

BY THE STATE AFFAIRS COMMITTEE

1 IN THE HOUSE

2

HOUSE BILL NO. 596

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act establishing a legislative ethics commission and standards of conduct for legislators and legislative employees, former legislators and employees, and lobbyists; amending legislators' compensation and allowances; and providing for an effective date."

7

8

9

10

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

12

* Section 1. SHORT TITLE. This Act may be known as the Legislative Ethics Act of 1990.

13

14

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

15

CHAPTER 61. LEGISLATIVE ETHICS ACT OF 1990.

16

ARTICLE 1. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES.

17

Sec. 24.61.010. PURPOSE. This chapter is enacted to

18

(1) assure the integrity of representative government and sustain the confidence and trust of the people of this state in their representatives, the legislature as a whole, and the legislative process;

19

20

21

22

(2) provide a comprehensive and unified statement of the ethical principles, considerations, and obligations inherent in the public trust theory of government service and establish specific standards of conduct to ensure that those entrusted with public authority avoid conduct that might undermine the people's respect for the legislature; and

23

24

25

26

27

28

(3) establish a positive, effective, and comprehensive ethical program that is clear, practical, and fair.

29

1 Sec. 24.61.015. LEGISLATIVE FINDINGS. The legislature finds
2 that

3 (1) high moral and ethical standards among public servants
4 in the legislative branch of government are essential to the conduct
5 of fair, open, and responsive representative government;

6 (2) the people of this state need and deserve a legislature
7 led by outstanding public servants whose devotion and commitment to
8 pursuing the public interest through established democratic processes
9 outweigh any competing personal or political considerations;

10 (3) state government relies heavily on part-time citizen
11 public servants; it is, therefore, essential to attract talented and
12 principled people willing to provide their time and energy to the
13 state, often with substantial personal and financial sacrifices;

14 (4) the best way to attract the right people is to ensure
15 that the government is respected for its honesty and integrity and
16 that the rules governing their conduct during and after leaving public
17 service are as clear, fair, and complete as possible; the rules,
18 however, should not impose unreasonable or unnecessary burdens that
19 will discourage citizens from entering or staying in government ser-
20 vice;

21 (5) the political culture of the state is the product of a
22 unique blend of history, geography, climate, population, and ethnic
23 influences that must be taken into account in the development of rules
24 and standards regulating the conduct of legislators, legislative
25 employees, and those who work regularly with the legislature;

26 (6) the state's commitment to the notion of a citizen
27 legislature requires that legislators be drawn from all parts of
28 society; they cannot and should not be without personal and financial
29 interests in the decisions and policies of government, and they are

1 expected and permitted to earn outside income;

2 (7) as a result of the state's small population and close
3 sense of community, most legislators and legislative employees have a
4 network of relationships in and outside the legislature that creates
5 potential conflicts of interest;

6 (8) the state's vast size requires frequent travel, usually
7 by air, which increases the expense and burden of public service;

8 (9) the state's cultural diversity is reflected in gift-
9 giving and hospitality customs that may clash with standards prohibit-
10 ing acceptance of gratuities;

11 (10) it is important to preserve the vitality of the state's
12 culture and citizen involvement by assuring that standards of conduct
13 acknowledge real and practical needs of individual legislators and
14 legislative employees without compromising vital universal notions of
15 public service ethics, including the principle that public office is a
16 public trust;

17 (11) upon taking the oath of office, legislators enter into
18 a sacred trust with the people of the state involving extraordinary
19 powers and equally extraordinary legal and moral obligations; one
20 aspect of these obligations requires that those entrusted with public
21 authority unfailingly demonstrate that they are worthy of the public's
22 respect and are devoted to maintaining the absolute integrity of
23 government;

24 (12) effective democratic government depends on the will-
25 ingness of the people to exercise responsible citizenship by voluntary
26 compliance with laws and by active participation in the democratic
27 process; when the public's trust in and respect for government is
28 high, citizens are more likely to fully participate by voting, becom-
29 ing better informed, and becoming more active in public debate and

1 discourse in a way that engenders civic pride and makes government
2 more representative, more responsive, and more effective;

3 (13) unethical or illegal behavior by a legislator or legis-
4 lative employee tends to diminish the stature of the legislature and
5 produce cynicism that erodes public confidence in government; thus,
6 all who serve the legislature have a solemn responsibility to avoid
7 improper conduct and prevent improper behavior by colleagues and
8 subordinates;

9 (14) the principles of public service ethics pervading this
10 chapter view the ethical obligations of public servants in a positive
11 way; high standards of conduct and specific regulations to enforce
12 them are not driven by negative assumptions about the character of
13 those who serve government, but as expressions of the need for clarity
14 and uniformity about the higher duties of public service and the noble
15 dimension of democracy;

16 (15) no code of conduct, however comprehensive, can antici-
17 pate all situations in which the principles and standards apply, nor
18 can it prescribe behaviors that are appropriate to those situations;
19 in addition, laws and regulations regarding ethical responsibilities
20 cannot legislate morality, eradicate corruption, or eliminate bad
21 judgment;

22 (16) legislators and legislative employees who are committed
23 to the ethical principles embodied in the public trust concept of
24 government must exercise considerable discretion and judgment so as to
25 adhere to the spirit of the rules and laws; in exercising this judg-
26 ment it is essential to recognize that an act is not ethical simply
27 because it is legal and that conduct is not proper simply because it
28 is permissible;

29 (17) legislative decisions must be made in a context of

1 clashing interests; the growing effect of state laws and regulations
2 creates incentives for competing special interests to seek to influ-
3 ence the election and policy-making processes through organized advo-
4 cacy and through the use of campaign contributions;

5 (18) the cost of running for office has risen dramatically
6 in recent years; as a result, many public officials, including legis-
7 lators, spend an increasing amount of time negotiating with special
8 interests in a way that may unduly enlarge the voice and power of
9 those interests;

10 (19) therefore, the state needs a comprehensive ethics
11 program that responds to the challenges of the contemporary political
12 climate, preserves and protects the integrity of the legislative
13 process, and respects the needs of those who serve the legislature.

14 Sec. 24.61.020. PREAMBLE TO STATEMENT OF ETHICAL PRINCIPLES.
15 AS 24.61.025 - 24.61.060 state the overarching ethical principles of
16 legislative ethics. They are, by nature, broader and more philosoph-
17 ical than the standards of conduct and, therefore, somewhat less
18 amenable to strict enforcement. Their primary purpose is not to
19 provide additional bases of punishment, but to establish the theoret-
20 ical and moral foundation for the standards of conduct and to provide
21 explicit guidance and direction for those who wish to follow the
22 ethical high road, not simply out of fear of punishment but out of
23 commitment and conscience. These principles also establish criteria
24 for interpretation and enforcement of the principles themselves and
25 the standards of conduct that follow. The principles shall be re-
26 garded as an integral part of this chapter.

27 Sec. 24.61.025. PRINCIPLE OF GOOD FAITH. Each provision of this
28 chapter shall be construed and implemented with sincerity, integrity,
29 and a good faith commitment to advance rather than evade the purpose

1 and spirit of the provision.

2 Sec. 24.61.030. PRINCIPLE OF NONPARTISANSHIP. All actions,
3 decisions, and votes on matters relating to this chapter shall be made
4 purely on their merits. Decisions shall be made objectively and
5 independently, and without party, regional, or ideological partisan-
6 ship.

7 Sec. 24.61.035. PRINCIPLES OF PUBLIC TRUST. (a) Legislators
8 and legislative employees shall act so as to ensure the reality and
9 perception that the legislature is conducted according to the highest
10 principles of representative democracy and is worthy of public re-
11 spect, trust, and support.

12 (b) Legislators and legislative employees may not engage in
13 conduct that they know or reasonably should know is likely to create
14 in the minds of reasonable, objective, fair-minded observers the
15 perception that they have used their public position improperly or
16 otherwise have not conducted themselves in accordance with the ethical
17 principles and standards of conduct of this chapter.

18 Sec. 24.61.040. PRINCIPLES OF PUBLIC INTEREST. (a) Legislators
19 and legislative employees shall treat their government positions as a
20 public trust, using the powers and resources of public office only to
21 advance public interests, and not to attain personal benefits or
22 pursue other private interests incompatible with the public good.

23 (b) In pursuing the public interest, legislators and legislative
24 employees shall scrupulously observe and abide by the United States
25 and Alaska constitutions, all applicable laws, and democratic pro-
26 cesses.

27 (c) In pursuing the public interest, legislators and legislative
28 employees should

29 (1) put loyalty to democratic principles and to their

1 conscientious convictions about the overall public good above loyalty
2 to political party, narrow constituency, and individual interests that
3 are inconsistent with the general public interest;

4 (2) allocate public funds and formulate general public
5 policies only after evaluating information objectively and deciding
6 what is best for the public as a whole, not just for a narrow constit-
7 uency;

8 (3) take whatever steps are necessary to safeguard and
9 protect the reputation of state government and the integrity and
10 efficiency of their office, subordinating the interests of superiors,
11 colleagues, and friends to the interests of the state.

12 Sec. 24.61.045. PRINCIPLE OF ACCOUNTABILITY. Legislators and
13 legislative employees shall ensure that government is conducted open-
14 ly, efficiently, equitably, and honorably in a manner that permits the
15 citizenry to make informed judgments and hold government officials
16 accountable.

17 Sec. 24.61.050. PRINCIPLE OF DEMOCRATIC LEADERSHIP. Legislators
18 and legislative employees shall honor and respect the principles and
19 spirit of representative democracy and set a positive example of good
20 citizenship by scrupulously observing the letter and spirit of laws
21 and rules.

22 Sec. 24.61.055. PRINCIPLE OF RESPECTABILITY; CONDUCT BEFITTING
23 THE LEGISLATURE. Legislators and legislative employees shall safe-
24 guard public confidence in the integrity of government by not engaging
25 in conduct that demonstrates they are not fit for public office,
26 prevents them from carrying out their public duties, or that unrea-
27 sonably casts discredit on the legislature.

28 Sec. 24.61.060. PRINCIPLE OF INDEPENDENT JUDGMENT. Legislators
29 and legislative employees shall employ independent objective judgment

1 in performing their duties, deciding all matters on the merits, free
2 from conflicts of interest and both real and apparent improper influ-
3 ences.

4 ARTICLE 2. STANDARDS OF CONDUCT.

5 Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL
6 PRINCIPLE. Inherent in the concept that public office is a public
7 trust is the principle that persons refrain from using or attempting
8 to use their government position to attain

9 (1) personal financial gain, other than official legisla-
10 tive compensation;

11 (2) undue personal benefits, advantages, or privileges not
12 available to the public at large, either for themselves or members of
13 their immediate families;

14 (3) undue private benefit for social or business associ-
15 ates, political contributors, corporations, or other organizations in
16 which the public servant is involved; or

17 (4) narrow political advantages where the use of office is
18 inconsistent with the obligation to use public office only to advance
19 the public interest.

20 Sec. 24.61.110. IMPROPER BENEFIT FROM PERFORMANCE OF PUBLIC
21 DUTIES. (a) A legislator or legislative employee may not seek or
22 accept anything of value as a result of the proper performance of
23 public responsibilities. This subsection may not be construed to
24 prohibit solicitation for and acceptance of campaign contributions
25 under circumstances that are otherwise lawful.

26 (b) A legislator or legislative employee may not accept anything
27 of value under circumstances where the legislator or legislative
28 employee knows or reasonably should know that it is offered with the
29 intent to influence legislative, administrative, or political action.

1 (c) A person who violates this section is subject to the civil
2 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
3 misdemeanor.

4 Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. (a) Legisla-
5 tors and legislative employees who receive an offer that reasonably
6 appears to have been intended to improperly influence legislative,
7 administrative, or political action, shall firmly and unequivocally
8 reject the offer and caution the person making it about a possible
9 violation of undue influence and bribery laws.

10 (b) If the attempt to improperly influence is clear, the matter
11 shall be reported to law enforcement authorities.

12 (c) A person who violates this section is subject to the civil
13 sanctions authorized under AS 24.61.560(a).

14 Sec. 24.61.130. MISUSE OF STATE PROPERTY AND RESOURCES FOR
15 PRIVATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
16 employee may not use public funds, time, facilities, equipment, mail-
17 ing lists, computer data, services, or any other government asset or
18 resource for an unauthorized nongovernmental purpose or for the pri-
19 vate gain or advantage of either the legislator, legislative employee,
20 or another person unless authorized by law.

21 (b) A legislator or legislative employee may not seek, accept,
22 use, allocate, grant, or award public funds for a purpose other than
23 that approved by law, or make a false statement in connection with a
24 claim, request, or application for compensation, reimbursement, or
25 travel allowances from public funds.

26 (c) A legislator or legislative employee may not use or seek to
27 use a legislative employee on government time to perform personal
28 services or assist in a private activity not directly related to the
29 official duties of the legislator or legislative employee.

1 (d) A person who violates this section is subject to the civil
2 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
3 misdemeanor.

4 Sec. 24.61.140. MISUSE OF STATE PROPERTY AND RESOURCES FOR
5 POLITICAL PURPOSES. (a) It is the intent of this section to ensure
6 that public resources, including funds, facilities, and personnel are
7 used only for the good of the public at large and not to further
8 partisan campaign purposes or to influence the outcome of an election;
9 that elections are fair and open and not distorted by the use of
10 public resources to the advantage of individual candidates; and that
11 taxpayers are not forced to subsidize the campaign of an incumbent
12 legislator.

13 (b) A legislator or legislative employee may not use public
14 funds, time, facilities, equipment, mailing lists, computer data,
15 services, or another government asset or resource for the purpose of
16 political fund raising, campaigning, to influence the outcome of an
17 election, or other purely political purpose.

18 (c) A legislator or legislative employee may not use or seek to
19 use a legislative employee on government time to assist in political
20 party activities, campaigning, fund raising, or other partisan or
21 personal political activities.

22 (d) A legislator may not use public funds to produce or distrib-
23 ute a printed flyer, newsletter, or similar publication for mass
24 distribution to constituents unless at least one full page of the
25 publication contains a clear statement, in at least eight point type,
26 of the following information:

27 (1) a brief description of the nature of each bill intro-
28 duced by the legislator as a prime sponsor;

29 (2) a brief description of the nature of each committee

1 substitute or significant amendment offered by the legislator;

2 (3) a brief description of the nature of each bill voted on
3 by the legislative body and the vote of the legislator;

4 (4) the name of each contributor of \$250 or more.

5 (e) The information required under (d) of this section must
6 include all activity since the last mailing or, if a previous state-
7 paid mailing was not sent, during the last legislative session, up to
8 and including activity at the time the publication is prepared. This
9 provision does not affect the content of a publication prepared and
10 distributed with campaign funds.

11 (f) Unless superseded by comprehensive regulations relating to
12 the use of government resources for political purposes developed by
13 the legislature and adopted by the commission under AS 24.61.160, the
14 following prohibitions apply:

15 (1) a legislator may not use or authorize the use of public
16 funds, property, time, personnel, or other resources to produce,
17 print, photocopy, publish, broadcast, or otherwise disseminate ma-
18 terial intended to influence the result of an election; this provision
19 applies to newsletters and other constituent correspondence that by
20 its nature, content, timing, or use clearly appears to be primarily
21 intended to influence an election, even if the materials do not make a
22 specific reference to the election;

23 (2) unless approved by the commission, public funds may not
24 be used to print or distribute a mass mailing from or about a legisla-
25 tor who is a candidate for reelection to the legislature or another
26 state office during the period beginning 90 days before the primary
27 election in which the legislator is a candidate, and ending the day
28 after the final election that year in which the legislator is a candi-
29 date;

1 (3) a legislator, or another person on behalf of the legis-
2 lator, or a campaign committee of the legislator, may not solicit or
3 accept a campaign contribution in a facility or office ordinarily used
4 to conduct state government business; this provision applies to tele-
5 phone conversations, personal meetings, and mail; if an unsolicited
6 contribution is offered or sent it shall be refused or returned
7 promptly;

8 (4) a legislator, or another person on behalf of the legis-
9 lator, or a campaign committee of the legislator, may not distribute
10 or post literature, placards, posters, or other communications de-
11 signed to influence the outcome of an election in a facility or office
12 ordinarily used to conduct state government business.

13 (g) A person who violates this section is subject to the civil
14 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
15 misdemeanor.

16 Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM
17 IMPROPER TASKS. (a) A legislative employee who knows or reasonably
18 should know that the employee has been asked to perform improper
19 personal or political tasks shall refuse to perform them.

20 (b) If a legislator or legislative employee with supervisory
21 authority persists in requesting or demanding that a legislative
22 employee perform improper tasks, or if reprisals are threatened or
23 sanctions imposed as a result of the refusal to perform improper
24 tasks, the legislative employee subjected to the requests, threats, or
25 sanctions shall report the matter to the commission.

26 (c) A person who violates this section is subject to the civil
27 sanctions authorized under AS 24.61.560(a).

28 Sec. 24.61.160. REGULATIONS CONCERNING USE OF PUBLIC RESOURCES.

29 (a) The legislative council shall develop and recommend for adoption

1 by the commission detailed regulations relating to the use of govern-
2 ment property, resources, and personnel to assure that the provisions
3 of AS 24.61.140 - 24.61.160 and regulations adopted by the commission
4 are interpreted uniformly and fairly and are consistent with the
5 spirit of this chapter. The legislative council shall annually review
6 the regulations and recommend necessary changes to the commission.

7 (b) If the legislative council fails to make recommendations for
8 the adoption or modification of regulations under (a) of this section,
9 the commission shall develop and adopt the regulations on its own
10 initiative.

11 Sec. 24.61.170. USE OF NONPUBLIC AND CONFIDENTIAL INFORMATION
12 FOR PRIVATE GAIN. (a) A legislator or legislative employee may not
13 use or disclose, other than in the performance of official duties or
14 as required by law, nonpublic or confidential information acquired in
15 the course of and by reason of legislative service to obtain private
16 gain for the legislator or employee or another person or business,
17 including a person or business with whom the legislator or legislative
18 employee is associated or has negotiated prospective employment.

19 (b) A person who violates this section is subject to the civil
20 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
21 misdemeanor.

22 Sec. 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRI-
23 VATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
24 employee may not use, or allow others to use, the authority, title, or
25 prestige of the legislator's or employee's office to obtain unwarrant-
26 ed private economic benefits for the legislator, legislative employee,
27 or another person. This provision includes, but is not limited to, a
28 prohibition against the use of authority, title, or prestige to obtain
29 employment, contracts for goods or services, clients, grants, or

1 loans.

2 (b) A legislator or legislative employee may not use official
3 letterhead in private matters or refer to the legislator's or legisla-
4 tive employee's public position as a means of inducing or intimidating
5 persons to resolve disputes more favorably, provide preferential
6 treatment, or give free tickets, discounts, favors, or other advan-
7 tages.

8 (c) A legislator or legislative employee may not use, or allow
9 others to use, the authority, title, or prestige of the legislator's
10 or employee's office in the context of an endorsement of a commercial
11 product or service. Official letterhead may not be used in materials
12 endorsing a product, service, or candidate for office. This provision
13 may not be construed to prohibit the use of a

14 (1) legislator's or legislative employee's official title
15 or letterhead in the course of an otherwise proper recommendation of a
16 person for employment; or

17 (2) legislator's official title, used in a dignified manner
18 along with the name, as part of a political endorsement.

19 (d) A legislator or legislative employee may not solicit or
20 accept compensation of any sort under terms and conditions where the
21 compensation is not commensurate with the services performed or that
22 would otherwise create in the minds of reasonable objective observers
23 the perception that the stature of office has been unduly exploited
24 for private gain.

25 (e) A person who violates this section is subject to the civil
26 sanctions authorized under AS 24.61.560(a).

27 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF
28 PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE EMPLOYEES. (a) A
29 legislative assistant or person who has served as a member of the

1 legislature may not, within one year after the expiration of the
2 person's legislative service, use or disclose nonpublic information
3 acquired in the course of and by reason of legislative service to
4 obtain private personal gain or for the gain of another, including a
5 person or business with whom the former legislator or legislative
6 employee is now associated. A person subject to this subsection may
7 not, at any time, use or disclose information that is by law confiden-
8 tial.

9 (b) Legislators and legislative assistants may not, for a period
10 of one year after leaving office, act on their own behalf or assist
11 another as a lobbyist, representative, consultant, advisor, or advo-
12 cate in seeking to influence a

13 (1) legislator or legislative employee to take or withhold
14 legislative, administrative, or political action;

15 (2) state agency, public official, or employee with respon-
16 sibility in an area in which the person, while a legislator or legis-
17 lative assistant, had special oversight or budgeting responsibility,
18 to take or withhold administrative action.

19 (c) A person is considered to have had special oversight or
20 budget authority over an agency if the person served, within the last
21 year of the person's legislative term, as the president of the senate,
22 speaker of the house, chair of the finance committee of either house,
23 or as chair of a committee directly concerned on a regular basis with
24 the agency's activities.

25 (d) A former legislator, within one year after leaving office,
26 may not solicit or accept compensation of any sort under terms and
27 conditions where the compensation is not commensurate with the ser-
28 vices performed or that would otherwise create in the minds of reason-
29 able objective observers the perception that the stature of office has

1 been unduly exploited for private gain.

2 (e) A person who violates this section is subject to the civil
3 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
4 misdemeanor.

5 Sec. 24.61.200. USE OF CAMPAIGN FUNDS: INTENT. Because the
6 right to solicit and accept funds from the public for the purpose of
7 supporting a person's campaign for office is purely an incident of our
8 democratic political system, the use that can properly be made of
9 campaign funds must be sharply limited to prevent actual misuse and
10 improper appearances of misuse of funds. Legislative campaign funds
11 are received, free of tax liability to the recipient, for the specific
12 purpose of assisting a candidate to get elected or reelected to of-
13 fice. Any other use of funds, whether for personal gain or other
14 purposes not closely related to bona fide campaign expenditures, is
15 improper.

16 Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS. Campaign funds
17 may be properly expended for an otherwise lawful purpose intended to
18 influence voters to elect or reelect the legislative candidate to the
19 legislature including, but not limited to: payment of staff and
20 consultants; rental of space and equipment for a campaign office;
21 purchase of media time and space; design work; printing of campaign
22 materials; postage; taking polls and interpreting them; telephone
23 installation and usage; costs of distribution of materials; advertis-
24 ing in organizational and club bulletins or other brochures; inscribed
25 promotional materials, including buttons, pencils, pens, and items of
26 clothing; necessary intrastate travel and related expenses for the
27 candidate and a member of the candidate's staff or immediate family
28 provided that the travel and lodging are directly related to attempts
29 to influence voters; victory and thank you celebrations; and

1 newsletters and mass mailings promoting the candidate.

2 Sec. 24.61.205. PROHIBITED USES OF CAMPAIGN FUNDS. (a) A
3 candidate for the legislature may not

4 (1) use funds raised and designated as campaign funds for
5 personal economic benefit, to supplement personal income, or to en-
6 hance personal life style;

7 (2) convert surplus campaign funds or interest earned on
8 campaign funds to personal income;

9 (3) seek or claim a tax deduction or other economic benefit
10 for surplus funds disbursed to a charity under law.

11 (b) A legislative candidate may not borrow from campaign funds
12 or loan them to another person or group.

13 (c) Campaign funds may be used only as is reasonable and neces-
14 sary to advance the interests of the campaign. A person or company
15 providing goods or services to the campaign may not knowingly be paid
16 more than the fair market value of the goods or services purchased.

17 (d) Funds may not be used in a way that would create in the mind
18 of a reasonable objective observer the belief that the funds are for
19 the personal financial benefit of the candidate, the candidate's
20 immediate family, or another person. Campaign funds may not be paid
21 to a member of the candidate's immediate family as an employee or for
22 goods or services provided to the campaign unless the amounts paid are
23 reasonable and proper for the goods or services provided. Excess
24 amounts paid to family members shall be treated as an improper conver-
25 sion of campaign funds to personal use.

26 (e) Except for funds irrevocably pledged during a campaign or
27 campaign money sent before a final election, a legislative candidate
28 who has won office, and a committee related to the election, may not
29 accept campaign contributions. A post-election contribution shall be

1 treated as an illegal gratuity and must be returned.

2 (f) A legislative candidate and a committee controlled by a
3 legislative candidate may not use campaign funds to make a contribu-
4 tion to another candidate running for office or to a committee sup-
5 porting or opposing a candidate for office.

6 (g) Campaign funds may not be used to pay fines or other mone-
7 tary penalties or costs assessed against a candidate by a court or
8 other body, unless the fine, penalty, or cost is assessed as a result
9 of proscribed actions by a member or employee of a campaign committee
10 or another person acting on behalf of the candidate under circum-
11 stances where the candidate did not know of, have reason to know of,
12 acquiesce in, assent to, or direct those actions.

13 (h) A person who violates this section is subject to the civil
14 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
15 misdemeanor.

16 Sec. 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. (a) If
17 a legislative candidate ceases to be a candidate or if there remains a
18 balance in the account of the candidate or the candidate's controlled
19 committee after the date of the election, unexpended funds in excess
20 of the amount allowed under (b) of this section may only be used as
21 provided in (1) - (5) of this subsection or to pay for a victory or
22 thank you party. Within 60 days after the end of the candidacy or the
23 election, unexpended funds shall be

24 (1) used to retire bona fide loans supported by appropriate
25 documentation including loans made to a campaign by the legislative
26 candidate or a member of the candidate's immediate family provided
27 that all other outstanding loans are paid first;

28 (2) returned on a pro rata basis to those who have made
29 contributions;

1 (3) paid promptly to the Department of Revenue for deposit
2 to the general fund;

3 (4) donated to one or more charitable organizations that
4 qualify for a federal tax exemption provided that the charity is not
5 one that is controlled by the candidate or a member of the candidate's
6 immediate family or in which the candidate or a member of the candi-
7 date's immediate family is personally involved as a director, trustee,
8 member of the board, officer, or other position of responsibility; or

9 (5) transferred to an ongoing political account controlled
10 by the candidate, but only in the amounts and according to the re-
11 quirements set out in (b) of this section.

12 (b) A maximum of \$2,500 for candidates for the house and \$5,000
13 for candidates for the senate of surplus campaign funds may be trans-
14 ferred to an ongoing political account controlled by the candidate.

15 (c) Funds carried over under this section may be expended for
16 any political purpose for which campaign funds can otherwise properly
17 be used, but they may not be used for a campaign for an office other
18 than the state legislature.

19 Sec. 24.61.220. PAYMENT OF LEGAL EXPENSES; SPECIAL EXPENSE
20 FUNDS. (a) Campaign funds may be used to defray attorney fees and
21 other legal costs incurred in the candidate's legal defense to a
22 civil, criminal, or administrative action arising directly out of the
23 conduct of the campaign or election process or the performance of
24 official action taken as part of the legislator's governmental activ-
25 ities and duties. Campaign funds may not be expended on defense costs
26 relating to legal or ethics charges based on nonofficial personal
27 conduct; however, those costs may be paid from a special defense fund
28 established under this section.

29 (b) A legislative candidate or legislator wishing to establish a

1 legal expense fund account shall file a statement of organization for
2 the legal expense fund with the commission. The statement of orga-
3 nization must identify the specific civil, criminal, or administrative
4 proceeding or proceedings for which the legal expense fund is estab-
5 lished.

6 (c) The legal expense fund shall establish a single account at
7 an office of a financial institution located in the state. A donation
8 to the candidate or legislator for legal expenses shall be deposited
9 into that account if the donation meets the requirements of (d) of
10 this section.

11 (d) Only a donation that is specifically designated by the donor
12 as being for the legal expense fund and is made payable to the legal
13 expense fund may be deposited in the legal expense fund account.

14 (e) Expenditures from the legal expense fund account may be made
15 only for legal costs directly related to the civil, criminal, or
16 administrative proceeding or proceedings for which the legal expense
17 fund is established. Expenditures from the legal expense fund account
18 may not be used to pay or reimburse fines, penalties, judgments, or
19 settlements in connection with a criminal prosecution or a civil or
20 administrative action in which the legislative candidate or legislator
21 is found to have committed, or admits to having committed, an inten-
22 tional or negligent violation of the law.

23 (f) Funds may not be transferred from the legal expense fund to
24 another committee. Surplus funds remaining in the legal expense fund
25 account after the proceeding or proceedings for which the account is
26 established have concluded may not be used for another purpose and
27 shall be returned to donors on a pro rata basis or given to the De-
28 partment of Revenue for deposit in the general fund within six months
29 after the final conclusion of the proceeding or proceedings.

1 (g) This section constitutes the sole means for soliciting or
2 accepting donations for legal costs not subject to this chapter's
3 contribution limitations.

4 (h) Funds received from testimonial dinners or other fund rais-
5 ing events must be clearly designated in advance as either for cam-
6 paign purposes or for the legal expense fund and all proceeds shall be
7 dealt with accordingly.

8 (i) A person who violates this section is subject to the civil
9 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
10 misdemeanor.

11 Sec. 24.61.230. IMPROPER COERCION. (a) Legislators wield
12 substantial power and influence and it is essential that constituents
13 and others interested in their legislative, administrative, and polit-
14 ical actions have, and believe they have, a fair and adequate oppor-
15 tunity to express their concerns, grievances, and ideas without regard
16 to their willingness or ability to provide personal benefits, contrib-
17 ute to particular charitable causes favored by a legislator, or pro-
18 vide financial or other forms of political support.

19 (b) A legislator may not, directly or through others acting on
20 the legislator's behalf, engage in conduct that the legislator knows
21 or reasonably should know is likely to create the belief or impression
22 in another that persons and the causes they represent will receive
23 more or less favorable consideration, or that they will be given more
24 or less opportunity to personally state their case, or otherwise be
25 benefited or disadvantaged as a direct result of their willingness to
26 provide

27 (1) funds for a campaign contribution or another cause
28 favored by the legislator; or

29 (2) the legislator with personal benefits or political

1 support.

2 (c) A legislator may not directly or through others acting on
3 the legislator's behalf,

4 (1) agree to, or threaten to take or withhold a legisla-
5 tive, administrative, or political action, including but not limited
6 to support or opposition to a bill, employment, nominations, and
7 appointments, as a result of a person's decision to provide or not
8 provide a political contribution;

9 (2) state or imply that the legislator will perform or
10 refrain from performing a lawful constituent service as a result of a
11 person's decision to provide or not provide a political contribution;

12 (3) participate in a discussion, scheme, or plan clearly
13 designed to evade the plain spirit and purpose of campaign and contri-
14 bution regulations or financial disclosure provision of state law; or

15 (4) knowingly accept a contribution given or offered in
16 violation of law.

17 (d) A person who violates this section is subject to the civil
18 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
19 misdemeanor.

20 Sec. 24.61.240. FUND RAISING LIMITATIONS. (a) Because the
21 process of campaign fund raising involves activities that take great
22 amounts of time and energy and that tend to place legislators in
23 situations rife with the potential for conflicts of interest, it is
24 the intent of this section that fund raising should be limited in ways
25 that permit legislators to concentrate their attention on public
26 matters.

27 (b) A legislator may not, either directly, through a campaign
28 committee, or other means, solicit or accept a campaign contribution
29 or a promise or pledge to make a contribution while the legislature is

1 in session, nor may a legislator otherwise be involved in a fund
2 raising activity for the legislator's own campaign or for another
3 person or cause while the legislature is in session.

4 (c) A legislator may not, either directly, through a campaign
5 committee, or other means, solicit or accept a campaign contribution
6 or a promise or pledge to make a contribution relating to candidacy
7 for the legislature except during the following periods:

8 (1) legislators and other incumbent elected public offi-
9 cials intending to run for the legislature may raise funds from June 1
10 until December 31 in the year before the year of an election in which
11 they intend to be a candidate, and from June 1 through the final
12 election in November in the year of the election;

13 (2) candidates for the legislature who are not in public
14 office at the time of their candidacy may raise funds from June 1 in
15 the year before the year of an election in which they intend to be a
16 candidate through the final election in November in the year of the
17 election.

18 (d) A person who violates this section is subject to the civil
19 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
20 misdemeanor.

21 Sec. 24.61.250. GENERAL OBLIGATION TO AVOID CONFLICTS OF INTER-
22 EST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS.
23 Legislators and legislative employees shall safeguard their ability to
24 make independent, objective, fair, and impartial judgments by scrupu-
25 lously seeking to avoid financial, social, and political relationships
26 and transactions that may compromise or give the appearance of com-
27 promising their objectivity, independence, or honesty.

28 Sec. 24.61.255. FINANCIAL CONFLICTS OF INTEREST DEFINED. A
29 financial conflict of interest exists when a person or a member of

1 that person's immediate family has substantial financial interests
2 that may be materially affected by an official action or decision they
3 might make. The interest must be so substantial and the potential
4 effect on that interest must be so material that a reasonable objec-
5 tive person is likely to believe that the ability of the person with
6 the financial interest to make an objective, fair, and impartial
7 professional judgment will be impeded by self-interest. It is not a
8 conflict of interest as to a specific matter if

9 (1) the person's economic interest is not substantial;

10 (2) the person's authority in relation to the interest is
11 such that an action or decision is not likely to materially affect the
12 financial interest; or

13 (3) the economic effect an official action or decision
14 might have on a person's private financial interests is no greater
15 than the effect on a substantial class of persons to which the person
16 belongs as a member of a profession, occupation, industry, or region.

17 Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRA-
18 TIVE, OR POLITICAL ACTION DEFINED. Conflicts of interest arise most
19 often and are most serious when a legislator or legislative employee
20 has a financial or personal relationship with other persons, including
21 governmental entities, that have a substantial interest in legisla-
22 tive, administrative, or political action. Parsons, including govern-
23 mental entities, have a substantial interest if they

24 (1) are regulated by the legislature;

25 (2) provide goods or services to the legislature for com-
26 pensation or profit;

27 (3) seek employment in the legislative branch or a govern-
28 ment agency or in a private organization in which a legislator or
29 legislative employee is likely to have, or reasonable appears to have,

1 the ability to influence an employment decision;

2 (4) will be directly and substantially affected, either
3 financially or personally, by a contemplated legislative, administra-
4 tive, or political action in a way that is greater than the effect on
5 a substantial class of persons to which the person belongs as a member
6 of a profession, occupation, industry, or region;

7 (5) have or seek contracts for goods or services with an
8 agency of state government;

9 (6) are registered lobbyists;

10 (7) employ registered lobbyists; or

11 (8) represent, with or without compensation, a person or
12 organization described in (1) - (7) of this section.

13 Sec. 24.61.265. CLOSE ECONOMIC ASSOCIATION DEFINED. "Close
14 economic association" refers to a financial relationship between two
15 or more persons that creates economic interests in a legislator or
16 legislative employee that either (1) conflict with public duties and
17 the obligation to exercise objective independent judgment; or (2)
18 create the appearance that the person may have undue access to confi-
19 dential information or otherwise receive favored treatment regarding
20 public actions. "Close economic association" includes, but is not
21 limited to, relationships involving compensation as an employee,
22 agent, representative, counselor, adviser, or consultant, including
23 professional services as between a lawyer and client or a financial
24 planner and a client; a financial interest resulting from an invest-
25 ment, business enterprise, or interest in real property as a partner,
26 investor, associate, or major stockholder; a landlord and tenant or
27 co-tenants sharing housing expenses; a debt, loan, or loan guarantee;
28 or another relationship in which a legislator or legislative employee
29 has a substantial economic involvement with another person. In this

1 section, "person" includes governmental entities.

2 Sec. 24.61.270. DEALING WITH FINANCIAL CONFLICTS. Except in the
3 relatively few cases in which certain conflict-laden transactions or
4 relationships are banned by this chapter or where divestiture will be
5 ordered by the commission, conflicts of interest are dealt with pri-
6 marily as a matter of required public disclosure and voluntary re-
7 straint.

8 Sec. 24.61.275. PERSONAL RELATIONSHIP CONFLICTS OF INTEREST
9 DEFINED. A personal relationship conflict of interest exists when a
10 legislator or legislative employee is involved in a close personal
11 relationship with another person who is likely to be substantially
12 affected by an official action or decision the legislator or legisla-
13 tive employee might make. A close personal relationship is a special
14 relationship between a legislator or legislative employee and another
15 person that creates strong bonds of loyalty, friendship, or love that
16 could potentially conflict with public duties and the obligation to
17 exercise objective independent judgment or create the appearance that
18 the person may have undue access to confidential information or other-
19 wise receive favored treatment regarding public actions. A close
20 personal relationship includes, but is not limited to, immediate
21 family, long-term personal friends, or former business associates, and
22 persons with whom the legislator or legislative employee has a signif-
23 icant and continuous romantic relationship.

24 Sec. 24.61.280. DEALING WITH PERSONAL RELATIONSHIP CONFLICTS OF
25 INTEREST. Except in the very few cases where certain relationships
26 give rise to specific legal limitations, such as the ban on nepotism,
27 personal relationship conflicts are not restricted or subject to
28 mandatory disclosure. However, this makes them no less damaging to
29 public trust. Legislators and legislative employees shall avoid,

1 where reasonably possible, getting into situations where they have
2 personal relationship conflicts of interest. Where the situations are
3 not reasonably avoidable, legislators and legislative employees shall
4 take affirmative steps to disclose the conflicts that are not apparent
5 and refrain, where reasonably possible, from making decisions or
6 taking actions affected by the conflict.

7 Sec. 24.61.290. RESTRICTED RELATIONSHIPS: NEPOTISM. (a) A
8 member of the immediate family of a legislator may not be employed for
9 compensation

10 (1) in the house of which the legislator is a member during
11 the legislative session;

12 (2) in either house in the interim between legislative
13 sessions; or

14 (3) by the commission, whether for compensation or not, at
15 any time.

16 (b) A member of the immediate family of a legislative employee
17 may not be employed for compensation in a position over which the
18 employee has supervisory authority.

19 (c) In cases where a relative of a legislator or legislative
20 employee is uniquely qualified to perform a task, or another extraor-
21 dinary circumstance exists under which it would be in the state's
22 interest to waive the limitation of this section, an exemption may be
23 sought from the commission.

24 (d) For purposes of this section, a legislator is not an employ-
25 ee of the legislature.

26 (e) A person who violates this section is subject to the civil
27 sanctions authorized under AS 24.61.560(a).

28 Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-
29 TORS, AND LEGISLATIVE EMPLOYEES. (a) A registered lobbyist may not

1 serve as a campaign manager or director, serve as a campaign treasurer
2 or deputy campaign treasurer on a finance or fund-raising committee,
3 host a fund-raising event, or otherwise engage actively in the fund-
4 raising activity of a legislative campaign or for a legal expense fund
5 under AS 24.61.220. Although this subsection prohibits a lobbyist
6 from engaging in all forms of fund raising, it may not be construed to
7 prohibit a lobbyist from making personal contributions to or person-
8 ally advocating on behalf of a candidate.

9 (b) Legislators and legislative employees who have a close
10 economic association or a close personal relationship with a regis-
11 tered lobbyist shall make a written disclosure of the relationship in
12 confidence to the commission. The disclosure shall be made during the
13 first week of each session. If a legislator or legislative employee
14 is not in office during the first week of the session, the disclosure
15 shall be made within 30 days after taking office. If the relationship
16 did not exist during the first week of the session, the disclosure
17 shall be made no later than 45 days after formation of the relation-
18 ship.

19 (c) The written disclosure must state the name of the persons
20 involved, the nature of the relationship, and a brief narrative of the
21 matters the legislator or legislative employee is working on or rea-
22 sonably might work on in the future that could create an actual con-
23 flict of interest. If the commission requests additional information
24 it shall be promptly provided.

25 (d) The commission shall make a determination as to whether the
26 relationship creates a conflict of interest that requires restrictions
27 or disclosure. After making the determination, the commission may
28 elect to

29 (1) keep the matter confidential;

- 1 (2) order some restriction in the activities;
2 (3) order disclosure in the journal of the appropriate
3 body; or
4 (4) order a combination of (1) and (2) or (2) and (3) of
5 this subsection.

6 (e) A legislator or legislative assistant may not provide per-
7 sonal services for compensation for or on behalf of a registered
8 lobbyist, lobbying firm, or another organization or firm that regular-
9 ly engages in lobbying the legislature or state agencies, boards, or
10 commissions, nor may a legislator or legislative assistant have a
11 financial interest in a business that receives a substantial part of
12 its income from lobbyists, lobbying firms, or another organization or
13 firm that regularly engages in lobbying the legislature or state
14 agencies, boards, or commissions.

15 (f) A person required to make a disclosure under this section
16 may not knowingly make a false, deliberately misleading or incomplete,
17 or unreasonably delayed disclosure to the commission.

18 (g) A person who violates this section is subject to the civil
19 sanctions authorized under AS 24.61.560(a) and other penalties au-
20 thorized under AS 24.45 (regulation of lobbying).

21 Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS.

22 (a) A legislator or legislative employee may not serve on a governing
23 or advisory board of an organization that regularly has a substantial
24 interest in the legislative, administrative, and political actions of
25 the legislator or legislative employee.

26 (b) In extraordinary situations where the criteria for an ex-
27 emption exists, a legislator or legislative employee may seek a waiver
28 of the provisions of this section or a modified order from the commis-
29 sion.

1 (c) A person who violates this section is subject to the civil
2 sanctions authorized under AS 24.61.560(a).

3 Sec. 24.61.320. RESTRICTED FINANCIAL INTERESTS. (a) A legisla-
4 tor or legislative employee may not participate in legislative, admin-
5 istrative, or political action if the legislator or legislative em-
6 ployee has an equity or ownership interest in a business, investment,
7 real property, lease, or other enterprise if the interest has a fair
8 market value of \$25,000 or more and the effect of the action on that
9 interest is greater than the effect on a substantial class of persons
10 to which the legislator or legislative employee belongs as a member of
11 a profession, occupation, industry, or region.

12 (b) In extraordinary situations where the criteria for an ex-
13 emption exists, a legislator or legislative employee may seek a waiver
14 of the provisions of this section.

15 (c) A person who violates this section is subject to the civil
16 sanctions authorized under AS 24.61.560(a).

17 Sec. 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REP-
18 RESENTATIVE. (a) A legislator or legislative assistant may not
19 professionally represent a person in a legal action against the state
20 where the state is the real party in interest, or receive compensation
21 or any other benefit for acting as an informal representative, advi-
22 sor, or consultant to persons regarding their actions against the
23 state. This provision may not be construed to prevent a legislator or
24 legislative assistant who is an attorney from representing a criminal
25 defendant or clients in competency, commitment, delinquency, support,
26 or Child in Need of Aid cases or similar proceedings where the state
27 is not the real party in interest.

28 (b) A legislator or legislative assistant may not professionally
29 represent either formally or informally as an advocate, advisor, or

1 consultant, a person in a matter involving an agency, board, or com-
2 mission of the state or a local government unless the matter involves
3 a proceeding that is adjudicatory in nature and there is no reasonable
4 basis to conclude that the side represented by the legislator or
5 legislative employee has an unfair advantage. A matter is considered
6 to be adjudicatory in nature where opposing sides are separately
7 represented. This provision does not prohibit an attorney from repre-
8 senting a client in an otherwise permissible action before a criminal
9 or civil court or prevent a legislator or legislative assistant from
10 representing personal interests in an otherwise proper proceeding.
11 This provision shall be construed to prohibit formal and informal
12 professional representation for purposes of obtaining or retaining a
13 state or local license, permit, franchise, grant, loan, or other
14 entitlement, whether or not other parties contending for the benefit
15 are represented. If, however, the granting of the benefit is a purely
16 ministerial matter requiring little or no discretion, this provision
17 does not prohibit representation.

18 (c) Notwithstanding any other law to the contrary, a legislator
19 or legislative employee, acting as an attorney or representative of
20 another, may not seek or accept special treatment, privileges, rights,
21 or concessions solely by reason of service in the legislature. This
22 shall include the seeking and granting of legislative stays.

23 (d) This section may not be construed to prohibit a legislator
24 or legislative assistant from informally advising a constituent about
25 the procedures or appropriateness of bringing an action against the
26 state or a local government. If a legislator or legislative assistant
27 in an otherwise proper manner advises a constituent or another in an
28 action against the state or a local government or before a state or
29 local government agency, the legislator or legislative employee may

1 not reveal nonpublic or confidential information.

2 (a) If an attorney is disqualified under this provision, in
3 accordance with the attorney's code of professional responsibility the
4 firm of the legislator or legislative assistant is also disqualified.

5 (f) In extraordinary situations where the criteria for an ex-
6 emption exists, a legislator or legislative assistant may seek a
7 waiver of this section.

8 (g) A person who violates this section is subject to the civil
9 sanctions authorized under AS 24.61.560(a).

10 Sec. 24.61.340. RESTRICTED TRANSACTIONS: INTEREST IN STATE
11 CONTRACTS OR LEASES. (a) A legislator, a legislative assistant, or a
12 member of the immediate family of a legislator or legislative assis-
13 tant may not be a party to, or have a financial interest in, a state
14 contract or lease unless the contract or lease is permitted under (b),
15 (c), or (d) of this section.

16 (b) A contract is permissible if the contract is let through
17 competitive sealed bidding under AS 36.30 (State Procurement Code) and
18 the legislator or legislative assistant has filed a statement with the
19 commission at the time the bid is made certifying under penalty of
20 unsworn falsification that the legislator or legislative assistant did
21 not have (1) access to inside, nonpublic, or confidential information
22 that reasonably could appear to provide an advantage; or (2) dis-
23 cussions or contacts with state officials involved in letting the
24 contract about the contract that could unduly influence the decision.
25 The statement must also specify the nature of the legislator or legis-
26 lative assistant's personal or immediate family interest, including
27 the percentage or share of profits that will be realized. If the
28 commission requests additional information, it shall be promptly
29 provided. If the commission believes the nature or circumstances of

1 the contract raise impermissible conflicts of interest, it may void
2 the contract or order restrictions. The statement filed by the legis-
3 lator or legislative assistant regarding the contract shall be made
4 part of the public record and published in the journal of the appro-
5 priate house.

6 (c) A contract or lease is permissible if the total amount of
7 the contract or lease over the course of a year is less than \$1,000
8 and it was let under circumstances that raise no substantial question
9 as to the use of undue influence.

10 (d) A contract or lease is permissible if the contract or lease
11 was developed and standardized under published guidelines and the
12 benefits and rights conferred are widely available to the general
13 public under the same terms and conditions.

14 (e) A legislator or legislative assistant may not seek or accept
15 compensation, whether in the form of a commission, bonus, retainer,
16 kickback, or other form, on a state contract, nor may a legislator or
17 legislative assistant receive similar compensation for services relat-
18 ing to recommending, supporting, or advocating a contract between a
19 person and an entity of state government, an entity of local govern-
20 ment that receives substantial state subsidy, or a private enterprise
21 that does a substantial portion of its business with state government.

22 (f) A legislator, legislative assistant, or former legislator or
23 legislative assistant, within one year of leaving legislative service,
24 may not seek or accept a contract for goods or personal services, or
25 other compensation concerning a matter on which the legislator or
26 legislative assistant worked extensively within the last year of
27 service.

28 (g) A person required to make a disclosure under this section
29 may not knowingly make a false, deliberately misleading or incomplete,

1 or unreasonably delayed disclosure to the commission.

2 (h) A person who violates this section is subject to the civil
3 sanctions authorized under AS 24.61.560(a).

4 Sec. 24.61.345. PARTICIPATION IN GENERAL STATEWIDE PROGRAMS
5 PERMISSIBLE. (a) A legislator or legislative employee may properly
6 participate in statewide benefit programs or receive a loan from the
7 state if the program or loan is generally available to members of the
8 public, is subject to fixed, objective eligibility standards, and
9 requires minimal discretion in determining qualification.

10 (b) The commission shall review annually state programs and
11 state loans and publish a list of programs and loans, designating
12 which ones meet the qualifications stated.

13 (c) A legislator or legislative employee who participates in a
14 program or receives a loan that does not qualify under this section
15 shall file a written report with the commission by the first Monday in
16 February of each year stating the amounts of the loans or other bene-
17 fits received during the preceding calendar year from nonqualifying
18 programs. The commission shall promptly compile a list of the state-
19 ments indicating the loans and programs and amounts and send it to the
20 presiding officer of each house who shall have it published in the
21 supplemental journals within three weeks of the filing date. If the
22 commission requests additional information it shall be promptly pro-
23 vided.

24 (d) If loan proceeds or other program benefits are received from
25 nonqualifying programs or loans after January 15, the legislator or
26 legislative employee shall file a statement with the commission within
27 30 days after the beginning of participation in the state program or
28 receipt of proceeds from the state loan. The statement shall be
29 promptly forwarded to the presiding officer of the appropriate house

1 who shall cause it to be published in the supplemental journal.

2 (e) If the commission determines that the nature and circum-
3 stances under which the legislator or legislative employee received a
4 state benefit or loan raises an undue appearance of impropriety or was
5 in fact the result of unfair or improper influence it shall be treated
6 as a violation of this chapter and the commission may order whatever
7 authorized remedies are suitable.

8 (f) The commission shall annually identify the programs and
9 loans to be audited by the division of legislative audit during the
10 following year, including the scope of the audit. The records of the
11 relevant state agencies shall be made available to the division of
12 legislative audit. The division of legislative audit shall prepare a
13 report to the commission on its findings. The report is confidential
14 until it is released by the commission.

15 (g) In extraordinary situations where the criteria for an ex-
16 emption exists, a legislator or legislative employee may seek a waiver
17 of this section.

18 (h) A person required to make a disclosure under this section
19 may not knowingly make a false, deliberately misleading or incomplete,
20 or unreasonably delayed disclosure to the commission.

21 (i) A person who violates this section is subject to the civil
22 sanctions authorized under AS 24.61.560(a).

23 Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a)
24 Public servants must be extremely cautious and circumspect about
25 accepting a gratuity or favor, especially from persons or entities
26 that have a substantial interest in their legislative, administrative,
27 or political actions. Even where there is a genuine personal friend-
28 ship, the acceptance of personal benefits from those who could gain
29 advantage by influencing official actions raises suspicions that tend

1 to undermine public trust. It is the intent of this section to dis-
2 courage all gratuities, but prohibit only those that create unaccept-
3 able conflicts of interest or appearances of impropriety.

4 (b) A legislator or legislative employee may not solicit, ac-
5 cept, or receive, directly or indirectly, a benefit as a gratuity from
6 a person or entity except as provided in this section. Over the
7 course of a year, a legislator or legislative employee may accept
8 gratuities in the form of personal gifts, free or subsidized travel,
9 tickets to entertainment or sporting events, lodging, and any other
10 benefit, provided that the aggregate value is not in excess of \$100
11 from a single source and provided that the gifts are reported as to
12 source and amount. However, a benefit of any amount may not be ac-
13 cepted under circumstances in which it could be reasonably inferred
14 that the gift is intended to influence the performance of official
15 duties, actions, or judgments.

16 (c) The following benefits may be accepted as gratuities without
17 regard to the \$100 limit of (b) of this section and they need not be
18 reported except as noted within the appropriate paragraph:

19 (1) gifts from immediate family members;

20 (2) birthday, wedding, anniversary, and similar ceremonial
21 gifts from personal friends, but only if the donor does not have a
22 substantial interest in the legislative, administrative, or political
23 action of the recipient;

24 (3) gifts of sample merchandise, promotional items such as
25 pens, calendars, and the like, and appreciation tokens such as candy,
26 fruit baskets, or flowers provided they are of nominal or moderate
27 value, are given to customers or potential customers in the ordinary
28 course of business, and there are no special facts creating a conflict
29 of interest or the appearance of impropriety;

1 (4) unsolicited tokens or awards of appreciation or recog-
2 nition with a value of less than \$150 in the form of a plaque, trophy,
3 clock, desk item, wall memento, and similar items; more valuable
4 awards such as watches, rings, and works of art may be accepted only
5 if the organization making the award does not have a substantial
6 interest in the legislative, administrative, or political action of
7 the recipient or the award has been approved by the commission upon a
8 finding that the gift does not create an impermissible conflict of
9 interest;

10 (5) informational material, brochures, pamphlets, and unso-
11 licited publications, including newspapers and magazines, with a
12 market value of less than \$100 on an annual basis;

13 (6) food or foodstuffs indigenous to the state, such as
14 walrus and caribou, that are shared generally as a cultural or social
15 norm, and meals and beverages provided and consumed at social or
16 fund-raising events, conferences, or professional meetings, at a
17 restaurant or club, provided that the cost is not lavish or excessive,
18 or as part of personal hospitality at the residence or place of busi-
19 ness of the host; this paragraph may not be construed to permit gifts
20 of packaged liquor, wine, or foodstuffs, nor does it permit the accep-
21 tance of a restaurant meal not consumed with the person providing the
22 gift, for example if a lobbyist arranges to have a dinner for you and
23 your spouse billed to the lobbyist;

24 (7) a gift presented by a representative of a foreign
25 government may be accepted on behalf of the state, provided that if it
26 is worth more than \$100 it must be turned over to the presiding offi-
27 cer of either house for purposes of displaying the gift in public
28 areas of the Capitol or being sold at auction, the proceeds to go to
29 charity or the general fund; if the gift is worth less than \$100, and

1 it was intended as a personal gift, it may be kept provided that the
2 gift is properly reported;

3 (8) reasonable and necessary expenses including reimburse-
4 ment for travel and related food and lodging are not gratuities when
5 they are incidental to a trip paid for by a government agency or a
6 bona fide nonprofit educational or charitable institution for govern-
7 mental or educational purposes, provided that lodging expenses are
8 limited to the day preceding and the day or days of the event; if the
9 institution paying the expenses does not have a substantial interest
10 in the legislative, administrative, or political action of the recipi-
11 ent, expenses may also be paid for a spouse or other companion, in-
12 cluding a member of the legislator or legislative employee's family,
13 if the value of the gift is reported on required disclosure forms;
14 this paragraph does not permit acceptance of free travel from a person
15 or nongovernmental entity with a substantial interest in the legisla-
16 tive, administrative, or political action of the recipient even if the
17 purpose of the travel is related to matters of legislative concern;

18 (9) hospitality including overnight lodging, food, and
19 beverages at the residence or second home of the host provided the
20 host is present; if the host is a personal friend and has no substan-
21 tial interest in the legislative, administrative, or political actions
22 of the recipient and there are no other facts that create a conflict
23 of interest, there is no limit to the number of days stayed; if the
24 host has a substantial interest in the legislative, administrative, or
25 political actions of the recipient, the exempt stay may not exceed two
26 nights and the gratuity shall be reported on financial disclosure
27 forms; this paragraph may not be construed to permit the use of a
28 summer home, company retreat, resort facility, condominium or apart-
29 ment, or other lodging where the host is not personally present or,

1 regardless of the presence of the host, the purpose is to provide the
2 legislator or legislative employee with a paid or subsidized vacation
3 or similar benefit; while the host may use a personal or company car
4 or van to transport the legislator or legislative employee to the
5 place of a social event, unusual or expensive travel as by air or
6 limousine to the residence of the host or another place may not be
7 accepted.

8 (d) In extraordinary situations where the criteria for an exemp-
9 tion exists, a legislator or legislative employee may seek a waiver of
10 this section.

11 (e) A person required to make a disclosure under this section
12 may not knowingly make a false, deliberately misleading or incomplete,
13 or unreasonably delayed disclosure to the commission.

14 (f) A person who violates this section is subject to the civil
15 sanctions authorized under AS 24.61.560(a).

16 Sec. 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOY-
17 MENT AND HONORARIA. (a) Because legislators and many legislative
18 employees serve the state only part-time, most must engage in income
19 producing activities to supplement their legislative salaries. It is
20 the intent of this chapter to allow legislators and legislative em-
21 ployees substantial freedom in their ability to do so with due regard
22 for the state's interest in preventing conflicts of interest and
23 appearances of impropriety that undermine the integrity of government
24 and public trust.

25 (b) A legislator or legislative employee may not seek, accept,
26 or retain employment, including as an advisor or consultant, that

27 (1) will make it unreasonably difficult to fulfill legisla-
28 tive obligations;

29 (2) is likely to involve the disclosure or use of nonpublic

1 or confidential information acquired in the course of legislative
2 service;

3 (3) is likely to involve the legislator or employee acting
4 as a representative in a matter that makes use of the authority,
5 prestige, or title associated with legislative office;

6 (4) involves payments that by reasonable objective stan-
7 dards are not commensurate with the services rendered and appear to
8 involve a premium as a result of the legislator's or legislative
9 employee's position in the legislature;

10 (5) would require the legislator or legislative employee,
11 under conflict of interest and disqualification requirements, to re-
12 frain from taking legislative, administrative, or political actions in
13 an undue number of situations; or

14 (6) will require the legislator or legislative employee to
15 compromise another ethical or legal duty.

16 (c) A legislator or legislative employee may not receive compen-
17 sation for personal services from a state entity other than the legis-
18 lature except as specifically provided in this chapter or approved by
19 the commission. A legislator or legislative employee is not precluded
20 by this subsection from earning compensation at a state-funded school
21 or university, provided that no undue influence was used to obtain the
22 position.

23 (d) A legislator or legislative assistant who accepts otherwise
24 permissible employment with a person that has a substantial interest
25 in their legislative, administrative, or political actions is subject
26 to special disclosure provisions under AS 24.61.405 and shall scrupu-
27 lously avoid conduct that would lead a reasonable person to believe
28 that the legislator or legislative employee is unable or unwilling to
29 exercise independent, objective, and impartial judgment in considering

1 matters that affect the interests of the legislator's or legislative
2 employee's employer.

3 (e) A legislator or legislative employee may not seek or accept
4 honoraria in the form of a payment of money or anything of value from
5 a person or entity that has a substantial interest in legislative,
6 administrative, or political action as compensation for a speech,
7 panel presentation, appearance, or similar service. This paragraph
8 does not prevent a legislator or legislative employee from accepting
9 an honoraria from a governmental entity outside of the state, from a
10 university, or from another bona fide nonprofit educational or civic
11 institution, provided that the amount paid is reasonable and commensu-
12 rate with the services performed and that the circumstances under
13 which the services are to be performed do not create a conflict of
14 interest or appearance of impropriety. Honoraria and related expenses
15 shall be reported on required disclosure forms. Under other pro-
16 visions of this chapter, a legislator or legislative employee is
17 permitted to accept travel and related expenses incurred as the result
18 of an otherwise permissible activity.

19 (f) In extraordinary situations where the criteria for an ex-
20 emption exists, a legislator or legislative employee may seek a waiver
21 of this section.

22 (g) A person required to make a disclosure under this section
23 may not knowingly make a false, deliberately misleading or incomplete,
24 or unreasonably delayed disclosure to the commission.

25 (h) A person who violates this section is subject to the civil
26 sanctions authorized under AS 24.61.560(a).

27 Sec. 24.61.370. OBLIGATION TO MAKE ALL DECISIONS ON THE MERITS:
28 FAVORITISM AND PATRONAGE. (a) Legislators and legislative employees
29 shall exercise their powers and prerogatives without prejudice or

1 favoritism. A legislator or legislative employee may not use public
2 authority simply to reward relatives, friends, or political supporters
3 or to hinder or punish enemies and opponents.

4 (b) A person who violates this section is subject to the civil
5 sanctions authorized under AS 24.61.560(a).

6 Sec. 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT
7 JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS. (a) The proper opera-
8 tion of democratic government requires that each public official carry
9 out the duties of office free from improper influences that tend to
10 prevent decisions from being made on the merits according to fair and
11 established procedures. Under our system of separation of powers,
12 legislators have the responsibility to exercise oversight to assure
13 that the executive branch is carrying out its functions equitably,
14 efficiently, and economically. This responsibility, combined with the
15 duty to provide legitimate constituent service, creates situations
16 where a legislator may become involved with administrative decisions
17 or proceedings that affect constituents. The purpose of this section
18 is to provide ground rules for that involvement so that the activity
19 does not unduly distort or politicize the administrative process,
20 while still affording the legislator the opportunity to advocate and
21 protect the interests of constituents.

22 (b) A legislator, either directly or indirectly, may not inter-
23 fere with the ability or willingness of a state or municipal govern-
24 ment body, official, or employee to make official decisions or take
25 appropriate actions on the merits, based on independent objective
26 judgment.

27 (c) A legislator, either directly or indirectly, may not use or
28 appear to use political influence in a way that is likely to cause
29 another public servant to consider inappropriate factors in exercising

1 public authority. Acts either intended to or likely to be construed
2 as enticement, trade-offs, ingratiation, threats, intimidation, or
3 coercion are improper. Except to assure that a particular person is
4 being treated fairly according to established rules and procedures, a
5 legislator, directly or indirectly, may not interfere with or seek to
6 influence

7 (1) the outcome or substantive findings of an adjudicatory
8 proceeding of a governmental regulatory body;

9 (2) a decision regarding the commencement, scope, or ter-
10 mination of an investigatory process of a governmental agency; or

11 (3) an action of a governmental agency concerning the
12 granting or revocation of a license, permit, franchise, or similar
13 entitlement.

14 (d) This section may not be construed to prevent a legislator
15 from

16 (1) making inquiries about the status of a matter or help-
17 ing a constituent get a benefit or service the constituent is clearly
18 entitled to as a matter of right;

19 (2) openly advocating the position of constituents on the
20 merits, provided that no effort is made to unduly influence the deci-
21 sion making process by express or implied political pressure in mat-
22 ters involving discretionary decisions of administrative bodies that
23 will have direct and significant economic or social effect on the
24 legislator's district; or

25 (3) exercising vigilant oversight with respect to the
26 policies, regulations, procedures, and implementation practices of an
27 agency, provided that the oversight activities are conducted through
28 the normal committee processes of the legislature and that the focus
29 is on the policies, procedures, and practices of the agency and not

1 the handling of a particular matter.

2 (e) A legislator who, directly or indirectly, intervenes in an
3 administrative consideration, action, or proceeding, shall explicitly
4 convey to the administrators involved that the administrator is ex-
5 pected to make an independent judgment and that no advantages or
6 disadvantages to the administrator or the agency will result from a
7 favorable or unfavorable disposition.

8 (f) A person who violates this section is subject to the civil
9 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
10 misdemeanor.

11 Sec. 24.61.390. CONFLICT OF INTEREST DISCLOSURE: STATEMENT OF
12 PURPOSE. The purpose of financial disclosure by legislators and
13 legislative assistants is to

14 (1) discourage legislators and legislative assistants from
15 acting on a private or business interest in the performance of a
16 public duty;

17 (2) assure that legislators and legislative assistants
18 exercise their legislative function free of the influence of undis-
19 closed private or business interests;

20 (3) develop public confidence in persons seeking or holding
21 legislative office, enhance the dignity of the legislature, and make
22 it attractive to citizens who are motivated to public service;

23 (4) develop accountability in government by permitting
24 public access to information necessary to judge the credentials and
25 performance of those who hold public office; and

26 (5) provide the public the financial disclosure required to
27 meet the purposes listed in (1) - (4) of this section while preserving
28 the maximum amount of privacy to legislators and legislative assis-
29 tants.

1 Sec. 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS
2 AND LEGISLATIVE ASSISTANTS; "CATEGORY A" AND "CATEGORY B" INCOME
3 DEFINED. (a) A legislator and a legislative assistant shall disclose
4 financial, professional, and personal interests that are likely to
5 create in the mind of a reasonable objective person the belief that
6 the legislator's or legislative assistant's objectivity and ability to
7 exercise independent judgment in the public interest have been ad-
8 versely affected by those interests.

9 (b) A legislator and a legislative assistant shall file with the
10 commission the reports required under AS 24.61.400 - 24.61.410. The
11 commission shall adopt filing guidelines and develop forms that are
12 compatible with financial disclosure forms required to be filed with
13 the Alaska Public Offices Commission under AS 39.50.030.

14 (c) A legislator and a legislative assistant shall disclose to
15 the commission, on a form and at the times prescribed by the commis-
16 sion, detailed information on the sources and amounts of outside
17 income received by them, their spouses, and their dependent children.
18 The information shall be divided into two categories, category A
19 income and category B income.

20 (d) In AS 24.61.400 - 24.61.420,

21 (1) "category A income" refers to all benefits received, in
22 the form of monetary compensation or another thing of value, from
23 persons who are known or reasonably should be known to have a substan-
24 tial interest in legislative, administrative, or political actions;

25 (2) "category B income" refers to all benefits received, in
26 the form of monetary compensation or another thing of value, from
27 persons who do not, or are not known to fall within category A.

28 Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to all
29 benefits received from category A sources, a person required under

1 AS 24.61.400 to report shall file with the commission a sworn state-
2 ment that must include,

3 (1) as to all income received as compensation for services,
4 regardless of the amount, the name and address of the source, a brief
5 statement describing the nature of the services performed including
6 sufficient detail to permit the commission to determine whether the
7 nature of the work created a conflict of interest (for example:
8 "consultant re: expansion of operations;" "engineer, quality con-
9 trol."), and the amount paid;

10 (2) as to each gratuity received and required to be re-
11 ported under AS 24.61.350(b)(1) and (7) - (9), the name and address of
12 the person providing the gratuity, a brief description of its nature,
13 and a good faith statement of its fair market value; if exact values
14 are not known, and cannot be found out without undue hardship or
15 expense, reasonable good faith estimates are acceptable; a loan that
16 was forgiven during the reporting period must be reported as a gratu-
17 ity;

18 (3) the name and address of the source and the cash value
19 of reimbursement for expenses aggregating more than \$100 in the re-
20 porting period;

21 (4) as to each loan and or loan guarantee yielding loan
22 proceeds of \$100 or more in the reporting period and the lender or
23 guarantor is a person with a substantial interest in legislative,
24 administrative, or political actions, the name and address of the
25 person making the loan or guarantee, the amount of the loan, the terms
26 and conditions under which the loan or guarantee was given, the amount
27 outstanding at the time of filing, and whether or not a written loan
28 agreement exists;

29 (5) if the source of a reported benefit is a corporation,

1 the name of its parent corporation, if any, and names of its top
2 corporate officers; and

3 (6) if the source of a reported benefit is a partnership or
4 association doing business under a fictitious name, the names of the
5 principals.

6 (b) The commission shall review category A statements to deter-
7 mine whether an impermissible conflict exists and whether special
8 orders or restrictions are required.

9 (c) Category A statements are public records and shall be made
10 available for public inspection.

11 Sec. 24.61.410. REPORTING CATEGORY B INCOME. (a) A person
12 required under AS 24.61.400 to report shall file a statement of cate-
13 gory B income conforming to the same requirements as category A state-
14 ments, except that in the case of compensation, expense reimburse-
15 ments, loans and loan guarantees, only those income sources providing
16 benefits worth \$1,000 or more need be listed. As to gratuities, the
17 requirements of AS 24.61.350(b)(1) and (7) - (9) control.

18 (b) The commission shall review category B statements to deter-
19 mine whether an impermissible conflict exists, whether special orders
20 or restrictions are required, and whether the statements shall be
21 considered to be public records and made available for public in-
22 spection.

23 (c) If the person filing a statement under this section is a
24 legislator, the statement is presumptively public, which means that it
25 will be made part of the public record unless the legislator submit-
26 ting it requests that it be kept confidential, states the reasons for
27 the request, and the commission finds that no valid public purpose
28 would be advanced by publication.

29 (d) If the person filing a statement under this section is a

1 legislative assistant, the statement is presumptively confidential,
2 which means that it shall be kept confidential unless the commission
3 determines that the public benefit in disclosure substantially out-
4 weighs the individual's interest in privacy.

5 Sec. 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS AND OTHERS
6 PAYING COMPENSATION TO LEGISLATORS OR LEGISLATIVE ASSISTANTS. (a)
7 Persons who have provided compensation to a legislator or legislative
8 assistant and who qualify as category A sources because they have a
9 substantial interest in legislative, administrative, or political
10 actions, shall file, on a form and at the times prescribed by the
11 commission, a statement regarding the compensation. The statement
12 shall be made under penalty of unsworn falsification. A statement
13 required under this subsection must

14 (1) declare whether the employer, or a parent company,
15 officer, or individual stockholder with at least a 20 percent equity
16 in the company, has had, during the reporting period, a substantial
17 interest in legislative, administrative, or political actions;

18 (2) include a brief narrative of the nature of the rela-
19 tionship with the legislator or legislative assistant, the terms of
20 compensation, and the amount paid during the reporting period.

21 (b) Persons who do not qualify as category A sources because
22 they do not have a substantial interest in legislative, administra-
23 tive, or political actions shall file a statement only if the total
24 compensation paid a legislator or legislative assistant was \$1,000 or
25 more during the reporting period. The statement shall be filed under
26 penalty of unsworn falsification and must include a brief narrative of
27 the nature of the relationship with the legislator or legislative
28 assistant the terms of compensation, and the amount paid during the
29 reporting period.

1 (c) Legislators and legislative assistants shall ensure that
2 persons who have provided compensation to them have the necessary
3 forms and are informed of the obligation to file a statement under
4 this section.

5 (d) Statements required under this section shall be filed with
6 the commission at a time set by the commission, which time may not be
7 less than 30 days before legislators and legislative assistants are
8 required to file the financial disclosure forms required under AS 24.-
9 61.400 - 24.61.410. The person or entity shall contemporaneously
10 provide a copy of the statement to the legislator or legislative
11 assistant.

12 Sec. 24.61.420. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a)
13 A person required to make a disclosure under AS 24.61.395 - 24.61.420
14 may not knowingly make a false, deliberately misleading or incomplete,
15 or unreasonably delayed disclosure to the commission.

16 (b) A person who violates this section is subject to the civil
17 sanctions authorized under AS 24.61.560(a).

18 Sec. 24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a)
19 Legislators and legislative employees shall abide by the letter and
20 spirit of AS 44.62.310 - 44.62.312 (open meetings law) and, to the
21 greatest extent reasonably possible, exercise the authority of their
22 offices openly so that the public is informed about governmental
23 decisions and can hold them accountable for their actions.

24 (b) Legislators and legislative employees shall ensure that
25 those to whom they have delegated public power, including their staffs
26 and administrative agencies, carry out their responsibilities effi-
27 ciently, equitably, and ethically.

28 (c) Legislators and legislative employees who believe that a
29 law, policy, or rule of a house is not achieving its intended purpose,

1 is creating unintended harms, or is wasteful or inefficient, should
2 take affirmative steps to improve procedures in a way that will in-
3 crease the fairness and quality of government services and assure that
4 policies are implemented equitably, efficiently, and economically.

5 (d) A person who violates this section is subject to an adminis-
6 trative sanction under AS 24.61.560(b).

7 Sec. 24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING,
8 AND PROTECTION OF WHISTLE BLOWERS. (a) Legislators and legislative
9 employees shall maintain the integrity and trustworthiness of govern-
10 ment by taking whatever steps are necessary to prevent unethical
11 practices, unlawful conduct, corruption, mismanagement, gross waste of
12 public funds, danger to public safety, or another abuse of public
13 position, authority, or resources.

14 (b) Legislators and legislative employees who have a good faith
15 reasonable belief that the public interest requires the disclosure of
16 governmental policies or actions thought to be unlawful or improper
17 should reveal their information to appropriate authorities.

18 (c) A legislator or legislative employee may not, directly or
19 indirectly, subject a person who reports to the commission or another
20 government entity conduct the person reasonably believes is a viola-
21 tion of this chapter or any other state law, to reprisal, retaliation,
22 harassment, discrimination, or ridicule. A legislative employee who
23 is discharged, disciplined, involuntarily transferred, or otherwise
24 penalized by a legislator or another legislative employee may

25 (1) bring a complaint before the commission; and

26 (2) bring a separate civil action in the courts seeking
27 damages, payment of back wages, reinstatement, or other relief.

28 (d) In addition to the special civil liability under (c)(2) of
29 this section, a person who violates this section is subject to the

1 civil sanctions authorized under AS 24.61.560(a).

2 Sec. 24.61.450. DUTY TOWARD COLLEAGUES AND SUBORDINATES. (a) A
3 legislator or legislative employee may not knowingly engage in conduct
4 that violates the right of others to be treated fairly, with dignity
5 and respect, nor may they engage in improper acts of discrimination,
6 sexual harassment, or abuse of a person in the course of legislative
7 activities.

8 (b) A person who violates this section is subject to the admin-
9 istrative sanctions authorized under AS 24.61.560(b), in addition to
10 liability under another criminal law or civil action arising from the
11 conduct.

12 Sec. 24.61.460. DUTY TO ADVANCE PRINCIPLES OF REPRESENTATIVE
13 DEMOCRACY. (a) A legislator or legislative employee may not know-
14 ingly use improper artifices or schemes to circumvent the clear purpose
15 this chapter or another law, use procedural powers or processes in a
16 way that prevents appropriate consideration of a matter, or exercise
17 leadership authority and power arbitrarily, arrogantly, or in another
18 way that violates the spirit of representative democracy.

19 (b) A person who violates this section is subject to the admin-
20 istrative sanctions authorized under AS 24.61.560(b).

21 ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.

22 Sec. 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. (a)
23 The Legislative Ethics Commission is established in the legislative
24 branch of government. The commission consists of nine members, se-
25 lected as follows:

26 (1) one member appointed jointly by the president of the
27 senate and the senate minority leader;

28 (2) one member appointed jointly by the speaker of the
29 house and the house minority leader;

- 1 (3) two members appointed by the supreme court;
2 (4) one member appointed by the governor;
3 (5) one member appointed by the lieutenant governor;
4 (6) one member appointed by the Alaska Public Offices
5 Commission; and
6 (7) two members selected by majority vote of the members
7 appointed under (1) - (6) of this subsection.

8 (b) Commissioners serve staggered terms of five years. A com-
9 missioner is eligible for reappointment; however, a commissioner may
10 not serve more than two consecutive five-year terms. A commissioner
11 whose term has expired continues in office until a successor has been
12 appointed and certified.

13 (c) A vacancy on the commission is filled in the same manner as
14 the original appointment to that seat on the commission. A vacancy
15 shall be filled within 30 days after the vacancy occurs.

16 (d) The commission shall elect a chair and a vice-chair, who
17 serve a term of two years. An officer may not hold the same office
18 for more than two consecutive terms. The vice-chair shall act as
19 chair in the absence of the chair.

20 (e) A commissioner may not be a legislator, a legislative em-
21 ployee, an elected or appointed official of another governmental
22 entity, an officer of a political party, a candidate for public of-
23 fice, or a registered lobbyist.

24 Sec. 24.61.502. CERTIFICATION; LEGISLATIVE DECERTIFICATION OR
25 REMOVAL FROM OFFICE. (a) Upon appointment, a person appointed to the
26 commission shall execute a written oath that includes the following
27 undertaking:

28 I will solemnly perform the duties of this office in a
29 manner that is consistent with both the letter and

1 spirit of the Alaska Legislative Ethics Act and I shall
2 conform my own conduct to the provisions therein. I
3 acknowledge the obligation and need to interpret and
4 apply all its provisions, and the ethical principles
5 that underlie them, vigorously, promptly, fairly, and
6 in good faith. All my actions, decisions, and votes on
7 matters relating to my duties will be made purely on
8 the merits, objectively, independently, and without
9 political, regional, or ideological partisanship.

10 Upon executing the oath, an appointee shall be certified as a commis-
11 sioner and is immediately considered to have begun serving the ap-
12 pointed term.

13 (b) Within 45 days after certification, a commissioner may be
14 decertified by a majority vote of both houses of the legislature, if
15 the legislature is in session, or by a two-thirds vote of the members
16 of the legislative council if the legislature is not in session. If
17 decertified, the commissioner is disqualified and that seat on the
18 commission is vacant.

19 (c) A commissioner may be removed from office by a vote of
20 two-thirds of both houses of the legislature for good cause, including
21 substantial neglect of duty, inability to discharge the powers and
22 duties of office, violation of this chapter, gross misconduct, or
23 conviction of a felony.

24 Sec. 24.61.504. MEETINGS; COMPENSATION. (a) The commission
25 shall meet at the call of the chair or a majority of the commission-
26 ers. The commission shall meet at least once every three months.

27 (b) Five commissioners constitute a quorum. A vote of the
28 majority of the commissioners present at a meeting in which a quorum
29 is present is required for official action of the commission.

1 (c) The commission may meet by teleconference.

2 (d) Commissioners shall receive compensation of \$175 for each
3 day in which they attend or participate in a commission meeting of at
4 least one hour in length, either in person or by teleconference. The
5 chair and vice-chair shall receive an additional stipend of \$500 a
6 year. The commission shall develop and implement policies consistent
7 with those employed by other state commissions for the reimbursement
8 of travel costs and the payment of per diem under AS 39.20.180.

9 (e) The commission shall comply with AS 44.62.310 - 44.62.312
10 (open meetings law).

11 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The commis-
12 sion shall hire an executive director and determine the director's
13 salary. The executive director serves at the pleasure of the commis-
14 sion.

15 (b) The executive director may employ and determine the compen-
16 sation of necessary employees, subject to the budget approved by the
17 commission. The executive director may, subject to the approval of
18 the commission, contract for services when those services are tempo-
19 rary or specialized in nature, or it is in the best interest of the
20 state.

21 (c) Subject to the approval of the commission, the executive
22 director may employ or contract with legal counsel to manage, direct,
23 and prosecute cases under this chapter.

24 (d) If the commission determines that an investigation is neces-
25 sary and that the investigation cannot be efficiently, promptly, or
26 adequately handled by commission staff, the executive director shall
27 nominate a special investigator to be appointed upon approval by the
28 commission. The executive director shall maintain a list of individu-
29 als qualified to serve as a special investigator by virtue of their

1 experience, reputation, likely availability, willingness to serve, and
2 freedom from conflicts of interest.

3 (e) The executive director and employees of the commission are
4 in the exempt service under AS 39.25.110.

5 Sec. 24.61.508. APPLICABILITY OF CHAPTER TO COMMISSIONERS AND
6 EMPLOYEES; OTHER RESTRICTIONS. (a) Commissioners and employees of
7 the commission, including persons employed or under contract as legal
8 counsel or special investigators, are subject to this chapter and
9 shall be held accountable to the same standards and requirements,
10 including disclosure, as legislative assistants.

11 (b) A commission employee, including a person who provides
12 personal services under a contract with the commission, may not be a
13 legislator, a legislative employee, an elected or appointed official
14 of another governmental entity, an officer of a political party, a
15 candidate for public office, or a registered lobbyist.

16 (c) In addition to the requirements of this chapter, a commis-
17 sioner, employee of the commission, or person under contract to pro-
18 vide personal services to the commission may not

19 (1) participate in political management or in a political
20 campaign during the person's term of office, employment, or contract;

21 (2) participate in the campaign of, attend campaign fund
22 raising events for, or make a financial contribution to

23 (A) a candidate for the legislature;

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

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

28 (3) participate in lobbying activities that would require
29 the person to register as a lobbyist except as required to inform the

1 legislature concerning legislation requested by the commission; or

2 (4) take an action or make a statement that is likely to
3 create in the mind of a reasonable objective observer a belief that
4 the commissioner, employee, or other person is not impartial or in-
5 dependent or is otherwise unable to properly perform public duties.

6 (d) A violation or alleged violation of (b) or (c) of this
7 section shall be treated as any other violation of this chapter and
8 shall be dealt with by the commission accordingly. During the pend-
9 ency of a complaint against a commissioner, commission employee, or
10 commission contractor, the person complained against may not partici-
11 pate in official action of the commission.

12 (e) Commissioners and the executive director are subject to
13 AS 39.50.

14 Sec. 24.61.510. GENERAL POWERS AND DUTIES OF THE COMMISSION.

15 (a) The commission shall

16 (1) administer the provisions of this chapter;

17 (2) authorize and train its staff to give informal or
18 written advice regarding the spirit and requirements of this chapter;

19 (3) on request or its own initiative, issue formal written
20 advisory opinions on specific situations or clarify a provision of
21 this chapter;

22 (4) consider requests for, and grant or deny, exemptions
23 from the provisions of this chapter;

24 (5) investigate and adjudicate complaints and recommend
25 disciplinary actions to the legislature;

26 (6) authorize research in the field of legislative ethics
27 and carry out the educational programs that are required by this
28 chapter and additional programs it considers necessary to effectuate
29 the policy and purposes of this chapter;

1 (7) prepare and distribute an ethics manual to legislators,
2 legislative employees, and lobbyists as provided in this chapter;

3 (8) prepare a biennial report to the legislature summariz-
4 ing its activities over the previous two years, evaluating the effec-
5 tiveness of this chapter in accomplishing its stated purposes, and
6 recommending legislative reforms it thinks necessary to improve the
7 administration of this chapter and to better advance its goals.

8 (b) The commission may

9 (1) adopt regulations as required under specific provisions
10 of this chapter and to interpret and implement this chapter; in adopt-
11 ing regulations, the commission shall follow procedures that are
12 consistent with AS 44.62 (Administrative Procedure Act);

13 (2) perform the other acts, duties, and functions necessary
14 to properly administer this chapter, consistent with law and the
15 purpose of this chapter.

16 Sec. 24.61.515. OFFICES; BUDGET. The legislative council shall
17 provide suitable office space and equipment for the commission. The
18 commission shall submit a budget for each fiscal year to the finance
19 committees of the legislature and shall annually submit an estimated
20 budget to the governor for information purposes in preparation of the
21 state operating budget.

22 Sec. 24.61.520. INFORMAL NONBINDING ADVICE. The commission may
23 authorize and train its staff to give oral advice or provide a written
24 informal nonbinding advice letter to persons seeking guidance as to
25 the spirit or legal requirements of this chapter, provided that the
26 advice is given with the express stipulations that

27 (1) the opinions given are not necessarily those of the
28 commission;

29 (2) although the advice is given in good faith, the person

1 seeking the advice relies on it at the person's own risk because it is
2 not binding upon the commission; and

3 (3) information voluntarily provided to a commission em-
4 ployee is not necessarily confidential and may be used against the
5 person seeking the advice if it becomes material to a proceeding
6 before the commission.

7 Sec. 24.61.525. FORMAL BINDING ADVISORY OPINIONS. (a) The
8 commission may issue a formal written advisory opinion on its own
9 initiative, on the request of a person to whom this chapter applies,
10 or on the request of a person elected to the legislature who at the
11 time of election is not a member of the legislature.

12 (b) Requests for written advisory opinions shall be in writing
13 and must set out with reasonable specificity the facts and circum-
14 stances of a real or hypothetical case.

15 (c) The commission shall expeditiously determine whether to
16 issue an advisory opinion addressing the issues raised.

17 (d) An opinion shall be issued by official action of the commis-
18 sion. The vote of each commissioner participating in the opinion
19 shall be indicated on the opinion and it shall be forwarded to the
20 person requesting it and made a part of the public records of the
21 commission.

22 (e) Written formal advisory opinions issued by the commission
23 are binding on the commission in a subsequent proceeding concerning
24 the facts and circumstances of the particular case. If, however, any
25 fact determined by the commission to be material was omitted or mis-
26 stated in the request, the commission is not bound by the opinion.

27 (f) The commission may review, withdraw, or elaborate on a
28 previously issued advisory opinion.

29 (g) Under normal circumstances, the commission shall issue its

1 opinion within 30 days of receiving the request, if the request is
2 received during the first 100 days of the legislative session, or
3 within 60 days of the request if the request is received at another
4 time. The period for issuing an opinion may be shortened or extended
5 by the chair when that action is considered necessary or appropriate
6 to meet the goals of this chapter.

7 (h) The commission and all commission employees shall keep the
8 identity of the requester confidential unless the request, the identi-
9 ty of the person making it, or information conveyed orally or in
10 writing relating to the request is or becomes material to a matter
11 before the commission.

12 Sec. 24.61.530. EXEMPTIONS PROCESS. (a) In situations in which
13 principles of fundamental fairness are best served by exempting cer-
14 tain individuals or acts from specified provisions of this chapter,
15 the commission may grant qualified or unqualified exemptions.

16 (b) The commission shall provide a simple form for petitions for
17 exemptions. A petition must include

18 (1) the name and address of the petitioner;
19 (2) relevant provisions involved in the exemption request;
20 (3) essential facts on which an exemption is requested;
21 (4) specific nature of the exemption sought;
22 (5) anticipated unfair or unreasonable consequences that
23 would result from a failure to grant the petition; and

24 (6) a certification that the petitioner verifies under
25 penalty of unsworn falsification that the facts stated are true to the
26 best of the petitioner's knowledge.

27 (c) The commission may, by official action, grant an exemption
28 upon a finding that the petitioner, by a preponderance of the evi-
29 dence, has shown that the

1 (1) harm caused by strict application of this chapter
2 substantially outweighs the benefit of its enforcement in the partic-
3 ular situation;

4 (2) application of the rule or provision under the circum-
5 stances presented would be inconsistent with the spirit and purpose of
6 the provision or this chapter as a whole; and

7 (3) purposes of this chapter and the public interest will
8 be best served by granting the applicant an exemption.

9 (d) The commission may require or permit the personal appearance
10 of the petitioner before the commission and hold hearings regarding
11 the exemption request.

12 (e) Unless a shortened or expanded time is considered necessary
13 or appropriate by the commission, decisions on petitions for exemp-
14 tions shall be made within 30 days after filing the petition. Unless
15 the petitioner consents, extensions of time ordered by the commission
16 may not exceed an additional 60 days.

17 Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PRO-
18 CESSES. (a) The filing of a complaint is the first step in the
19 investigatory and adjudication process. It is the purpose of this
20 section to assure that complaints provide sufficient information on
21 which to proceed, yet not be so complex or burdensome that the re-
22 quirements unduly discourage or screen out valid good faith com-
23 plaints.

24 (b) A complaint may be initiated by any person or by the commis-
25 sion on its own motion.

26 (c) The commission shall provide a simple form for complaints.
27 A complaint must include

28 (1) the name and address of the complainant;

29 (2) a statement of the facts known or believed to be true

1 that form the basis of the complaint and the sources of the informa-
2 tion, including the approximate dates of the acts alleged and names
3 and addresses of persons with personal knowledge of the facts alleged;
4 and

5 (3) a certification that the complainant verifies under
6 penalty of unsworn falsification that the facts stated are true to the
7 best of the complainant's knowledge and that the complainant knows
8 that it is a crime under AS 11.56.805 to intentionally initiate a
9 false complaint.

10 (d) Unless the chair of the commission concludes that immediate
11 notification would prejudice a preliminary investigation or subject
12 the complainant to an unreasonable risk, a copy of the complaint shall
13 be sent to the person charged with misconduct within two working days.
14 If the matter is to be kept from the respondent for more than 10 days,
15 a majority of the commission must approve and indicate the conditions
16 under which the respondent will be informed of the complaint.

17 (e) Until a preliminary finding on the validity of a complaint
18 has been properly made, the existence and substance of a complaint
19 shall be kept confidential except that all members of the commission
20 and necessary staff may be informed about it.

21 (f) Upon receiving a complaint, commission staff shall review it
22 for formal sufficiency within five days of filing. If the complaint
23 is unsigned or otherwise deficient on its face it shall be returned to
24 the complainant with a statement of the nature of the deficiency.

25 (g) Once a complaint has been determined to be formally suffi-
26 cient, commission staff shall evaluate the complaint and advise the
27 chair as to its opinion as to whether it states a valid complaint that
28 should be investigated. If the executive director is a member of the
29 bar, the executive director may provide the advice. Otherwise, the

1 executive director shall appoint a duly qualified legal counsel to
2 assist in making the determinations required under this subsection.
3 To be valid, the complaint must allege

4 (1) facts that, if true, establish a violation of this
5 chapter;

6 (2) that the conduct providing the basis of the complaint
7 has occurred within five years of the complaint or that the person
8 charged with misconduct intentionally concealed or otherwise sought to
9 prevent discovery of the relevant facts; and

10 (3) that the person charged with misconduct is either a
11 legislator or legislative employee at the time of the filing of the
12 complaint or was a legislator or legislative employee within one year
13 of the filing.

14 (h) Within 20 days after the filing of the complaint, or within
15 45 days if the chair of the commission certifies additional time is
16 required, a determination shall be made on the substantive validity of
17 the complaint. If the chair concludes that there is no substantial
18 reason to question the opinion of staff as to the validity of a com-
19 plaint, the complaint shall either be dismissed or certified for
20 further consideration in accordance with the opinion. The chair or a
21 commissioner, however, may request a hearing on the validity of the
22 complaint at a meeting of the commission.

23 (i) If a complaint is dismissed because of invalidity, it shall
24 be returned to the complainant with a notice of dismissal stating in
25 detail the reason for dismissal. If the commission finds that the
26 complaint was frivolous, malicious, or was filed in bad faith, it
27 shall so state in the notice of dismissal. If the commission finds
28 that the complaint alleges violations outside the scope of this chap-
29 ter, it shall so state and forward the complaint to the appropriate

1 enforcement body for disposition. A copy of the notice of dismissal
2 shall be sent to the respondent. The notice of dismissal is a public
3 record.

4 (j) If the commission concludes that some or all of the alle-
5 gations of the complaint, if proven, would constitute a violation of
6 this chapter, or if the commission has initiated the complaint, the
7 complaint shall be certified and a factual investigation shall com-
8 mence. The record of certification for further consideration is
9 confidential subject to subsequent actions that may make it part of
10 the public record.

11 Sec. 24.61.540. INVESTIGATIONS. (a) Investigation into ethics
12 charges shall be undertaken in a manner that assures the public of an
13 impartial and comprehensive review, is fair to the respondent, and
14 that elicits the information the commission needs to make a decision.

15 (b) Before commencing an investigation, the commission shall
16 adopt a written resolution defining the scope of the investigation, a
17 copy of which shall be supplied to both the complainant and the re-
18 spondent. If, during the investigation, additional facts are dis-
19 covered that justify an expansion of the investigation and the pos-
20 sibility of additional charges beyond those alleged in the complaint,
21 the resolution shall be amended accordingly with copies sent to the
22 complainant and the respondent. The resolution, and the fact that an
23 investigation has been undertaken, shall be kept confidential by the
24 commission except that, upon inquiry, the commission may verify that
25 it is investigating a complaint along with a statement that no finding
26 of probable cause has been made and that no adverse inference of
27 impropriety or guilt should be drawn from the decision to investigate.
28 Additional facts concerning the nature or results of the investigation
29 may not be revealed except as provided in AS 24.61.545 after a

1 determination of probable cause has been made.

2 (c) A legislator or a legislative employee may request in writ-
3 ing that the commission investigate charges of impropriety made
4 against the legislator or legislative employee. The request must
5 state with specificity the nature of the investigation requested. If
6 the commission agrees to undertake an investigation, the investigation
7 is not necessarily limited in scope by the request and, once begun, it
8 shall be handled as any other investigation, with the person request-
9 ing the investigation formally treated as a respondent.

10 (d) A preliminary investigation is conducted by the commission
11 staff, and if the commission determines it is necessary, outside
12 counsel and investigators. The purpose of the preliminary inves-
13 tigation is to determine whether there is probable cause to proceed
14 with a full adjudicatory hearing.

15 (e) The person conducting the preliminary investigation may
16 order a hearing and subpoena witnesses and documents, conduct depo-
17 sitions under oath, require the participation of the respondent, and
18 issue interrogatories to be answered under oath. An oral or written
19 statement, whether incriminatory or exculpatory, may not be considered
20 in the investigator's report unless made under oath. The respondent
21 shall be given an adequate opportunity to provide testimonial and
22 documentary evidence.

23 (f) Upon completion of the investigation, a confidential report
24 summarizing the evidence, evaluating its credibility, and detailing
25 findings on each of the allegations investigated shall be submitted to
26 the commission along with recommendations as to whether the complaint,
27 or a portion of it, should be dismissed or whether the matter should
28 proceed to the full hearing stage. The report shall be prepared so as
29 to exclude unreliable information and uncorroborated and irresponsible

1 allegations. The investigator's notes, records of interviews, and
2 other investigatory matter considered unreliable or unduly prejudicial
3 by the commission shall remain confidential.

4 Sec. 24.61.545. PROBABLE CAUSE DETERMINATION. (a) The commis-
5 sion shall consider the investigator's report in closed session and
6 determine whether substantial credible evidence exists to believe that
7 it is probable that a violation of this chapter has occurred.

8 (b) If the commission does not find that substantial credible
9 evidence exists to warrant a full adjudicatory hearing, it shall
10 dismiss the complaint and so notify the complainant with a notice of
11 dismissal stating in detail the reason for dismissal. If the commis-
12 sion finds that the charges were frivolous, malicious, made in bad
13 faith, or that, in its opinion the respondent should be exonerated of
14 the charges, it shall so state in the notice of dismissal. If the
15 commission finds that the evidence supports violations outside the
16 scope of this chapter, it shall so state and forward the complaint and
17 its report to the appropriate enforcement body for disposition.

18 (c) A copy of the notice of dismissal shall be sent to the
19 respondent. The notice of dismissal and the investigator's report
20 containing findings and recommendations, but not the underlying in-
21 vestigatory materials, shall be made public unless the commission
22 determines that this would unfairly prejudice either the respondent or
23 complainant. This subsection may not be construed to prevent either
24 the complainant or respondent from making the notice of dismissal and
25 the report public.

26 (d) If the commission finds that substantial credible evidence
27 exists establishing probable cause that a violation of this chapter
28 has occurred, it shall serve on the respondent in a manner consistent
29 with the service of summons under the rules of civil procedure, a

1 formal charge stating the specific allegations and a proposed hearing
2 date.

3 (e) The hearing may not be scheduled to commence sooner than 20
4 days after service of the formal charge on the respondent. If the
5 respondent requests an earlier hearing date, the commission may, but
6 is not required to, consent. The commission shall, upon request,
7 grant the respondent reasonable additional time to prepare a defense.
8 The respondent may file a responsive pleading admitting or denying the
9 various allegations.

10 (f) The commission may suspend further proceedings if the re-
11 spondent acknowledges the violation and agrees to corrective actions
12 and sanctions considered appropriate by the commission. If the com-
13 mission suspends the proceedings or dismisses the charges as a result
14 of a negotiated settlement, the terms and conditions of the settlement
15 and the reasons for entering into the agreement shall be stated in a
16 written report that shall be sent to the complainant and made part of
17 the public record.

18 (g) Upon determining that probable cause exists to conduct a
19 full adjudicatory hearing, the commission shall make public the inves-
20 tigator's report containing findings and recommendations, but not the
21 underlying investigatory materials.

22 Sec. 24.61.550. ADJUDICATORY HEARING. (a) A formal hearing on
23 ethics charges against a respondent shall be conducted in a manner
24 that inspires confidence in the integrity and objectivity of the
25 process and demonstrates full consideration for the rights and reputa-
26 tion of the respondent.

27 (b) An adjudicatory hearing shall be before a hearing board
28 composed of the commission chair and four commissioners appointed by
29 the chair. If the chair cannot attend all hearing sessions without

1 undue inconvenience, the vice-chair shall serve in the chair's place.
2 If neither the chair nor the vice-chair is available, the chair shall
3 appoint another commissioner. Appointments to hearing boards shall be
4 rotated among the commissioners.

5 (c) The chair, vice-chair, or a commissioner designated by the
6 chair, as appropriate, shall preside at the hearing. The executive
7 director or other legal counsel designated by the commission shall
8 attend and advise and counsel the hearing board.

9 (d) An adjudicatory hearing shall be public under AS 44.62.310.
10 A hearing may not be held by teleconference. Except as expressly
11 provided in this chapter, procedures shall be consistent with hearing
12 procedures under AS 44.62.330 - 44.62.630. Upon request, the presid-
13 ing commissioner may issue reasonable discovery and protective orders
14 in a manner consistent with Rule 26 of the Alaska Rules of Civil
15 Procedure.

16 (e) A hearing board may

17 (1) administer oaths and affirmations and subpoena indi-
18 viduals, including the respondent, to testify or to submit to written
19 interrogatories under oath;

20 (2) compel the production of documentary or tangible evi-
21 dence;

22 (3) pay witnesses the same fees and mileage reimbursements
23 paid in similar circumstances by the courts of the state;

24 (4) seek enforcement of subpoenas by written application of
25 the commission to the superior court.

26 (f) The respondent may

27 (1) appear before the hearing board and submit testimony or
28 other evidence;

29 (2) personally, or through counsel, subpoena, examine and

1 cross-examine witnesses, raise objections, and make arguments;

2 (3) exercise the pretrial discovery procedures available in
3 civil actions.

4 Sec. 24.61.555. FINDINGS AND RECOMMENDATIONS. (a) Within 10
5 days after the completion of a hearing, the hearing board shall vote
6 on each charge to determine whether it was established by a preponder-
7 ance of the evidence and prepare a written opinion along with rec-
8 ommendations, if any. A vote of three commissioners is required to
9 find a violation and approve an opinion.

10 (b) As to each charge on which the evidence was found to be
11 insufficient to establish a violation, the hearing board shall include
12 its findings in its written opinion. If the board finds that the
13 charges were frivolous, malicious, made in bad faith, or that, in its
14 opinion the respondent should be exonerated of the charges, it shall
15 so state in its opinion. If the board finds that the respondent
16 should be exonerated, it may recommend that the legislature reimburse
17 the respondent for all or part of reasonable legal fees incurred as a
18 result of the charge. The respondent's legal fees may not be paid
19 from public funds unless the board makes that recommendation.

20 (c) As to each charge on which the evidence was found to be
21 sufficient to establish a violation, the hearing board shall include
22 its findings of fact and law in its written opinion, along with rec-
23 ommendations as to appropriate sanctions.

24 Sec. 24.61.560. CIVIL SANCTIONS. (a) When a hearing board
25 considers the appropriate recommended sanctions to be included in its
26 opinion, it shall give due consideration to the purposes of this
27 chapter, the nature of the violation, and other circumstances that are
28 included in the hearing record. The board may recommend, either
29 singly or in combination,

1 (1) a civil penalty of not more than \$5,000 for each of-
2 fense, or twice the amount improperly gained by the misconduct, which-
3 ever is greater;

4 (2) divestiture of specified assets or withdrawal from
5 specified relationships;

6 (3) detailed disclosure, with or without additional period-
7 ic reporting requirements;

8 (4) suspension from legislative employment, with or without
9 pay;

10 (5) restitution or reimbursement;

11 (6) suspension of pay until orders are complied with;

12 (7) probationary status;

13 (8) a written reprimand;

14 (9) repealing or amending legislation, or voiding or modi-
15 fying other action that resulted from conduct in violation of this
16 chapter;

17 (10) censure, including a recommendation that a legislator
18 censured may not serve as a chair or co-chair on a legislative commit-
19 tee for the remainder of the legislator's current term in office;

20 (11) expulsion of a legislator or dismissal of a legislative
21 employee;

22 (12) payment of costs related to the investigation and
23 adjudication of the charge;

24 (13) another sanction fashioned to achieve the purposes of
25 this chapter.

26 (b) When a provision of this chapter provides for the imposition
27 of administrative sanctions under this subsection, the commission may
28 recommend any of the civil sanctions set out in (a) of this section
29 except sanctions under (a)(1) and (11).

1 Sec. 24.61.565. RECOMMENDATIONS TO THE LEGISLATURE WHERE VIOLA-
2 TOR IS A LEGISLATOR. (a) If the person found to have violated this
3 chapter is or was a member of the legislature, the hearing board's
4 recommendations shall be forwarded by the chair of the commission to
5 the presiding officer of the appropriate house of the legislature.

6 (b) If the legislature is in session, the entire house shall
7 determine the sanctions, if any, that are to be imposed. The vote
8 shall be taken within 10 legislative days of receipt of the commis-
9 sion's recommendations.

10 (c) If the legislature is not in session, the presiding officer
11 may either request a special session under AS 24.05.100 to put the
12 matter to a vote within 30 days, or submit the recommendations to the
13 legislative council, which shall vote on the commission's recommenda-
14 tions within 30 days. If either expulsion or censure is recommended,
15 the matter must be voted on by the legislature in special session.

16 (d) Except in the case of expulsion, which requires a two-thirds
17 vote, all other sanctions shall be determined by a majority vote.

18 (e) In determining the sanctions, if any, to impose, the legis-
19 lature shall scrupulously observe the rule of nonpartisanship. It may
20 not retry the basic facts nor question the hearing board's findings of
21 fact. The only issue before it shall be the determination of the
22 appropriate sanction assuming the validity of the board's findings.

23 Sec. 24.61.570. RECOMMENDATIONS AND ORDER WHERE VIOLATOR IS A
24 LEGISLATIVE EMPLOYEE. (a) If the person found to have violated this
25 chapter is or was a legislative employee, the hearing board's recom-
26 mendations shall be forwarded to the full commission, which shall, as
27 soon as is reasonably possible, determine the sanctions, if any, to be
28 imposed. The commission may not retry the basic facts nor question
29 the hearing board's findings of fact. The only issue before it shall

1 be the determination of the appropriate sanction assuming the validity
2 of the board's findings. After determining the appropriate sanctions,
3 the commission shall issue a written order imposing the sanctions on
4 the employee.

5 (b) The commission shall order the employee's supervisor or
6 appointing authority, as appropriate, to impose sanctions in accor-
7 dance with the commission's order. Failure of the supervisor or
8 appointing authority to implement the commission's order is a viola-
9 tion of this chapter.

10 Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL OR CITIZENS.

11 (a) The attorney general shall assist the commission and the legisla-
12 ture in enforcing all lawful orders and sanctions. The attorney
13 general may independently bring civil or criminal actions relating to
14 violations under this chapter regardless of the outcome or settlement
15 of a charge before the commission, provided that (1) the attorney
16 general may not bring an independent civil action under this chapter
17 if the provision violated is subject only to administrative sanctions
18 under AS 24.61.560(b); and (2) the cumulative civil penalties imposed
19 for a violation may not exceed the amount that could be imposed in an
20 action before the commission. This subsection does not prohibit the
21 attorney general from bringing an action under another civil or crimi-
22 nal law.

23 (b) A citizen may make a written request that the attorney
24 general commence a civil action authorized under (a) of this section
25 against a person for a violation of this chapter. If the attorney
26 general does not initiate the action within 60 days of the request,
27 the citizen may file the action.

28 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may
29 publicly respond to a statement or interpretation made concerning the

1 contents of an advisory opinion or decision it has issued or is pur-
2 ported to have issued. A person who requests an advisory opinion and
3 makes that fact public is considered to have waived the confidential-
4 ity of the person's identity and of all records obtained by the com-
5 mission in connection with the request for the advisory opinion.

6 ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

7 Sec. 24.61.700. ETHICS EDUCATION PROGRAM. (a) The central
8 function of an ethics code is to prevent rather than punish unethical
9 conduct. Prevention depends almost entirely on an effective and
10 comprehensive ethics education program. The purpose of AS 24.61.700 -
11 24.61.760 is to assure that legislators and staff have the means and
12 opportunity to learn and understand the rules and principles underly-
13 ing the standards of conduct.

14 (b) The commission shall oversee and develop the following
15 components of a comprehensive ethics education program:

- 16 (1) publish an ethics education manual;
17 (2) establish an education advisory committee; and
18 (3) design and implement a legislative orientation training
19 course, a current issues and applications seminar, and a lobbyist
20 training course.

21 Sec. 24.61.710. ETHICS EDUCATION MANUAL. (a) The commission
22 shall prepare and publish a legislative ethics manual, which must
23 contain all ethics statutes, regulations, and related information,
24 including detailed explanations of technical and specific legal re-
25 quirements as well as the underlying purposes and ethical principles
26 that comprise the spirit of the requirements. The manual must include
27 realistic examples with recommended actions, as well as questions and
28 answers regarding common problems and situations.

29 (b) The commission shall issue a revised and updated version of

1 the manual no later than 30 days after the commencement of each legis-
2 lature.

3 (c) The manual shall be distributed to all legislators, legisla-
4 tive employees, and registered lobbyists. The manual shall also be
5 available to the public.

6 Sec. 24.61.720. EDUCATION ADVISORY COMMITTEE. (a) The commis-
7 sion chair shall appoint five members to an education advisory commit-
8 tee, that shall include at least two members of the commission, a
9 legislator, and a legislative employee. The education advisory com-
10 mittee may also include an outside expert in the field of ethics.

11 (b) The education advisory committee shall oversee the implemen-
12 tation of, and recommend the content for, the following ethics educa-
13 tion programs:

- 14 (1) legislative orientation training course;
- 15 (2) current issues and applications seminar; and
- 16 (3) lobbyist training course.

17 Sec. 24.61.730. LEGISLATIVE ORIENTATION TRAINING COURSE. (a)
18 The commission shall conduct a legislative ethics orientation training
19 course. The course shall be offered in January of each year. A
20 legislator and a legislative employee shall attend and complete the
21 first course offered after their election, appointment, or hiring
22 date.

23 (b) The education advisory committee shall determine the specif-
24 ic content of the course, and it shall cover the ethics laws, internal
25 rules and policies, as well as the technical and specific legal re-
26 quirements that legislators and legislative employees must follow.
27 The course shall also cover the underlying purposes and ethical prin-
28 ciples of all ethics laws, internal rules and policies, and other
29 related regulations. The course shall highlight the principles of

1 public service ethics and the intent of ethics laws, including their
2 application to practical situations.

3 (c) The commission shall offer separate sessions of the course
4 for legislators and for legislative employees, and shall offer as many
5 sessions as necessary to accommodate the number of people required to
6 take the course. Unless the commission decides otherwise, the course
7 should be at least six hours long and given in one or two sessions.
8 To afford meaningful participation and direct involvement, the commis-
9 sion shall limit the attendance of each session to approximately 50
10 people.

11 Sec. 24.61.740. CURRENT ISSUES AND APPLICATIONS SEMINAR. (a)
12 The commission shall conduct a current issues and applications seminar
13 each year. The seminar is mandatory for all legislators and legisla-
14 tive employees who have previously completed the legislative ethics
15 orientation training course.

16 (b) The specific content of the seminar shall be determined by
17 the education advisory committee, and shall include an overview of all
18 new substantive changes in the laws in the form of amendments, re-
19 visions, and new ethics advisory opinions. The seminar shall include
20 discussions on problem solving skills, practical ethical issues likely
21 to confront a legislator or legislative employee, and the underlying
22 principles of public service ethics.

23 (c) The commission shall offer separate sessions of the seminar
24 for legislators and for legislative employees, and shall offer as many
25 sessions as necessary to accommodate the number of people required to
26 take the seminar. Unless the commission decides otherwise, the semi-
27 nar should be about three hours long in order to accommodate specific
28 problem solving. The commission shall limit the attendance of each
29 session to approximately 50 people.

1 Sec. 24.61.750. LOBBYIST TRAINING COURSE. (a) Lobbyists shall
2 complete a lobbyist training course conducted by the commission as a
3 condition of registering as a lobbyist under AS 24.45. A person who
4 first engages in activities requiring the person to register as a
5 lobbyist either before the commission has offered the training course
6 for that year, or after the training course has been offered for that
7 year, may be authorized by the commission to conditionally register
8 under AS 24.45 unless the person reasonably should have known that the
9 person was likely to engage in lobbying activities and could have
10 attended the most recent training course. A person with a conditional
11 registration must successfully complete the next training course
12 offered or the registration shall be revoked.

13 (b) The specific content of the training course shall be de-
14 termined by the education advisory committee, and shall include a
15 review of all ethics statutes, the rules and regulations relating to
16 appropriate lobbyist conduct, and the principles of public service
17 ethics.

18 (c) The commission shall certify to the Alaska Public Offices
19 Commission the names of persons successfully completing the training
20 course, including persons taking the course under (e) of this section.

21 (d) Unless the commission determines otherwise, the training
22 course should be about four hours in length.

23 (e) Lobbyists shall repeat the training course at least once
24 every three years and the commission shall update the course accord-
25 ingly.

26 (f) At the commission's discretion, lobbyists may be charged
27 reasonable fees to attend the training course.

28 Sec. 24.61.760. ADMINISTRATIVE PROVISIONS. (a) The commission
29 shall assure the continued implementation, improvement, and

1 modification of the ethics education programs. The commission shall
2 develop procedures to assure the attendance of, and course completion
3 by, all legislators, legislative employees, and lobbyists, including
4 procedures to review requests for exemptions.

5 (b) The commission shall assure the attendance of legislative
6 employees who are not in and cannot travel to Juneau by offering the
7 programs by teleconference. When a teleconference connection is
8 unavailable, the commission shall distribute video tapes to the em-
9 ployees or arrange to have them travel to a site where a live or
10 teleconference course is available.

11 (c) The commission may impose sanctions, including suspension of
12 pay and dismissal of legislative employees, recommendations for disci-
13 plinary action for legislators, and recommendations to revoke lobbyist
14 registrations, upon any legislator, legislative employee, or lobbyist
15 who fails to complete the ethics education requirements within a
16 reasonable amount of time, as determined by the commission.

17 (d) The commission shall supply the presiding officer of each
18 house with the names of those legislators and legislative employees
19 who have not complied with the ethics education requirements. The
20 commission shall supply the Alaska Public Offices Commission with the
21 names of lobbyists who have not complied with the ethics education
22 requirements.

23 (e) The commission shall offer all of the education programs at
24 appropriate times and locations and shall fairly publicize them.

25 ARTICLE 5. GENERAL PROVISIONS.

26 Sec. 24.61.900. RELATIONSHIP TO COMMON LAW AND OTHER LAWS. (a)
27 The provisions of this chapter specifically replace, supersede, and
28 where necessary repeal provisions of the common law relating to legis-
29 lative conflict of interest, and specific Alaska statutes including

1 former AS 24.60, and all other laws that are inconsistent or incom-
2 patible with a provision of this chapter.

3 (b) Nothing in this chapter exempts a person from applicable
4 provisions of another law unless the law is explicitly superseded or
5 incompatibly inconsistent with specific provisions of this chapter.

6 Sec. 24.61.910. APPLICABILITY. (a) Unless otherwise specifi-
7 cally stated, the provisions of this chapter apply to legislators and
8 legislative employees.

9 (b) Certain specified provisions apply to former members of the
10 legislature, candidates for the legislature, former legislative em-
11 ployees, persons who have transactions with legislators or legislative
12 employees, and lobbyists.

13 Sec. 24.61.920. PRINCIPLE OF STRICT COMPLIANCE. In imposing
14 civil or administrative sanctions, legislators and legislative employ-
15 ees shall be held strictly to the provisions and spirit of this chap-
16 ter and, except in extraordinary circumstances, may not assert a lack
17 of knowledge or understanding as a defense to a charge of misconduct.

18 Sec. 24.61.930. MENTAL STATE REQUIRED FOR CRIMINAL ACTIONS.
19 When a provision of this chapter is made subject to criminal penal-
20 ties, unless the provision specifically provides for another mental
21 state, the defendant in a criminal prosecution must be shown to have
22 acted with criminal negligence, as that term is defined in AS 11.81.-
23 900(a). AS 11.81.610(c) applies to this section.

24 Sec. 24.61.940. MAINTENANCE OF DOCUMENTS. Documents filed with
25 or produced by the commission as public records shall be retained for
26 at least six years.

27 Sec. 24.61.950. COOPERATION OF OTHERS. If the commission re-
28 quests their cooperation, a state agency, official, employee, or a
29 person whose conduct is regulated by this chapter shall cooperate with

1 the commission. An individual shall make information reasonably
2 related to an investigation available to the commission on written
3 request. The commission may request and shall receive from every
4 officer, department, division, board, agency, commission, house of the
5 legislature, or other agency of the state, cooperation and assistance
6 in the performance of its duties.

7 Sec. 24.61.960. CONFIDENTIALITY. A person subject to the pro-
8 visions of this chapter may not knowingly make an unauthorized disclo-
9 sure of confidential information acquired in the course of official
10 duties.

11 Sec. 24.61.990. DEFINITIONS. In this chapter,

12 (1) "administrative action" means conduct related to the
13 development, drafting, consideration, enactment, defeat, application,
14 or interpretation of a rule, regulation, policy, or other action in a
15 regulatory proceeding or a proceeding involving a license, permit,
16 franchise, or entitlement for use;

17 (2) "anything of value" and "benefit" include all matters,
18 whether tangible or intangible, that could reasonably be considered to
19 be an advantage, of worth, use, or service to the person to whom it is
20 conferred; the terms are intended to be interpreted broadly and encom-
21 pass all matters that the recipient might find sufficiently desirable
22 to do something in exchange for;

23 (A) "anything of value," "benefit," or "thing of
24 value" includes but is not limited to

25 (i) money;

26 (ii) products or merchandise;

27 (iii) works of art or collectibles;

28 (iv) stocks, bonds, notes, or options;

29 (v) an interest in real property;

- 1 (vi) contracts or a promise of a future interest
- 2 in a contract;
- 3 (vii) an interest or a promise of a future interest
- 4 in a business;
- 5 (viii) meals, beverages, or lodging;
- 6 (ix) transportation;
- 7 (x) services, including loaned employees;
- 8 (xi) loans, loan guarantees, co-signing;
- 9 (xii) forgiveness of a debt;
- 10 (xiii) discounts or rebates not extended to the
- 11 public generally;
- 12 (xiv) preferential treatment;
- 13 (xv) tickets or admissions;
- 14 (xvi) free or discounted use of office facilities;
- 15 (xvii) loan of office equipment;
- 16 (xviii) radio or television time;
- 17 (xix) promise or offer of present or future employ-
- 18 ment;
- 19 (xx) use of autos, boats, apartments, or other
- 20 recreational or lodging facilities;
- 21 (xxi) intangible rights such as a cause of action;
- 22 (xxii) licenses, patents, copyrights, or an interest
- 23 in them;
- 24 (xxiii) any other item, tangible or intangible,
- 25 having economic value;
- 26 (B) "anything of value," "benefit," or "thing of
- 27 value" does not include
- 28 (i) unsolicited tokens or awards with a value of
- 29 less than \$150 in the form of a plaque, trophy, clock, desk

1 or wall momento or decoration, or similar item;

2 (ii) unsolicited advertising items such as calen-

3 dars, key chains, pens, or samples of merchandise with a

4 value of less than \$50;

5 (iii) unsolicited publications with a market value

6 of less than \$100 on an annual basis;

7 (iv) discounts afforded to the general public or

8 specified groups or occupations under normal business con-

9 ditions except that the discounts may not be based on the

10 fact of legislative service unless it is a discount program

11 approved by the commission;

12 (v) campaign contributions, pledges, political

13 endorsements, support in a political campaign, or a promise

14 of endorsement or support;

15 (vi) contributions to a cause or organization,

16 including a bona fide charity, made in response to a direct

17 solicitation from a legislator or a person acting at the

18 legislator's direction;

19 (3) "close economic association" has the meaning given in

20 AS 24.61.265;

21 (4) "close personal relationship" is a special relationship

22 between a legislator or legislative employee and another person that

23 creates strong bonds of loyalty, friendship, or love that could poten-

24 tially conflict with public duties and the obligation to exercise

25 objective independent judgment, or create the appearance that the

26 person may have undue access to confidential information or otherwise

27 receive favored treatment regarding public actions; it includes but is

28 not limited to immediate family, long-term personal friends or former

29 business associates, and persons with whom the legislator or

1 legislative employee has a significant and continuous romantic rela-
2 tionship;

3 (5) "commission" means the Legislative Ethics Commission;

4 (6) "confidential information" refers to information made
5 confidential by law or that is conveyed or accepted with the under-
6 standing that it will only be used for official purposes;

7 (7) "exonerate" means to free from a charge or the imputa-
8 tion of guilt, or to prove blameless;

9 (8) "financial conflict of interest" has the meaning given
10 in AS 24.61.255;

11 (9) "immediate family" means the spouse, parents, including
12 parents-in-law, children, including a stepchild and an adoptive child,
13 grandparents, grandchildren, and siblings of a person;

14 (10) "informal representation" means uncompensated represen-
15 tation including requests for information made with a state or local
16 government entity or an official or employee of the entity, on behalf
17 of a person including clients, constituents, and political contribu-
18 tors;

19 (11) "intent to influence legislative, administrative, or
20 political action" means that an act, including the offering or confer-
21 ring of a thing of value to a public official, is done with the pur-
22 pose of inducing the official to do an act the official would other-
23 wise not have done or refrain from doing something the official would
24 otherwise have done;

25 (12) "knowingly" means for a person to be aware with respect
26 to conduct or to a circumstance described by a provision of law that
27 the person's conduct is of that nature or that the circumstance ex-
28 ists; when knowledge of the existence of a particular fact is
29 required, that knowledge is established if a person is aware of a

1 substantial probability of its existence, unless the person actually
2 believes it does not exist;

3 (13) "legislative action" means conduct relating to the
4 development, drafting, consideration, sponsorship, enactment or de-
5 feat, support or opposition to or of a law, amendment, resolution,
6 report, nomination, or other matter affected by legislative action or
7 inaction;

8 (14) "legislative assistant" means a legislative employee
9 whose assigned duties involve the exercise of substantial discretion
10 and judgment; it does not include employees who perform purely cler-
11 ical or ministerial functions; the commission shall develop guidelines
12 for interpreting this definition;

13 (15) "legislative employee" means a person, other than a
14 legislator, who is compensated by the legislative branch in return for
15 regular or substantial personal services, regardless of the person's
16 pay level or technical status as a full-time or part-time employee,
17 independent contractor, or consultant; it includes members and staff
18 of the commission; it does not include individuals who perform func-
19 tions that are purely incidental to legislative functions such as
20 security, messengers, maintenance, and print shop employees; for
21 purposes of this paragraph, "regular or substantial" means work that
22 is expected to involve, or does involve, at least 400 hours in a
23 calendar year or 300 hours during a regular legislative session; the
24 commission shall develop guidelines for interpreting this definition;

25 (16) "local government" means a municipality, a municipal
26 school district, or a regional educational attendance area;

27 (17) "nonpublic information" means information that is not
28 available to the general public, the use or disclosure of which re-
29 sults in an unwarranted benefit or advantage;

1 (18) "political action" means conduct in which public offi-
2 cials, including legislators or legislative employees, use their
3 official position or political contacts to exercise informal influence
4 on state and local government employees or entities; it includes but
5 is not limited to intervening on behalf of constituents with a govern-
6 ment agency, endorsing, and pledging support or actively supporting a
7 legislative matter, a nominee, or a candidate for public office;

8 (19) "professional representation" means representation for
9 compensation;

10 (20) "reasonably should know" means that, under the circum-
11 stances, a person of reasonable prudence and competence would ascer-
12 tain or know a fact;

13 (21) "representation" means action taken on behalf of anothe-
14 er, whether for compensation or not, including but not limited to
15 telephone calls and meetings and appearances at proceedings or meet-
16 ings;

17 (22) "substantial interest in legislative, administrative,
18 or political action" has the meaning given in AS 24.61.260;

19 (23) "unofficial compensation" means payment for legislative
20 or administrative services made to a legislator or legislative em-
21 ployee by a source other than the state in the form of legislative
22 compensation or per diem payments;

23 (24) "unwarranted benefit" means a benefit not earned,
24 deserved, or attained strictly on the merits or according to normal
25 procedures, but attained as the result of improper use of public
26 office.

27 * Sec. 3. AS 11.56.805(a) is amended to read:

28 (a) A person commits the crime of false accusation if the person
29 knowingly or intentionally initiates a false complaint with the

1 [SELECT COMMITTEE ON] Legislative Ethics Commission established under
2 AS 24.61 [IN AS 24.60].

3 * Sec. 4. AS 24.10.100 is amended to read:

4 Sec. 24.10.100. SALARY OF LEGISLATORS. The annual [MONTHLY]
5 salary for each member of the legislature is \$40,000 [EQUAL TO STEP A,
6 RANGE 10 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU]. The
7 president of the senate and the speaker of the house of representa-
8 tives are each entitled to an additional \$500 a year during tenure of
9 office.

10 * Sec. 5. AS 24.10.105 is repealed and reenacted to read:

11 Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) A member of the
12 legislature is entitled to receive per diem at the short-term rate
13 during a legislative session if the legislator is not living in the
14 legislator's place of permanent residence during the session.

15 (b) A legislator is entitled to receive per diem at the long-
16 term rate during a legislative session if the legislator is living in
17 the legislator's place of permanent residence during the session.

18 (c) In this section

19 (1) "long-term rate" means the long-term per diem rate for
20 a state employee established in regulations adopted by the commis-
21 sioner of administration under AS 39.20.160;

22 (2) "short-term rate" means the short-term per diem rate
23 for a state employee established in regulations adopted by the commis-
24 sioner of administration under AS 39.20.160.

25 * Sec. 6. AS 24.10.130 is amended by adding a new subsection to read:

26 (b) A member of the legislature may be reimbursed for up to two
27 round trip tickets from Juneau to a city in the district from which
28 the legislator was elected during each regular session of the legis-
29 ature. A trip paid for under this subsection may be for a family,

1 business, or constituent purpose.

2 * Sec. 7. AS 24.45.041(a) is amended to read:

3 (a) Before engaging in lobbying, a lobbyist shall file a regis-
4 tration statement on a form prescribed by the commission. The commis-
5 sion may not accept the form for filing unless the lobbyist's name has
6 been certified to the commission by the Legislative Ethics Commission
7 under AS 24.61.750(c).

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

9 (f) Each lobbyist shall renew the registration annually by
10 filing a new registration statement together with a new authorization
11 to act as a lobbyist before engaging in lobbying. The lobbyist also
12 shall file any reports or statements the lobbyist has failed to file
13 for a previous reporting period. The commission may not renew lobby-
14 ing credentials until this provision is complied with and unless the
15 Legislative Ethics Commission has certified the lobbyist's name to the
16 commission under AS 24.61.750(c) and the lobbyist has complied with
17 AS 24.61.750(e).

18 * Sec. 9. AS 24.45.041 is amended by adding a new subsection to read:

19 (g) Notwithstanding (a) and (f) of this section, a lobbyist
20 whose name has not been certified to the commission under AS 24.61.-
21 750(c) may conditionally register or renew a registration under this
22 section if authorized by the Legislative Ethics Commission under
23 AS 24.61.750(a).

24 * Sec. 10. AS 39.25.110 is amended by adding a new paragraph to read:

25 (30) executive director and staff of the Legislative Ethics
26 Commission.

27 * Sec. 11. AS 39.50.025 is amended to read:

28 Sec. 39.50.025. NOTIFICATION TO CANDIDATES FOR LEGISLATURE. On
29 receipt of a statement under AS 39.50.020 from a candidate for the

1 legislature the commission shall mail, by certified mail, a copy of
2 AS 24.61 (Legislative Ethics Act) [AS 24.60 (STANDARDS OF CONDUCT)] to
3 the candidate at the address shown on the report.

4 * Sec. 12. AS 39.50.200(a)(8) is amended to read:

5 (8) "public official" means a judicial officer, a member of
6 the legislature, the fiscal analyst of the legislative finance divi-
7 sion, the legislative auditor of the legislative audit division, the
8 executive director of the Legislative Affairs Agency and the directors
9 of the divisions within the Legislative Affairs Agency, the executive
10 director of the Legislative Ethics Commission, the governor, the
11 lieutenant governor, a person hired or appointed as the head or deputy
12 head of, or director of a division, a department in the executive
13 branch, an assistant to the governor, chair [CHAIRMAN] or member of a
14 state commission or board, the executive director of the Alaska Tour-
15 ism Marketing Council, and each appointed or elected municipal offi-
16 cer;

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

19 (50) Legislative Ethics Commission (AS 24.61).

20 * Sec. 14. AS 39.52.910(a) is amended to read:

21 (a) Except as specifically provided, this chapter applies to all
22 public officers within executive-branch agencies, including members of
23 boards or commissions. This chapter does not apply to a former public
24 officer of an executive-branch agency unless a provision specifically
25 states that it so applies. This chapter does not apply to legislators
26 covered by AS 24.61 [AS 24.60].

27 * Sec. 15. AS 24.60 is repealed.

28 * Sec. 16. INITIAL COMMISSION APPOINTMENTS. Notwithstanding AS 24.61.-
29 500(b), as added by sec. 2 of this Act, the terms of the members initially

1 appointed to the Legislative Ethics Commission are as follows:

2 (1) the members appointed by the senate and the house of rep-
3 resentatives and one of the members appointed by the Legislative Ethics
4 Commission, determined by lot, serve terms of five years;

5 (2) the member appointed by the governor and the second member
6 appointed by the Legislative Ethics Commission serve terms of four years;

7 (3) the member appointed by the Alaska Public Offices Commission
8 serves a term of three years;

9 (4) the member appointed by the lieutenant governor services a
10 term of two years; and

11 (5) the member appointed by the supreme court serves a term of
12 one year.

13 * Sec. 17. INITIAL TRAINING COURSES. The initial courses and seminars
14 required under AS 24.61.730 - 24.61.750, as added by sec. 2 of this Act,
15 shall be offered during January and February 1991.

16 * Sec. 18. INITIAL RECOMMENDED REGULATIONS. The Alaska Legislative
17 Council shall make its initial recommendations to the Legislative Ethics
18 Commission under AS 24.61.160, as added by sec. 2 of this Act, by
19 January 1, 1991. If the legislative council does not comply with the
20 deadline under this section, the Legislative Ethics Commission shall pro-
21 ceed to adopt regulations under AS 24.61.160 on its own initiative.

22 * Sec. 19. SELECT COMMITTEE ON LEGISLATIVE ETHICS. Notwithstanding the
23 repeal of AS 24.60 by sec. 15 of this Act, the Select Committee on Legisla-
24 tive Ethics, as established under former AS 24.60.130, continues in exis-
25 tence until January 21, 1991, for the purpose of concluding proceedings or
26 other business pending on June 1, 1990. For the purpose of this section,
27 the committee, and persons subject to former AS 24.60, are governed by the
28 provisions of former AS 24.60 as those provisions read on May 31, 1990.

29 * Sec. 20. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER

1 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 15 of this Act,
2 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,
3 the Legislative Ethics Commission may consider complaints alleging viola-
4 tions of AS 24.60 that occurred prior to June 1, 1990, and for which pro-
5 ceedings have not been commenced prior to June 1, 1990. For the purpose of
6 this section, the Legislative Ethics Commission shall follow the procedures
7 established under AS 24.61, but may not recommend a sanction or penalty not
8 authorized under former AS 24.60.

9 * Sec. 21. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF
10 OTHERS. Notwithstanding AS 24.61.330, as added by sec. 2 of this Act, a
11 legislator or legislative assistant who is subject to AS 24.61.330 may,
12 until January 1, 1992, represent a person in a proceeding that would other-
13 wise be prohibited under AS 24.61.330 if the legislator or legislative
14 assistant promptly files a statement with the Legislative Ethics Commission
15 that includes the name of the client, an identifying name or number of the
16 action, a brief description of the nature of the action, and the amount of
17 compensation received or anticipated relating to the representation. The
18 statement shall be published in the journal of the appropriate house. If
19 information contained in the statement changes, a supplemental statement
20 shall be filed every 90 days until the matter is completed or January 1,
21 1992, at which time the representation must be terminated. In this sec-
22 tion, "legislative assistant" has the meaning given in AS 24.61.990, as
23 added by sec. 2 of this Act.

24 * Sec. 22. Sections 4- 6 of this Act take effect January 21, 1991.

25 * Sec. 23. Except for secs. 4 - 6, this Act takes effect June 1, 1990.