable cause to believe that a violation of this chapter has
5 occurred, the **personnel board** [ATTORNEY GENERAL] shall dismiss the complaint
6 and [PREPARE AND FILE A CONFIDENTIAL SUMMARY WITH THE
7 PERSONNEL BOARD. THE ATTORNEY GENERAL] shall communicate
8 disposition of the matter promptly to the complainant and to the subject of the
9 complaint.

10 * **Sec. 104.** AS 39.52.330 is amended to read:

11 **Sec. 39.52.330. Corrective or preventive action.** After determining that the
12 conduct of the subject of a complaint does not warrant a hearing under AS 39.52.360,
13 the **personnel board** [ATTORNEY GENERAL] shall recommend action to correct or
14 prevent a violation of this chapter. The **personnel board** [ATTORNEY GENERAL]
15 shall communicate the recommended action to the complainant and the subject of the
16 complaint. The subject of the complaint shall comply with the **personnel board's**
17 [ATTORNEY GENERAL'S] recommendation.

18 * **Sec. 105.** AS 39.52.340(a) is amended to read:

19 (a) Before the initiation of formal proceedings under AS 39.52.350,
20 information regarding an investigation conducted under this chapter, or obtained by the
21 **personnel board** [ATTORNEY GENERAL] during the investigation, is confidential.
22 The **personnel board** [ATTORNEY GENERAL] and all persons contacted during the
23 course of an investigation shall maintain confidentiality regarding the existence of the
24 investigation. A person who violates this section is guilty of a class A misdemeanor.

25 * **Sec. 106.** AS 39.52.350 is amended to read:

26 **Sec. 39.52.350. Probable cause for hearing.** (a) If the **personnel board**
27 [ATTORNEY GENERAL] determines that there is probable cause to believe that a
28 knowing violation of this chapter or a violation that cannot be corrected under
29 AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with
30 a recommendation for corrective or preventive action, the **personnel board**
31 [ATTORNEY GENERAL] shall initiate formal proceedings by **requesting the**

1 **attorney general to serve** [SERVING] a copy of an accusation upon the subject of
 2 the accusation. The accusation shall specifically set out the alleged violation. After
 3 service, the accusation is a public document open to inspection. Except as provided
 4 in AS 39.52.370(c), all subsequent proceedings are open to the public.

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

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

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

17 * **Sec. 107.** AS 39.52.920 is amended to read:

18 **Sec. 39.52.920. Agency policies.** Subject to the review and approval of the
 19 **personnel board** [ATTORNEY GENERAL], an agency may adopt a written policy
 20 that, in addition to the requirements of this chapter, limits the extent to which a public
 21 officer in the agency or an administrative unit of the agency may

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

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

27 (3) accept a gift.

28 * **Sec. 108.** AS 39.52.950 is amended to read:

29 **Sec. 39.52.950. Regulations.** The attorney general may adopt regulations
 30 under **AS 44.62** ([THE] Administrative Procedure Act) necessary to interpret and
 31 implement **the provisions concerning complaints under** this chapter. **The personnel**

1 **board may adopt regulations under AS 44.62 (Administrative Procedure Act)**
 2 **necessary to interpret and implement the other provisions of this chapter.**

3 * **Sec. 109.** AS 39.52.960(11) is amended to read:

4 (11) "immediate family member" means

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

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

8 **(C) a parent, child including a stepchild and an adoptive**
 9 **child, and sibling of a person if the parent, child, or sibling resides with**
 10 **the person, is financially dependent on the person, or shares a substantial**
 11 **financial interest with the person** [A PUBLIC OFFICER'S SPOUSE, A
 12 RELATION BY BLOOD WITHIN AND INCLUDING THE SECOND
 13 DEGREE OF KINDRED, AND A REGULAR MEMBER OF THE OFFICER'S
 14 HOUSEHOLD];

15 * **Sec. 110.** AS 39.52.960 is amended by adding a new paragraph to read:

16 (23) "state official" means the governor, the lieutenant governor, a
 17 person hired or appointed as the head or deputy head of a department in the executive
 18 branch or as the director of a division in a department in the executive branch, the
 19 chair or member of a state commission or board, as defined in AS 39.50.200(b), the
 20 executive director of the Alaska Tourism Marketing Council, an assistant to the
 21 governor or the lieutenant governor, a state investment officer, the state comptroller
 22 in the Department of Revenue, and a state employee who is not otherwise listed in this
 23 definition who is employed by an agency in the executive branch of state government
 24 in the exempt or partially exempt service and who is compensated at Range 19A or
 25 above on the state salary schedule under AS 39.27.011 or at more than \$4,200 per
 26 month; however, "state official" does not include an employee who is a member of a
 27 collective bargaining unit.

28 * **Sec. 111.** AS 44.62.175(a) is amended to read:

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

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

20 * **Sec. 112.** RELIANCE ON ADVISORY OPINIONS OF THE ATTORNEY GENERAL.

21 Notwithstanding the amendments made to AS 39.52.240 - 39.52.250 by secs. 89 - 94 of this
 22 Act, a public officer or a former public officer may rely on an advisory opinion given by the
 23 attorney general under AS 39.52.240 - 39.52.250 before the effective date of this bill section
 24 to the same extent that the public officer or former public officer could have relied on the
 25 opinion if those sections had not been amended by this Act.

26 * **Sec. 113.** PROVISIONS MADE SPECIFICALLY APPLICABLE TO INCUMBENT
 27 LEGISLATORS. Notwithstanding any other provision of AS 15.13, the provisions of
 28 AS 15.13.116(d), added by sec. 4 of this Act, apply to authorize a legislator holding office
 29 in the legislature during the First Regular Session of the Twentieth Alaska State Legislature
 30 who, under sec. 32, ch. 48, SLA 1996, retains unused campaign contributions in the
 31 candidate's election campaign account, to transfer to a legislative office account as permitted

1 under AS 15.13.116(d), enacted by sec. 4 of this Act. All amounts expended under this
2 section shall be annually accounted for under AS 15.13.110(a)(4).

3 * **Sec. 114.** Sections 3, 4, and 113 of this Act are retroactive to December 31, 1996.

4 * **Sec. 115.** Sections 3, 4, 113, and 114 of this Act take effect immediately under
5 AS 01.10.070(c).

6 * **Sec. 116.** Sections 1, 2, and 5 - 112 of this Act take effect January 1, 1998.