

HOUSE CS FOR CS FOR SENATE BILL NO. 105(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/23/98
Referred: Finance

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 or municipal office; relating to the conduct and
3 regulation of lobbyists with respect to public officials; relating to the filing of
4 disclosures by certain state employees and officials; making a conforming
5 amendment to the definition of 'public official' for employment security statutes;
6 and providing for 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 the state legislature** may not solicit or
12 accept a contribution **while** [IF] the legislature is convened in a regular or special
13 legislative session **unless** [, AND] the **solicitation or acceptance occurs during the**

1 **90 days immediately preceding an election in which the** candidate or individual is
 2 a **candidate** [MEMBER OF THE LEGISLATURE, OR EMPLOYED AS A MEMBER
 3 OF THE LEGISLATOR'S STAFF OR AS A MEMBER OF THE STAFF OF A
 4 LEGISLATIVE COMMITTEE].

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

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

7 (1) to a candidate for governor or lieutenant governor or an individual
 8 who files with the commission the document necessary to permit that individual to
 9 incur certain election-related expenses as authorized by AS 15.13.100 for governor or
 10 lieutenant governor, [WHEN THE OFFICE IS TO BE FILLED AT A GENERAL
 11 ELECTION,] before the later of the following dates:

12 (A) the date the individual

13 (i) becomes a candidate; or

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

17 (B) January 1 of the year of the [GENERAL] election **when the**
 18 **office is to be filled at a general election or the date of the proclamation**
 19 **when the office is to be filled at a special election;**

20 (2) to a candidate for the state legislature or an individual who files
 21 with the commission the document necessary to permit that individual to incur certain
 22 election-related expenses as authorized by AS 15.13.100 for the state legislature [,
 23 WHEN THE OFFICE IS TO BE FILLED AT A GENERAL ELECTION,] while the
 24 legislature is convened in a [ITS] regular **or special** legislative session, **unless the**
 25 **contribution is made during the 90 days immediately preceding an election in**
 26 **which the candidate or individual is a candidate, or** [AND] before the later of the
 27 following dates:

28 (A) the date the individual

29 (i) becomes a candidate; or

30 (ii) files with the commission the document necessary
 31 to permit the individual to incur certain election-related expenses as

1 authorized by AS 15.13.100; or

2 (B) January 1 of the year of the [GENERAL] election;

3 (3) to a candidate or an individual who files with the commission the
4 document necessary to permit that individual to incur certain election-related expenses
5 as authorized by AS 15.13.100 for an office that is to be filled at a [SPECIAL
6 ELECTION OR] municipal election before the later of the following dates:

7 (A) the date the individual

8 (i) becomes a candidate; or

9 (ii) files with the commission the document necessary
10 to permit that individual to incur certain election-related expenses as
11 authorized by AS 15.13.100;

12 (B) **the date that** is nine months before the date of the
13 [GENERAL OR REGULAR] municipal election [OR THAT IS BEFORE THE
14 DATE OF THE PROCLAMATION OF THE SPECIAL ELECTION AT
15 WHICH THE CANDIDATE OR INDIVIDUAL SEEKS ELECTION TO
16 PUBLIC OFFICE]; or

17 (4) to any candidate **after the earlier of December 31 of the year of**
18 **the election or the 60th** [LATER THAN THE 45TH] day

19 (A) after the date of a primary election if the candidate

20 (i) has been nominated at the primary election or is
21 running as a write-in candidate; and

22 (ii) is not opposed at the general election;

23 (B) after the date of the primary election if the candidate was not
24 nominated at the primary election; or

25 (C) after the date of the general election, or after the date of a
26 municipal or municipal runoff election, if the candidate was opposed at the
27 general, municipal, or municipal runoff election.

28 * **Sec. 3.** AS 15.13.110(a) is amended to read:

29 (a) Each candidate and group shall make a full report in accordance with
30 AS 15.13.040 for the period ending three days before the due date of the report and
31 beginning on the last day covered by the most recent previous report. If the report is

1 a first report, it shall cover the period from the beginning of the campaign to the date
 2 three days before the due date of the report. If the report is a report due February 15,
 3 it shall cover the period beginning on the last day covered by the most recent previous
 4 report or on the day that the campaign started, whichever is later, and ending on
 5 December 31 of the prior year. The report shall be filed

6 (1) 30 days before the election; however, this report is not required if
 7 the deadline for filing a nominating petition or declaration of candidacy is within 30
 8 days of the election;

9 (2) one week before the election;

10 (3) 10 days after the election; and

11 (4) February 15 for expenditures made and contributions received that
 12 were not reported during the previous year, including, if applicable, all amounts
 13 expended from a **public** [LEGISLATIVE] office **expense term** account established
 14 under **AS 15.13.116(a)(8)** [AS 15.13.116(a)(9)] and all amounts expended from a
 15 municipal office account under **AS 15.13.116(a)(9)** [AS 15.13.116(a)(10)], or when
 16 expenditures were not made or contributions were not received during the previous
 17 year.

18 * **Sec. 4.** AS 15.13.116(a) is amended to read:

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

23 (1) pay bills incurred for expenditures reasonably related to the
 24 campaign and the winding up of the affairs of the campaign, **including a victory or**
 25 **thank you party and thank you gifts to campaign employees and volunteers**, and
 26 to pay expenditures associated with post-election fund raising that may be needed to
 27 raise funds to pay off campaign debts;

28 (2) [PAY FOR A VICTORY OR A THANK YOU PARTY COSTING
 29 LESS THAN \$500, OR TO GIVE A THANK YOU GIFT OF A VALUE OF LESS
 30 THAN \$50 TO A CAMPAIGN EMPLOYEE OR VOLUNTEER;

31 (3)] make donations, without condition, to

- 1 (A) a political party;
 2 (B) the state's general fund;
 3 (C) a municipality of the state; or
 4 (D) the federal government;

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

8 (4) [(5)] repay loans from the candidate to the candidate's own
 9 campaign under AS 15.13.078(b);

10 (5) [(6)] repay contributions to contributors, but only if repayment of
 11 the contribution is made pro rata in approximate proportion to the contributions made
 12 using one of the following, as the candidate determines:

- 13 (A) to all contributors;
 14 (B) to contributors who have contributed most recently; or
 15 (C) to contributors who have made larger contributions;

16 (6) [(7)] establish a fund for, and from that fund to pay, attorney fees
 17 or costs incurred in the prosecution or defense of an administrative or civil judicial
 18 action that directly concerns a challenge to the victory or defeat of the candidate in the
 19 election;

20 (7) [(8)] transfer all or a portion of the unused campaign contributions
 21 to an account for a future election campaign; a transfer under this paragraph is limited
 22 to

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

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

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

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

31 (8) [(9)] transfer all or a portion of the unused campaign contributions

1 to a **public** [LEGISLATIVE] office **expense term** account **or to a public office**
 2 **expense term account reserve in accordance with (d) of this section**; a transfer
 3 under this paragraph is subject to the following:

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

6 (B) the **public** [LEGISLATIVE] office **expense term** account
 7 established under this paragraph may be used only for expenses associated with
 8 the candidate's serving as a member of the legislature;

9 (C) all amounts expended from the **public** [LEGISLATIVE]
 10 office **expense term** account shall be annually accounted for under
 11 AS 15.13.110(a)(4); and

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

15 **(9)** [(10)] transfer all or a portion of the unused campaign contributions
 16 to a municipal office account; a transfer under this paragraph is subject to the
 17 following:

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

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

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

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

27 * **Sec. 5.** AS 15.13.116 is amended by adding a new subsection to read:

28 (d) After a general or special election, a candidate for the state legislature who
 29 has been elected to the state legislature in that election may, from the amount retained
 30 in the public office expense term account reserve under this subsection, transfer to a
 31 public office expense term account not more than \$5,000 each calendar year for use

1 only for expenses associated with the candidate's serving as a member of the
 2 legislature. A candidate for the senate may transfer up to \$20,000 from unused
 3 campaign contributions to a public office expense term account reserve. A candidate
 4 for the house of representatives may transfer up to \$10,000 from unused campaign
 5 contributions to a public office expense term account reserve. The public office
 6 expense term account reserve may only be used to make transfers to the public office
 7 expense term account. At the end of the candidate's term of office, a balance in the
 8 public office expense term account reserve must be disposed of as provided in (a) of
 9 this section but may not be disposed of as provided in (a)(1), (4), or (6) - (9) of this
 10 section. All amounts expended under this subsection shall be annually accounted for
 11 under AS 15.13.110(a)(4).

12 * **Sec. 6.** AS 23.20.526(d) is amended to read:

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

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

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

24 (3) as part of an unemployment work-relief or work-training program
 25 assisted or financed in whole or in part by any federal agency or any agency of a state
 26 or political subdivision of the state, by an individual receiving work relief or work
 27 training;

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

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

1 school, college, or university;

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

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

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

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

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

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

31 (9) in the employ of

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

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

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

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

9 * **Sec. 8.** AS 24.45.041(b) is amended to read:

10 The registration form prescribed by the commission must include

11 (1) the lobbyist's full name and complete permanent residence and
12 business address and telephone number, as well as any temporary residential and
13 business address and telephone number in the state capital during a legislative session;

14 (2) the full name and complete address of each person by whom the
15 lobbyist is retained or employed;

16 (3) whether the person from whom the lobbyist receives compensation
17 employs the person solely as a lobbyist or whether the person is a regular employee
18 performing other services for the employer **that** [WHICH] include but are not limited
19 to the influencing of legislative or administrative action;

20 (4) the nature or form of the lobbyist's compensation for engaging in
21 lobbying, including salary, fees, or reimbursement for expenses received in
22 consideration for, or directly in support of or in connection with, the influencing of
23 legislative or administrative action;

24 (5) a general description of the subjects or matters on which the
25 registrant expects to lobby or to engage in the influencing of legislative or
26 administrative action;

27 (6) the full name and complete address of the person, if other than the
28 registrant, who has custody of the accounts, books, papers, bills, receipts, and other
29 documents required to be maintained under this chapter;

30 **(7) the identification of a legislator, legislative employee, or public**
31 **official to whom the lobbyist is married or who is the spousal equivalent of the**

1 lobbyist; in this paragraph, "spousal equivalent" has the meaning given in
 2 AS 39.50.030(g).

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

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

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

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

8 (C) a legislative director as defined in AS 24.60.990(a) [
 9 HOWEVER, IT DOES NOT INCLUDE A JUDICIAL OFFICER OR AN
 10 ELECTED OR APPOINTED MUNICIPAL OFFICER].

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

12 (a) A legislator or legislative employee may not

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

17 (2) use public funds, facilities, equipment, services, or another
 18 government asset or resource for a **nonlegislative** [NONGOVERNMENTAL] purpose,
 19 **for involvement in or support of or opposition to partisan political activity,** or for
 20 the private benefit of either the legislator, legislative employee, or another person; this
 21 paragraph does not prohibit

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

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

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

31 **(D) the legislative council, notwithstanding AS 24.05.190,**

1 from designating a public facility for use by legislators and legislative
 2 employees for health or fitness purposes; when the council designates a
 3 facility to be used by legislators and legislative employees for health or
 4 fitness purposes, it shall adopt guidelines governing access to and use of
 5 the facility; the guidelines may establish times in which use of the facility
 6 is limited to specific groups; or

7 (E) a legislator from using the legislator's private office in
 8 the capital city during a legislative session, and for the five days
 9 immediately before and the five days immediately after a legislative
 10 session, for nonlegislative purposes if the use does not interfere with the
 11 performance of public duties and if there is no cost to the state for the use
 12 of the space and equipment, other than utility costs and minimal wear and
 13 tear, or the legislator promptly reimburses the state for the cost; an office
 14 is considered a legislator's private office under this subparagraph if it is
 15 the primary space in the capital city reserved for use by the legislator,
 16 whether or not it is shared with others;

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

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

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

30 (A) limited use of state property and resources for personal
 31 purposes if the use does not interfere with the performance of public duties and

1 either the cost or value related to the use is nominal or the legislator or
 2 legislative employee reimburses the state for the cost of the use;

3 (B) the use of mailing lists, computer data, or other information
 4 lawfully obtained from a government agency and available to the general public
 5 for nonlegislative [NONGOVERNMENTAL] purposes; [OR]

6 (C) telephone or facsimile use that does not carry a special
 7 charge;

8 (D) storing or maintaining, consistent with (b) of this
 9 section, election campaign records in a legislator's office; or

10 (E) a legislator from using the legislator's private office in
 11 the capital city during a legislative session, and for the five days
 12 immediately before and the five days immediately after a legislative
 13 session, for nonlegislative purposes if the use does not interfere with the
 14 performance of public duties and if there is no cost to the state for the use
 15 of the space and equipment, other than utility costs and minimal wear and
 16 tear, or the legislator promptly reimburses the state for the cost; an office
 17 is considered a legislator's private office under this subparagraph if it is
 18 the primary space in the capital city reserved for use by the legislator,
 19 whether or not it is shared with others.

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

21 (c) Unless approved by the committee, during a campaign period for an
 22 election in which the legislator or legislative employee is a candidate, a legislator or
 23 legislative employee may not use or permit another to use state funds, other than funds
 24 to which the legislator is entitled under AS 24.10.110, to print or distribute a political
 25 mass mailing to individuals eligible to vote for the candidate. In this subsection,

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

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

31 (B) ends the day after the cooperative election, municipal

1 election, or general or special election;

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

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

7 (d) A legislator, **legislative employee**, or another person on behalf of the
8 legislator **or legislative employee**, or a campaign committee of the legislator **or**
9 **legislative employee**, may not distribute or post campaign literature, placards, posters,
10 **fund-raising notices**, or other communications intended to influence the election of
11 a candidate in an election in public areas in a facility ordinarily used to conduct state
12 government business. **This prohibition applies whether or not the election has been**
13 **concluded. However, a legislator may post, in the legislator's private office,**
14 **communications related to an election that has been concluded.**

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

16 (f) A legislative employee may not serve in a position that requires
17 confirmation by the legislature. A legislator or legislative employee may serve on a
18 board of an organization, including a governmental entity, that regularly has a
19 substantial interest in the legislative activities of the legislator or employee [,] if the
20 legislator or employee discloses the board membership to the committee. **A legislator**
21 **or legislative employee who is required to make a disclosure under this subsection**
22 **shall file the disclosure with the committee by the deadlines set out in**
23 **AS 24.60.105 stating the name of each organization on whose board the person**
24 **serves. The committee shall maintain a public record of the disclosure and**
25 **forward the disclosure to the appropriate house for inclusion in the journal. This**
26 **subsection does not require a legislator or legislative employee who is appointed**
27 **to a board by the presiding officer to make a disclosure of the appointment to the**
28 **committee if the appointment has been published in the appropriate legislative**
29 **journal during the calendar year.**

30 * **Sec. 14.** AS 24.60.030(g) is amended to read:

31 (g) Unless required by the Uniform Rules of the Alaska State Legislature, a

1 legislator [OR LEGISLATIVE EMPLOYEE] may not **vote on a question**
 2 [PARTICIPATE IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION]
 3 if the legislator [OR LEGISLATIVE EMPLOYEE] has an equity or ownership interest
 4 in a business, investment, real property, lease, or other enterprise if the interest is
 5 substantial and the effect of the action **to be voted on** on that interest is greater than
 6 the effect on a substantial class of persons to which the legislator [OR LEGISLATIVE
 7 EMPLOYEE] belongs as a member of a profession, occupation, industry, or region.

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

9 (h) An employee who engages in political campaign activities other than
 10 incidental campaign activities during the employee's work day shall take leave for the
 11 period of campaigning. Political campaign activities while on government time are
 12 permissible if the activities are part of the normal legislative duties of the employee,
 13 including answering telephone calls and handling incoming correspondence.

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

15 (a) A legislator or legislative employee may not

16 (1) **on a day when either house of** [WHILE] the legislature is in
 17 regular or special session, solicit or accept a contribution or a promise or pledge to
 18 make a contribution for a **campaign for the state legislature; however, a legislator**
 19 **may solicit or accept a contribution, promise, or pledge for a campaign for the**
 20 **state legislature that occurs during the 90 days immediately preceding an election**
 21 **in which the legislator is a candidate for the state legislature** [STATE
 22 LEGISLATIVE CAMPAIGN];

23 (2) accept money from an event held **on a day when either house of**
 24 **the legislature is in regular or special** [DURING A LEGISLATIVE] session if a
 25 substantial purpose of the event is [EITHER] to raise money on behalf of the member
 26 or legislative employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR]
 27 state legislative political purposes; **however, this paragraph does not prohibit a**
 28 **legislator from accepting money from an event held during the 90 days**
 29 **immediately preceding an election in which the legislator is a candidate for the**
 30 **state legislature;** or

31 (3) **in a campaign for the state legislature,** expend money **that was**

1 raised on a day when either house of the legislature was in a [STATE] legislative
 2 session [CAMPAIGN THAT WAS RAISED] by or on behalf of a legislator [DURING
 3 A LEGISLATIVE SESSION] under a declaration of candidacy or a general letter of
 4 intent to become a candidate for public office; however, this paragraph does not
 5 apply to money raised during the 90 days immediately preceding an election in
 6 which the legislator is a candidate for the state legislature.

7 * **Sec. 17.** AS 24.60.031 is amended by adding new subsections to read:

8 (c) A legislator may not travel at state expense to a place in which the
 9 legislator plans to hold a campaign fund raising event if the travel occurs less than 48
 10 hours before the event is scheduled to begin. This subsection does not prohibit a
 11 legislator from holding a campaign fund raising event in a place to which the legislator
 12 traveled at state expense if the

13 (1) travel to the place is completed at least 48 hours before the event
 14 was scheduled to begin;

15 (2) legislator made a trip at state expense to a place, returned from that
 16 place, and then, within 48 hours, made a second trip to the place and the cost of the
 17 second trip was not paid for at state expense; or

18 (3) travel was to the capital city immediately before the beginning of
 19 a legislative session or from the capital city to the legislator's home immediately after
 20 the final adjournment of a regular or special legislative session.

21 (d) In (c) of this section, an event is considered to be a campaign fund raising
 22 event only if the legislator, or another person acting on behalf of the legislator with
 23 the legislator's express or implied permission,

24 (1) asks for contributions for the legislator's campaign at the event;

25 (2) announces that the legislator will accept contributions for the
 26 legislator's campaign at the event; or

27 (3) otherwise uses the event in a manner that clearly demonstrates that
 28 a primary purpose of the event is to raise contributions for the legislator's campaign;
 29 the fact that a legislator received campaign contributions at an event is insufficient,
 30 without other evidence, to satisfy the proof required by this paragraph.

31 * **Sec. 18.** AS 24.60.039 is amended by adding a new subsection to read:

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

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

7 (a) A legislator or legislative employee, or a member of the immediate family
 8 of a legislator or legislative employee, may not be a party to or have an interest in a
 9 state contract or lease unless the contract or lease is let [THROUGH COMPETITIVE
 10 SEALED BIDDING] under AS 36.30 (State Procurement Code) **or, for agencies that**
 11 **are not subject to AS 36.30, under similar procedures,** or the total annual amount
 12 of the state contract or lease is **\$5,000** [\$1,000] or less, or is a standardized contract
 13 or lease that was developed under publicly established guidelines and is generally
 14 available to the public at large, members of a profession, occupation, or group. A
 15 person has an interest in a state contract or lease under this section if the person
 16 receives direct or indirect financial benefits. **A legislator or legislative employee who**
 17 **participates in, or who knows or reasonably should know that a family member**
 18 **is participating in, a state contract or lease that has an annual value of \$5,000 or**
 19 **more shall disclose the participation to the committee by the date required under**
 20 **AS 24.60.105. The legislator or legislative employee shall also disclose the**
 21 **renegotiation of a state contract or lease if the original had to be disclosed under**
 22 **this section or if, as a result of renegotiation, disclosure is required under this**
 23 **section. The disclosure must state the amount of the contract or lease and the**
 24 **name of the state agency issuing the contract or lease and must identify the**
 25 **procedures under which the contract or lease was issued. If the disclosure**
 26 **concerns a contract or lease in which a family member of the discloser is**
 27 **participating, the disclosure must identify the relationship between the participant**
 28 **and the discloser.**

29 * **Sec. 20.** AS 24.60.040 is amended by adding a new subsection to read:

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

1 that is not subject to AS 24.60.050 is subject to this section.

2 * **Sec. 21.** AS 24.60.050(c) is amended to read:

3 (c) A legislator or legislative employee who participates in a program or
 4 receives a loan that is not exempt from disclosure under (a) of this section shall file
 5 a written report with the committee by **the date required under AS 24.60.105**
 6 **[FEBRUARY 15 OF EACH YEAR]** stating the amounts of the loans outstanding or
 7 benefits received during the preceding calendar year from nonqualifying programs. If
 8 the committee requests additional information necessary to determine the propriety of
 9 participating in the program or receiving the loan, it shall be promptly provided. The
 10 committee shall promptly compile a list of the statements indicating the loans and
 11 programs and amounts and send it to the presiding officer of each house who shall
 12 have it published in the supplemental journals within three weeks **after** [OF] the filing
 13 date. **A legislator or legislative employee who believes that disclosure of**
 14 **participation in a program would be an invasion of the participant's right to**
 15 **privacy under the state constitution may request the committee to keep the**
 16 **disclosure confidential. If the committee finds that publication would constitute**
 17 **an invasion of privacy, the committee shall publish only the fact that a person has**
 18 **participated in the program and the amount of benefit that the unnamed person**
 19 **received. The committee shall maintain the disclosure of the name of the person**
 20 **as confidential and may only use the disclosure in a proceeding under**
 21 **AS 24.60.170. If the disclosure becomes part of the record of a proceeding under**
 22 **AS 24.60.170, the disclosure may be made public as provided in that section.**

23 * **Sec. 22.** AS 24.60.060 is amended by adding a new subsection to read:

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

27 * **Sec. 23.** AS 24.60.070(b) is amended to read:

28 (b) **A legislator or legislative employee required to make a disclosure**
 29 **under this section shall make a disclosure by the date set under AS 24.60.105 of**
 30 **the legislator's or legislative employee's close economic associations then in**
 31 **existence.** A disclosure under this section must be sufficiently detailed that a reader

1 of the disclosure can ascertain the nature of the association.

2 * **Sec. 24.** AS 24.60.070 is amended by adding a new subsection to read:

3 (d) When making a disclosure under (a) of this section concerning a
 4 relationship with a lobbyist to whom the legislator or legislative employee is married
 5 or who is the legislator's or legislative employee's spousal equivalent, the legislator or
 6 legislative employee shall also disclose the name and address of each employer of the
 7 lobbyist and the total monetary value received by the lobbyist from the lobbyist's
 8 employer. The legislator or legislative employee shall report changes in the employer
 9 of the spouse or spousal equivalent within 48 hours after the change. In this
 10 subsection, "employer of the lobbyist" means the person from whom the lobbyist
 11 received amounts or things of value for engaging in lobbying on behalf of the person.

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

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

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

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

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

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

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

29 (B) at a social event or meal;

30 (2) discounts that are available

31 (A) generally to the public or to a large class of persons to

1 which the person belongs; or

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

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

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

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

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

10 or

11 **(7) a discount for all or part of a legislative session, including time**
 12 **immediately preceding or following the session, or other gift to welcome a**
 13 **legislator or legislative employee who is employed on the personal staff of a**
 14 **legislator or by a standing or special committee to the capital city or in**
 15 **recognition of the beginning of a legislative session if the gift or discount is**
 16 **available generally to all legislators and the personal staff of legislators and staff**
 17 **of standing and special committees; this paragraph does not apply to legislative**
 18 **employees who are employed by the Legislative Affairs Agency, the office of the**
 19 **chief clerk, the office of the senate secretary, the legislative budget and audit**
 20 **committee, or the office of the ombudsman.**

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

22 (d) A legislator or legislative employee who accepts a gift under (c)(4) [OR
 23 (6)] of this section shall disclose the gift if it has a value of **\$250** [\$100] or more; **the**
 24 [. THE] disclosure must include the name and occupation of the person making the
 25 gift, [AND] the approximate value of the gift, **and** [. A GIFT UNDER (c)(4) OF
 26 THIS SECTION REQUIRED TO BE DISCLOSED UNDER THIS SUBSECTION]
 27 shall be disclosed **to the committee** within 30 days **after** [OF] the receipt of the gift.
 28 **A gift** [TO THE COMMITTEE. GIFTS] under (c)(6) of this section **that has a value**
 29 **of \$250 or more** shall be disclosed to the committee annually on or before **March 15**
 30 [APRIL 15] of the following calendar year; **the** [AND THE] disclosure needs to
 31 include **only a description of the gift and the identity of the donor** [THE VALUE

1 ONLY IF THE VALUE OF THE GIFT EXCEEDS \$250]. The committee shall
 2 maintain a public record of the disclosure it receives relating to gifts under (c)(4) of
 3 this section and shall forward the disclosure to the appropriate house for inclusion in
 4 the journal. Disclosures relating to gifts under (c)(6) of this section shall be
 5 maintained, but are confidential and may only be used by the committee and its
 6 employees and contractors in the investigation of a possible violation of this section
 7 or in a proceeding under AS 24.60.170. If the disclosures become part of the record
 8 of a proceeding under AS 24.60.170, the confidentiality provisions of that section
 9 apply to the disclosures. **The committee shall forward to the Alaska Public Offices**
 10 **Commission copies of the disclosures concerning gifts under (c)(4) of this section**
 11 **that it receives from legislative employees who are required to file financial**
 12 **disclosure statements under AS 24.60.200 and from legislators.**

13 * Sec. 28. AS 24.60.080(e) is amended to read:

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

17 * Sec. 29. AS 24.60.080(f) is amended to read:

18 (f) Notwithstanding (a) of this section, a legislator or legislative employee may
 19 accept a gift of property worth **\$250** [\$100] or more, other than money, from **another**
 20 [A FOREIGN] government or from an official of **another** [A FOREIGN] government
 21 if the person accepts the gift on behalf of the legislature. The person shall, within 60
 22 days **after** [OF] receiving the gift, deliver the gift to the legislative council, which
 23 shall determine the appropriate disposition of the gift. **In this subsection, "another**
 24 **government" means a foreign government or the government of the United States,**
 25 **another state, a municipality, or another jurisdiction.**

26 * Sec. 30. AS 24.60.080(g) is amended to read:

27 (g) In this section, "immediate family" **or "family member" means**
 28 **(1) the spouse of the person;**
 29 **(2) the person's spousal equivalent;**
 30 **(3) a child, including a stepchild and an adoptive child, of the**
 31 **person or of the person's spousal equivalent;**

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
 3 spouse or the person's spousal equivalent; and

4 (6) a stepparent, stepsister, stepbrother, step-grandparent, step-
 5 aunt, or step-uncle of the person, the person's spouse, or the person's spousal
 6 equivalent [HAS THE MEANING GIVEN IN AS 24.60.990(a)(5) AND INCLUDES

7 THE GRANDPARENTS, AUNTS, AND UNCLES OF A PERSON, ALSO
 8 INCLUDES A PERSON DESCRIBED IN THIS SUBSECTION OR
 9 AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON BY MARRIAGE].

10 * **Sec. 31.** AS 24.60.080 is amended by adding new subsections to read:

11 (h) Notwithstanding (a) of this section, a legislator or legislative employee may
 12 solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable
 13 organization.

14 (i) A legislator, a legislative committee other than the Select Committee on
 15 Legislative Ethics, or a legislative agency may accept (1) a gift of volunteer services
 16 for legislative purposes so long as the person making the gift of services is not
 17 receiving compensation from another source for the services or (2) a gift of the
 18 services of a trainee who is participating in an educational program approved by the
 19 committee if the services are used for legislative purposes. The committee shall
 20 approve training under a program of the University of Alaska and training under 29
 21 U.S.C. 1501 - 1792b (Job Training Partnership Act). A legislative volunteer or
 22 educational trainee shall be considered to be a legislative employee for purposes of
 23 compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158
 24 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative volunteer
 25 or educational trainee has violated the provisions of one of those sections, the person
 26 may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to
 27 the proceeding.

28 (j) A legislator or legislative employee who knows or reasonably should know
 29 that a family member has received a gift because of the family member's connection
 30 with the legislator or legislative employee shall report the receipt of the gift by the
 31 family member to the committee if the gift would have to be reported under this

1 section if it had been received by the legislator or legislative employee or if receipt of
2 the gift by a legislator or legislative employee would be prohibited under this section.

3 (k) In this section, the value of a gift shall be determined by the fair market
4 value of the gift to the extent that the fair market value can be determined.

5 * **Sec. 32.** AS 24.60.085(a) is amended to read:

6 (a) A legislator or legislative employee may not

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

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

16 * **Sec. 33.** AS 24.60.100 is amended to read:

17 **Sec. 24.60.100. Representation.** A legislator or legislative employee who
18 represents another person for compensation before an agency, board, or commission
19 of the state shall disclose the name of the person represented, the subject matter of the
20 representation, and the body before which the representation is to take place to the
21 committee. **The disclosure shall be made by the deadlines set out in AS 24.60.105.**
22 The committee shall maintain a public record of **a** [THE] disclosure **under this section**
23 and forward the disclosure to the respective house for inclusion in the journal. A
24 legislator or legislative employee may not represent another person for compensation
25 before an agency, committee, or other entity of the legislative branch.

26 * **Sec. 34.** AS 24.60 is amended by adding a new section to read:

27 **Sec. 24.60.105. Deadlines for filing disclosures.** (a) When a legislator or
28 legislative employee is required to file a disclosure under this chapter and a date by
29 which the disclosure must be filed is not otherwise set by statute, the deadlines set out
30 in this section shall apply. For disclosure of a matter or an interest that began or was
31 acquired during the interim between regular legislative sessions, whether or not the

1 regular session is extended or there is a special session, or during the last 30 days of
 2 a regular session, the legislator or legislative employee shall disclose the matter by
 3 March 15. For disclosure of a matter or an interest that began or was acquired during
 4 a regular legislative session, but not during the last 30 days of the regular session, the
 5 disclosure must be made within 30 days after the commencement of the interest or
 6 representation.

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

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

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

14 (3) participation in a state program or receipt of a state loan under
 15 AS 24.60.050 and the renegotiation of the terms of the program or loan if the
 16 renegotiation materially affects the obligations of either party;

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

19 (5) representation of a client under AS 24.60.100.

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

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

1 under AS 39.20.180.

2 * **Sec. 36.** AS 24.60.130(h) is amended to read:

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

21 * **Sec. 37.** AS 24.60.130 is amended by adding a new subsection to read:

22 (o) When appointing members of the legislature to serve on the committee, the
23 speaker of the house or the president of the senate, as appropriate, shall appoint an
24 alternate member for each regular member. An alternate must have the same
25 qualifications as the regular member for whom the alternate stands as alternate and is
26 subject to confirmation as required for the regular member. If a regular legislative
27 member of the committee or a subcommittee is disqualified under (h) of this section
28 from serving on the committee or the subcommittee concerning a proceeding under
29 AS 24.60.170, the chair of the committee or a subcommittee shall designate the regular
30 member's alternate to serve in place of the regular member in the proceeding unless
31 the alternate is also disqualified from serving. The designation shall be treated as

1 confidential to the same extent that the identity of the subject of a complaint is
2 required to be kept confidential.

3 * **Sec. 38.** AS 24.60.134(a) is amended to read:

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

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

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

16 (A) a candidate for the legislature;

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

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

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

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

26 * **Sec. 39.** AS 24.60.134 is amended by adding a new subsection to read:

27 (c) A person under contract to provide personal services to the committee who
28 is part of a corporation or partnership that includes individuals who will not be
29 participating directly in the work performed by the entity for the committee may
30 request the committee to exclude members of the entity from some or all of the
31 provisions of this section. The committee may grant the request if it finds that doing

1 so will not lead to the appearance that the committee is subject to undue political
2 influence and if there is no appearance of impropriety.

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.

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

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

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

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

8 (b) A complaint may be initiated by any person. The complaint must be in
 9 writing and signed under oath by the person making the complaint **and must contain**
 10 **a statement that the complainant has reason to believe that a violation of this**
 11 **chapter has occurred and describe any facts known to the complainant to support**
 12 **that belief.** The committee shall upon request provide a form for a complaint to a
 13 person wishing to file a complaint. **Upon receiving a complaint, the committee shall**
 14 **advise the complainant that the committee or the subject of the complaint may**
 15 **ask the complainant to testify at any stage of the proceeding as to the**
 16 **complainant's belief that the subject of the complaint has violated this chapter.**
 17 **The committee shall respond to a complaint concerning the conduct of a**
 18 **candidate for election to state office received during the campaign period in**
 19 **accordance with (o) of this section. The committee shall treat a complaint**
 20 **concerning the conduct of a candidate for election to state office that is pending**
 21 **at the beginning of a campaign period in accordance with (p) of this section.** The
 22 committee shall immediately provide a copy of the complaint to the person who is the
 23 subject of the complaint.

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

25 (c) When the committee receives a complaint under (a) of this section, it **may**
 26 **assign the complaint to a staff person. The staff person shall conduct a**
 27 **preliminary examination of the complaint and advise the committee whether the**
 28 **allegations of the complaint, if true, constitute a violation of this chapter and**
 29 **whether there is credible information to indicate that a further investigation and**
 30 **proceeding is warranted. The staff recommendation shall be based on the**
 31 **information and evidence contained in the complaint as supplemented by the**

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

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

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

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

30 (g) If the committee investigation determines that a probable violation of this
 31 chapter exists that may be corrected by action of the subject of the complaint and that

1 does not warrant sanctions other than correction, the committee may issue an opinion
 2 recommending corrective action. This opinion shall be provided to the complainant
 3 and to the subject of the complaint, and is open to inspection by the public. The
 4 subject of the complaint may comply with the opinion or may request a hearing before
 5 the committee under (j) of this section. After the hearing, the committee may amend
 6 or affirm the opinion. **If the subject of the complaint agrees to comply with the**
 7 **opinion but later fails to complete the corrective action in a timely manner, the**
 8 **committee may formally charge the person as provided in (h) of this section or**
 9 **may refer the matter to the appropriate house of the legislature, in the case of a**
 10 **legislator, or, in the case of a legislative employee, to the employee's appointing**
 11 **authority. The appropriate house of the legislature or the appointing authority,**
 12 **as appropriate, may take action to enforce the corrective action or may decline**
 13 **to take action and refer the matter to the committee. In either case, the**
 14 **committee may formally charge the person under (h) of this section.**

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

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

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

27 (i) A person charged under **(h)** [(b)] of this section may engage in discovery
 28 in a manner consistent with the Alaska Rules of Civil Procedure. The committee may
 29 **adopt procedures that**
 30 **(1)** impose reasonable restrictions on the time for this discovery and on
 31 the materials that may be discovered;

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

3 **(3) impose reasonable restrictions on the release of information that**
 4 **the subject of a complaint acquires from the committee in the course of discovery,**
 5 **or on information obtained by use of the committee's authority, in order to**
 6 **protect the privacy of persons not under investigation to whom the information**
 7 **pertains; however, the committee may not impose restrictions on the release of**
 8 **information by the subject of the complaint unless the complainant has agreed to**
 9 **be bound by similar restrictions and has not made public the information**
 10 **contained in the complaint, information about the complaint, or the fact of filing**
 11 **the complaint.**

12 * **Sec. 48.** AS 24.60.170(1) is amended to read:

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

31 * **Sec. 49.** AS 24.60.170 is amended by adding new subsections to read:

1 (o) The committee shall return a complaint concerning the conduct of a
2 candidate for state office received during a campaign period to the complainant unless
3 the subject of the complaint permits the committee to assume jurisdiction under this
4 subsection. If the committee receives a complaint concerning the conduct of a
5 candidate during the campaign period, the committee shall immediately notify the
6 subject of the complaint of the receipt of the complaint, of the suspension of the
7 committee's jurisdiction during the campaign period, and of the candidate's right to
8 waive the suspension of jurisdiction under this subsection. The candidate may, within
9 11 days after the committee mails or otherwise sends notice of the complaint to the
10 candidate, notify the committee that the candidate chooses to have the committee
11 proceed with the complaint under this section. If the candidate does not act within that
12 time or if the candidate notifies the committee that the candidate is not waiving the
13 suspension of committee jurisdiction, the committee shall return the complaint to the
14 complainant with notice of the suspension of jurisdiction under this subsection and of
15 the right of the complainant to file the complaint after the end of the campaign period.

16 (p) When the committee has a complaint concerning the conduct of a candidate
17 for state office pending before it at the beginning of a campaign period that has not
18 resulted in the issuance of formal charges under (h) of this section, the committee may
19 proceed with its consideration of the complaint only to the extent that the committee's
20 actions are confidential under this section. The committee may not, during a campaign
21 period, issue a dismissal order or decision under (f) of this section, issue an opinion
22 under (g) of this section, or formally charge a person under (h) of this section. If the
23 committee has formally charged a person under (h) of this section and the charge is
24 still pending when a campaign period begins, the committee shall suspend any public
25 hearings on the matter until after the campaign period ends. The parties to the hearing
26 may continue with discovery during the campaign period. If a hearing has been
27 completed before the beginning of a campaign period but the committee has not yet
28 issued its decision, the committee may not issue the decision until after the end of the
29 campaign period. Notwithstanding the suspension of public proceedings provided for
30 in this subsection, a candidate who is the subject of a complaint may notify the
31 committee in writing that the candidate chooses to have the committee proceed with

1 the complaint under this section.

2 (q) A campaign period under this section begins on the later of 45 days before
 3 a primary election in which the legislator or legislative employee is a candidate for
 4 state office or the day on which the individual files as a candidate for state office and
 5 ends at the close of election day for the general or special election in which the
 6 individual is a candidate or on the day that the candidate withdraws from the election,
 7 if earlier. For a candidate who loses in the primary election, the campaign period ends
 8 on the day that results of the primary election showing that another individual won the
 9 election are certified.

10 * **Sec. 50.** AS 24.60.174(a) is amended to read:

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

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

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

21 * **Sec. 51.** AS 24.60.174 is amended by adding a new subsection to read:

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

31 * **Sec. 52.** AS 24.60.176 is amended to read:

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

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

* **Sec. 53.** AS 24.60.176 is amended by adding a new subsection to read:

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

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

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

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

(4) the appropriate rules committee for employees of

(A) standing committees of the legislature, other than the finance committees;

(B) the senate secretary's office and the office of the chief clerk of the house of representatives; and

(C) house records and senate records;

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

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

3 (7) the legislature for the ombudsman.

4 * **Sec. 54.** AS 24.60 is amended by adding a new section to read:

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

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

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

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

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

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

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

20 (6) public or private written reprimand;

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

25 (8) placing the person on probationary status;

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

28 (10) any other appropriate measure.

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

1 complaint.

2 * **Sec. 55.** AS 24.60.200 is amended to read:

3 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
 4 **committee, and legislative directors.** A legislator, **a public member of the**
 5 **committee,** and a legislative director shall file a disclosure statement, under oath and
 6 on penalty of perjury, with the Alaska Public Offices Commission giving the following
 7 information about the income received by **the discloser, the discloser's spouse or**
 8 **spousal equivalent, the discloser's** [THEM, THEIR SPOUSES, THEIR] dependent
 9 children, and **the discloser's** [THEIR] nondependent children who are living with **the**
 10 **discloser** [THEM]:

11 (1) the information that a public official is required to report under
 12 AS 39.50.030, **other than information about gifts** [EXCEPT THAT SOURCES OF
 13 INCOME OTHER THAN GIFTS OF \$1,000 OR LESS, AND LOANS OF \$1,000 OR
 14 LESS NEED NOT BE REPORTED];

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

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

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

1 * **Sec. 56.** AS 24.60.210 is amended to read:

2 **Sec. 24.60.210. Deadlines for filing of disclosure statements.** A legislator
3 and a legislative director shall file an annual report with the Alaska Public Offices
4 Commission, covering the previous calendar year, containing the disclosures required
5 by AS 24.60.200, on or before **March** [APRIL] 15 of each year.

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

7 **Sec. 24.60.250. Effect of failure to file by legislative candidate or legislative**
8 **director.** In addition to the sanctions described in AS 24.60.260, if the Alaska Public
9 Offices Commission finds that a candidate for the legislature who is an incumbent
10 legislator [OR A LEGISLATIVE DIRECTOR] has failed or refused to file a report
11 under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify the
12 lieutenant governor. The candidate shall forfeit nomination to office and may not be
13 seated in office. The lieutenant governor may not certify the person's nomination for
14 office or election to office, and nomination to the office shall be certified as provided
15 in AS 39.50.060(b). **In addition to the sanctions described in AS 24.60.260, if the**
16 **Alaska Public Offices Commission finds that a legislative director has failed or**
17 **refused to file a report under AS 24.60.200 by a deadline established in**
18 **AS 24.60.210, it shall notify the Alaska Legislative Council or the Legislative**
19 **Budget and Audit Committee, as appropriate. For the ombudsman, the Alaska**
20 **Legislative Council shall be notified.**

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

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

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

30 (c) The committee may impose a fine on a person who files a disclosure after
31 a deadline set by this chapter. The amount of the fine imposed under this subsection

1 may not exceed \$2 for each day to a maximum of \$100 for each disclosure for a late
 2 disclosure. However, if the committee finds that a late filing was inadvertent, the
 3 maximum fine the committee may impose under this subsection is \$25.

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

5 (5) "immediate family" means

6 (A) the spouse or spousal equivalent of the person; or

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

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

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

14 (16) "state office" includes the office of governor, lieutenant governor,
 15 member of the legislature, or similar state office.

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

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

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

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

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

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

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

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

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

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

3 (9) APPOINT, AND REVIEW THE FINDINGS, CONCLUSIONS,
4 AND RECOMMENDATIONS OF, HEARING OFFICERS IN ACCORDANCE WITH
5 AS 39.52.350(c), 39.52.360, AND 39.52.370;

6 (10) ISSUE FINDINGS, CONCLUSIONS, AND DECISIONS
7 REGARDING VIOLATIONS OF THE CODE OF ETHICS IN AS 39.52.110 -
8 39.52.190; AND

9 (11) IMPOSE THE PENALTIES DESCRIBED IN AS 39.52.410,
10 39.52.440, AND 39.52.450].

11 * **Sec. 63.** AS 39.25.160(e) is amended to read:

12 (e) An employee in the classified, [OR] partially exempt, **or exempt** service
13 who seeks nomination or becomes a candidate for state or national elective political
14 office shall immediately resign any position held in the state service. The employee's
15 position becomes vacant on the date the employee files a declaration of candidacy for
16 state or national elective office. **This subsection applies to employees in the exempt**
17 **service, except those listed below, notwithstanding AS 39.25.110. This subsection**
18 **does not apply to**

19 (1) **a justice, judges, magistrates, and employees of the judicial**
20 **branch, including employees of the judicial council;**

21 (2) **the governor or the lieutenant governor;**

22 (3) **a member of the legislature;**

23 (4) **an employee seeking election as a delegate to a constitutional**
24 **convention;**

25 (5) **officers and employees of the University of Alaska;**

26 (6) **certificated teachers and noncertificated employees employed**
27 **by a regional educational attendance area established and organized under**
28 **AS 14.08.031 - 14.08.041 to teach in, administer, or operate schools under the**
29 **control of a regional educational attendance area school board;**

30 (7) **certificated teachers employed by the Department of Education**
31 **as correspondence teachers, teachers in skill centers operated by the Department**

1 of Education, or teachers at Mt. Edgecumbe School;

2 (8) members of boards and commissions and authorities if the
 3 member is not entitled to compensation other than per diem and travel for service
 4 on the board, commission, or authority;

5 (9) emergency fire-fighting personnel employed by the Department
 6 of Natural Resources for a fire emergency or for fire prevention and related
 7 activities conducted under AS 41.15.030;

8 (10) youth employed by the Department of Natural Resources
 9 under the Youth Employment and Student Intern programs;

10 (11) students employed by the state institutions in which the
 11 students are enrolled;

12 (12) persons engaged in employment or pre-employment training
 13 programs operated by the Department of Military and Veterans' Affairs;

14 (13) a participant in the Alaska temporary assistance program
 15 under AS 47.27 who holds a temporary position with the state in order to obtain
 16 job training or experience.

17 * **Sec. 64.** AS 39.25.160 is amended by adding a new subsection to read:

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

25 * **Sec. 65.** AS 39.50.020 is amended to read:

26 **Sec. 39.50.020. Report of financial and business interests.** (a) A **public**
 27 **official other than the governor or the lieutenant governor** [JUDICIAL OFFICER,
 28 COMMISSIONER, CHAIR OR MEMBER OF A STATE COMMISSION OR BOARD
 29 SPECIFIED IN AS 39.50.200(b), A PERSON HIRED OR APPOINTED AS HEAD
 30 OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A
 31 DEPARTMENT IN THE EXECUTIVE BRANCH, A PERSON APPOINTED

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

19 (b) **A public official other than an elected or appointed municipal officer**
20 [THE GOVERNOR, LIEUTENANT GOVERNOR, JUDICIAL OFFICERS, EACH
21 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A
22 DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH,
23 ASSISTANT TO THE GOVERNOR, STATE INVESTMENT OFFICERS AND THE
24 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR
25 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER
26 THIS CHAPTER,] shall file the statement with the Alaska Public Offices Commission.
27 Candidates for the office of governor and lieutenant governor and, if the candidate is
28 not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or
29 15.25.180. Municipal officers, and candidates for elective municipal office, shall file
30 with the municipal clerk or other municipal official designated to receive their filing
31 for office. All statements required to be filed under this chapter are public records.

1 * **Sec. 66.** AS 39.50.030(a) is amended to read:

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

8 * **Sec. 67.** AS 39.50.030(b) is amended to read:

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

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

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

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

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

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

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

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

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

25 * **Sec. 68.** AS 39.50.030 is amended by adding new subsections to read:

26 (d) In addition to the requirements of (b) of this section, each statement filed
 27 under this chapter by a public official in the executive branch of state government
 28 other than the chair or a member of a state commission or board must include a
 29 disclosure of the formation or maintenance of a close economic association involving
 30 a substantial financial matter as required by this subsection. The disclosure must be
 31 sufficiently detailed so that a reader can ascertain the nature of the association. A

1 public official shall disclose a close economic association with

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

8 (e) If a public official required to disclose a close economic association under
9 (d) of this section forms a close economic association after the date on which the
10 public official files the financial disclosure statement required by (a) of this section,
11 disclosure of the association must be made to the commission within 60 days after the
12 formation of the association.

13 (f) When making a disclosure under (d) of this section concerning a
14 relationship with a lobbyist to whom the public official is married or who is the public
15 official's spousal equivalent, the public official shall also disclose the name and
16 address of each employer of the lobbyist and the total monetary value received from
17 the lobbyist's employer. The public official shall report changes in the employers of
18 the spouse or spousal equivalent within 48 hours after the change. In this subsection,
19 "employer of the lobbyist" means the person from whom the lobbyist received money,
20 or goods or services having a monetary value, for engaging in lobbying on behalf of
21 the person.

22 (g) In this section,

- 23 (1) "close economic association" means a financial relationship that
24 exists between a public official required to disclose a close economic association under
25 (d) of this section and some other person or entity, including a relationship where the
26 public official serves as a consultant or advisor to, is a member or representative of,
27 or has a financial interest in an association, partnership, business, or corporation;
- 28 (2) "lobbyist" has the meaning given in AS 24.60.990(a);
- 29 (3) "public officer" has the meaning given in AS 39.52.960;
- 30 (4) "spousal equivalent" means a person who is cohabiting with another
31 person in a relationship that is like a marriage but that is not a legal marriage.

1 * **Sec. 69.** AS 39.50.070 is amended to read:

2 **Sec. 39.50.070. Failure to report by certain public officials**
 3 **[DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT HEADS]. A public**
 4 **official [PERSON HIRED OR APPOINTED AS THE HEAD OR DEPUTY HEAD**
 5 **OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT] in the executive**
 6 **branch of state government, other than the governor or lieutenant governor or a**
 7 **chair or member of a state board or commission, who refuses or fails to file a**
 8 **report of financial interests required under this chapter when due may not hold office,**
 9 **and the person's name may not be submitted to the legislature for confirmation, until**
 10 **the person complies. The person may not be confirmed, hired, or appointed, and the**
 11 **person forfeits and may not be paid any salary, per diem, or travel expenses, until the**
 12 **person complies. If, after installation in office or beginning employment in the**
 13 **position [AS THE HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A**
 14 **DIVISION WITHIN, A DEPARTMENT], 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 of the report.**

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

20 (8) "public official" means

21 **(A)** a judicial officer;

22 **(B)** [,] the governor **or** [,] the lieutenant governor;

23 **(C)** [,] a person hired or appointed **in** [AS THE HEAD OR
 24 DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION,] a department in the
 25 executive branch **as**

26 **(i) the head or deputy head of the department;**

27 **(ii) the director or deputy director of a division;**

28 **(iii) a special assistant to the head of the department;**

29 **(iv) a person serving as the legislative liaison for the**
 30 **department;**

31 **(D)** a person hired as [,] an **employee in the office of**

1 [ASSISTANT TO] the governor or the office of the lieutenant governor
 2 other than

3 (i) a clerical, security, messenger, or maintenance
 4 employee, or other employee in the office of the governor or the
 5 office of the lieutenant governor whom the personnel board
 6 designates because the employee is not employed in an executive or
 7 professional capacity or as an administrator and does not exercise
 8 discretion over policy matters;

9 (ii) an employee of the State Commission for Human
 10 Rights, including the director;

11 (iii) an employee of the office of equal employment
 12 opportunity; however, the director of the office is a public official;

13 (iv) an employee of the division of elections; however,
 14 the director of the division is a public official;

15 (v) an employee of the Alaska Human Resource
 16 Investment Council, including the director;

17 (vi) an employee of the Alaska Human Relations
 18 Commission, including the director;

19 (E) the [,] chair or a member of a state commission or board;

20 (F) [,] state investment officers and the state comptroller in the
 21 Department of Revenue;

22 (G) [,] the executive director of the Alaska Tourism Marketing
 23 Council;

24 (H) the chief procurement officer appointed under
 25 AS 36.30.010; and

26 (I) [, AND] each appointed or elected municipal officer;

27 * Sec. 71. AS 39.52.010(a) is amended to read:

28 (a) It is declared that

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

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

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

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

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

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

11 (4) **a fair and open government requires that executive branch**
12 **public officers conduct the public's business in a manner that preserves the**
13 **integrity of the governmental process and avoids conflicts of interest;**

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

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

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

25 * Sec. 72. AS 39.52.120(b) is amended to read:

26 (b) A public officer may not

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

29 (2) accept, receive, or solicit compensation for the performance of
30 official duties or responsibilities from a person other than the state;

31 (3) use state time, property, equipment, or other facilities to benefit

1 personal or financial interests;

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

4 (5) attempt to benefit a personal or financial interest through coercion
5 of a subordinate **or require another public officer to perform services for the**
6 **private benefit of the public officer at any time;**

7 **(6) use or authorize the use of state funds, facilities, equipment,**
8 **services, or another government asset or resource for partisan political purposes;**
9 **this paragraph does not prohibit use of the governor's residence for meetings to**
10 **discuss political strategy and does not prohibit use of the communications**
11 **equipment in the governor's residence so long as there is no special charge to the**
12 **state for the use; in this paragraph, "for partisan political purposes"**

13 **(A) means having the intent to differentially benefit or harm**

14 **a**

15 **(i) candidate or potential candidate for elective office;**

16 **or**

17 **(ii) political party or group;**

18 **(B) but does not include having the intent to benefit the**
19 **public interest at large through the normal performance of official duties.**

20 * **Sec. 73.** AS 39.52.120 is amended by adding new subsections to read:

21 (d) Except for travel to the capital city, the governor or the lieutenant governor
22 may not travel at state expense to a place in which the official plans to hold a
23 campaign fund raising event if the travel occurs less than 48 hours before the event
24 is scheduled to begin. This subsection does not prohibit the governor or the lieutenant
25 governor from holding a campaign fund raising event in a place to which the official
26 traveled at state expense if the

27 (1) travel to the place is completed at least 48 hours before the event
28 was scheduled to begin; or

29 (2) official made a trip at state expense to a place, returned from that
30 place, and then, within 48 hours, made a second trip to the place and the cost of the
31 second trip was not paid for at state expense.

1 (e) In (d) of this section, an event is considered to be a campaign fund raising
 2 event only if the governor or lieutenant governor, or another person acting on behalf
 3 of the governor or lieutenant governor with the express or implied permission of the
 4 governor or lieutenant governor,

5 (1) asks for contributions for the governor's or lieutenant governor's
 6 campaign at the event;

7 (2) announces that the governor or lieutenant governor will accept
 8 contributions for the campaign at the event; or

9 (3) otherwise uses the event in a manner that clearly demonstrates that
 10 a primary purpose of the event is to raise contributions for the governor's or lieutenant
 11 governor's campaign; the fact that the governor or lieutenant governor received
 12 campaign contributions at an event is insufficient, without other evidence, to satisfy
 13 the proof required by this paragraph.

14 (f) In this section, when determining whether a public officer is considered to
 15 be performing a task on government time, the attorney general and personnel board
 16 shall consider the public officer's work schedule as set by the public officer's
 17 immediate supervisor, if any. A public officer other than the governor and lieutenant
 18 governor who, during the work days, engages in political campaign activities other
 19 than minor, inconsequential, and unavoidable campaign activities shall take approved
 20 leave for the period of campaigning.

21 * **Sec. 74.** AS 39.52.130(b) is amended to read:

22 (b) Notice of the receipt by a public officer of a gift with a value in excess of
 23 \$150 [\$50], including the name of the giver and a description of the gift and its
 24 approximate value, must be provided to the designated supervisor within 30 days after
 25 the date of its receipt

26 (1) if the public officer may take or withhold official action that affects
 27 the giver; or

28 (2) if the gift is connected to the public officer's governmental
 29 status.

30 * **Sec. 75.** AS 39.52.130 is amended by adding new subsections to read:

31 (e) A public officer who, on behalf of the state, accepts a gift from another

1 government or from an official of another government shall, within 60 days after its
 2 receipt, notify the Office of the Governor in writing. The Office of the Governor shall
 3 determine the appropriate disposition of the gift. In this subsection, "another
 4 government" means a foreign government or the government of the United States,
 5 another state, a municipality, or another jurisdiction.

6 (f) A public officer who knows or reasonably ought to know that a family
 7 member has received a gift because of the family member's connection with the public
 8 office held by the public officer shall report the receipt of the gift by the family
 9 member to the public officer's designated supervisor if the gift would have to be
 10 reported under this section if it had been received by the public officer or if receipt of
 11 the gift by a public officer would be prohibited under this section.

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

13 (c) The head of a principal executive department of the state may not accept
 14 employment for compensation outside the agency that the executive head serves.

15 * **Sec. 77.** AS 39.52.180 is amended by adding a new subsection to read:

16 (d) A former governor, lieutenant governor, or head of a principal department
 17 in the executive branch may not engage in activity as a lobbyist under AS 24.45 for
 18 a period of one year after leaving service as the governor, lieutenant governor, or
 19 department head, as appropriate. This subsection does not prohibit service as a
 20 volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as
 21 defined under regulations of the Alaska Public Offices Commission.

22 * **Sec. 78.** AS 39.52.210(a) is amended to read:

23 (a) A public employee who is involved in a matter that may result in a
 24 violation of AS 39.52.110 - 39.52.190 shall

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

27 (2) immediately disclose the matter in writing to the designated
 28 supervisor **and the attorney general.**

29 * **Sec. 79.** AS 39.52.210(b) is amended to read:

30 (b) A public employee's designated supervisor shall make a written
 31 determination whether an employee's involvement violates AS 39.52.110 - 39.52.190

1 **and shall provide a copy of the written determination to the public employee and**
 2 **to the attorney general.** If the supervisor determines that a violation could exist or
 3 will occur, the supervisor shall,

- 4 (1) reassign duties to cure the employee's potential violation, if feasible;
 5 or
 6 (2) direct the divestiture or removal by the employee of the personal
 7 or financial interests that give rise to the potential violation.

8 * **Sec. 80.** AS 39.52.220(a) is amended to read:

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

21 * **Sec. 81.** AS 39.52.230 is amended to read:

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

29 * **Sec. 82.** AS 39.52.260 is amended by adding a new subsection to read:

30 (d) The attorney general shall submit to the personnel board a copy of the
 31 quarterly reports received from designated supervisors under (a) of this section together

1 with a report on the attorney general's review conducted under (b) of this section.

2 * **Sec. 83.** AS 39.52 is amended by adding a new section to article 3 to read:

3 **Sec. 39.52.270. Disclosure statements.** (a) A public officer required to file
4 a disclosure statement under this chapter shall meet the requirements of this subsection
5 in making the disclosure. When the public officer files a disclosure statement under
6 this chapter, the public officer signing the disclosure shall certify that, to the best of
7 the public officer's knowledge, the statement is true, correct, and complete. The
8 disclosure must state that, in addition to any other penalty or punishment that may
9 apply, a person who submits a false statement that the person does not believe to be
10 true is punishable under AS 11.56.200 - 11.56.240.

11 (b) A designated supervisor who receives a disclosure statement under
12 AS 39.52.110 - 39.52.220 shall review it. If the designated supervisor believes that
13 there is a possibility that the activity or situation reported in a disclosure statement
14 filed under AS 39.52.110 - 39.52.190 may result in a violation of this chapter, the
15 designated supervisor shall take appropriate steps under AS 39.52.210 - 39.52.240.
16 Failure of the designated supervisor to proceed under AS 39.52.210 - 39.52.240 does
17 not relieve the public officer of the public officer's obligations under those statutes.

18 (c) In this section, "disclosure statement" means a report or written notice filed
19 under AS 39.52.110 - 39.52.220.

20 * **Sec. 84.** AS 39.52.310(a) is amended to read:

21 (a) The attorney general may initiate a complaint, or elect to treat as a
22 complaint, any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or
23 39.52.260. **The attorney general may not, during a campaign period, initiate a**
24 **complaint concerning the conduct of the governor or lieutenant governor who is**
25 **a candidate for election to state office.**

26 * **Sec. 85.** AS 39.52.310(c) is amended to read:

27 (c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the
28 governor, lieutenant governor, or the attorney general, the matter shall be referred to
29 the personnel board. **The personnel board shall return a complaint concerning the**
30 **conduct of the governor or lieutenant governor who is a candidate for election to**
31 **state office as provided in (j) of this section if the complaint is initiated during a**

1 **campaign period.** The personnel board shall retain independent counsel who shall act
 2 in the place of the attorney general under (d) - (i) of this section, AS 39.52.320 -
 3 39.52.350, and 39.52.360(c) and (d). **Notwithstanding AS 36.30.015(d), the**
 4 **personnel board may contract for or hire independent counsel under this**
 5 **subsection without notifying or securing the approval of the Department of Law.**

6 * **Sec. 86.** AS 39.52.310 is amended by adding new subsections to read:

7 (j) The personnel board shall return a complaint concerning the conduct of the
 8 governor or lieutenant governor who is a candidate for state office received during a
 9 campaign period to the complainant unless the governor or lieutenant governor, as
 10 appropriate, permits the personnel board to assume jurisdiction under this subsection.
 11 If the personnel board receives a complaint concerning the conduct of the governor or
 12 lieutenant governor who is a candidate during the campaign period, the personnel
 13 board shall immediately notify the subject of the complaint of the receipt of the
 14 complaint, of the suspension of the personnel board's jurisdiction during the campaign
 15 period, and of the candidate's right to waive the suspension of jurisdiction under this
 16 subsection. The candidate may, within 11 days after the personnel board mails or
 17 otherwise sends notice of the complaint to the candidate, notify the personnel board
 18 that the candidate chooses to have the personnel board proceed with the complaint
 19 under this section. If the candidate does not act within that time or if the candidate
 20 notifies the personnel board that the candidate is not waiving the suspension of
 21 jurisdiction, the personnel board shall return the complaint to the complainant with
 22 notice of the suspension of jurisdiction under this subsection and of the right of the
 23 complainant to file the complaint after the end of the campaign period.

24 (k) A campaign period under this section begins on the later of 45 days before
 25 a primary election in which the governor or lieutenant governor is a candidate for state
 26 office or the day on which the individual files as a candidate for state office and ends
 27 at the close of election day for the general or special election in which the individual
 28 is a candidate or on the day that the candidate withdraws from the election, if earlier.
 29 For a candidate who loses in the primary election, the campaign period ends on the
 30 day that results of the primary election showing that another individual won the
 31 election are certified.

1 * **Sec. 87.** AS 39.52.320 is amended to read:

2 **Sec. 39.52.320. Dismissal before formal proceedings.** If, after investigation,
3 it appears that there is no probable cause to believe that a violation of this chapter has
4 occurred, the attorney general shall dismiss the complaint [AND PREPARE AND
5 FILE A CONFIDENTIAL SUMMARY WITH THE PERSONNEL BOARD]. The
6 attorney general shall communicate disposition of the matter promptly to the
7 complainant **under AS 39.52.335(c)** and to the subject of the complaint.

8 * **Sec. 88.** AS 39.52 is amended by adding a new section to read:

9 **Sec. 39.52.335. Summary of disposition of complaints and review by**
10 **personnel board.** (a) When the attorney general initiates or receives a complaint
11 under AS 39.52.310, the attorney general shall immediately forward a copy of the
12 complaint to the personnel board.

13 (b) Each month, the attorney general shall file a report with the personnel
14 board concerning the status of each pending complaint and the resolution of
15 complaints that have been closed since the previous report.

16 (c) If a complaint is dismissed under AS 39.52.320 or resolved under
17 AS 39.52.330, the attorney general shall promptly prepare a summary of the matter
18 and provide a copy of the summary to the personnel board and the complainant. The
19 summary is confidential unless the

20 (1) dismissal or resolution agreed to under AS 39.52.320 or 39.52.330
21 is public; or

22 (2) superior court makes the matter public under (h) of this section.

23 (d) Within 15 days after receipt of a summary under this section, a
24 complainant may file comments with the personnel board regarding the disposition of
25 the complaint.

26 (e) At its next regular meeting that begins more than 15 days after receipt of
27 a summary under this section, the personnel board shall review the summary and
28 comments, if any, filed by the complainant. The personnel board may compel the
29 attendance of the subject of the complaint or the complainant at the meeting and may
30 compel the production of documents. Attendance may be by teleconference. The
31 attorney general or the attorney general's designee shall be available to respond to

1 questions from the personnel board concerning the disposition of the complaint.

2 (f) After review of the summary, the personnel board may issue a report on
3 the disposition of the complaint. If the matter is confidential and the board determines
4 that publication of the name of the subject is in the public interest, the report may
5 include a recommendation that the matter be made public.

6 (g) If the summary is confidential under (c) of this section,

7 (1) comments filed by the complainant, if any, are confidential;

8 (2) the personnel board shall conduct the review of the summary in
9 executive session; and

10 (3) the personnel board report, if any, is confidential; the personnel
11 board shall make available to the public an expurgated copy of a confidential report
12 with sufficient deletions and editing to prevent disclosure of the identity of the persons
13 involved in the matter.

14 (h) If the disposition of a complaint is not made public and the personnel
15 board report under (f) of this section includes a recommendation that the matter be
16 made public, an interested party may file an action against the state in superior court
17 requesting that the court make public the complaint, the attorney general's disposition
18 of the complaint, and the personnel board report. The court may order the matter or
19 portions of the matter made public if the court determines that

20 (1) the dismissal or resolution of the complaint was clearly contrary to
21 the requirements of this chapter;

22 (2) one or more of the allegations in the information to be released is
23 supported by substantial evidence;

24 (3) the matter concerns the public interest; and

25 (4) release of the information will not infringe on any protected rights
26 or liberties of the subject.

27 * **Sec. 89.** AS 39.52.340(a) is amended to read:

28 (a) **Except as provided in AS 39.52.335, before** [BEFORE] the initiation of
29 formal proceedings under AS 39.52.350, **the complaint and all other documents and**
30 information regarding an investigation conducted under this chapter [,] or obtained by
31 the attorney general during the investigation **are** [, IS] confidential **and not subject**

1 to inspection by the public. In the case of a complaint concerning the governor,
 2 lieutenant governor, or attorney general, all meetings of the personnel board
 3 concerning the complaint and investigation before the determination of probable
 4 cause are closed to the public. If, in the course of an investigation or probable
 5 cause determination, the attorney general finds evidence of probable criminal
 6 activity, the attorney general shall transmit a statement and factual findings
 7 limited to that activity to the appropriate law enforcement agency. If the attorney
 8 general finds evidence of a probable violation of AS 15.13, the attorney general
 9 shall transmit a statement to that effect and factual findings limited to the
 10 probable violation to the Alaska Public Offices Commission. The attorney general
 11 and all persons contacted during the course of an investigation shall maintain
 12 confidentiality regarding the existence of the investigation. [A PERSON WHO
 13 VIOLATES THIS SECTION IS GUILTY OF A CLASS A MISDEMEANOR.]

14 * **Sec. 90.** AS 39.52.960(11) is amended to read:

15 (11) "immediate family member" means

16 (A) the spouse of the person;

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

19 (C) a child, including a stepchild and an adoptive child, of
 20 the person;

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

23 (E) a parent or sibling of the person's spouse [A PUBLIC
 24 OFFICER'S SPOUSE, A RELATION BY BLOOD WITHIN AND
 25 INCLUDING THE SECOND DEGREE OF KINDRED, AND A REGULAR
 26 MEMBER OF THE OFFICER'S HOUSEHOLD];

27 * **Sec. 91.** PROVISIONS MADE SPECIFICALLY APPLICABLE TO INCUMBENT
 28 LEGISLATORS. Notwithstanding any other provision of AS 15.13, the provisions of
 29 AS 15.13.116(d), added by sec. 5 of this Act, apply to authorize a legislator holding office
 30 in the legislature during the First Regular Session of the Twentieth Alaska State Legislature
 31 who, under sec. 32, ch. 48, SLA 1996, retains unused campaign contributions in the

1 candidate's election campaign account, to transfer to a public office expense term account as
2 permitted under AS 15.13.116(d), enacted by sec. 5 of this Act. All amounts expended under
3 this section shall be annually accounted for under AS 15.13.110(a)(4).

4 * **Sec. 92.** Sections 4, 5, and 91 of this Act are retroactive to December 31, 1996.

5 * **Sec. 93.** Sections 1, 2, 4, 5, 91, and 92 of this Act take effect immediately under
6 AS 01.10.070(c).

7 * **Sec. 94.** Sections 3 and 6 - 90 of this Act take effect January 1, 1999.