

Original sponsor(s): State Affairs Committee

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 596 (State Affairs)  
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  
7 and standards of conduct for legislators, candidates  
8 for the legislature, and legislative employees,  
9 former legislators and employees, and lobbyists;  
10 requiring financial disclosures by legislators,  
11 candidates for the legislature, and certain legisla-  
12 tive employees; amending legislators' compensation  
13 and allowances; and providing for an effective date."

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

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

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

18 CHAPTER 61. LEGISLATIVE ETHICS ACT OF 1990.

19 ARTICLE 1. PURPOSE AND LEGISLATIVE FINDINGS.

20 Sec. 24.61.010. PURPOSE. This chapter is enacted to

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

25 (2) provide a comprehensive and unified statement of the  
26 ethical principles, considerations, and obligations inherent in the  
27 public trust theory of government service and establish specific  
28 standards of conduct to ensure that those entrusted with public au-  
29 thority avoid conduct that might undermine the people's respect for

1 the legislature; and

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

4 Sac. 24.61.015. LEGISLATIVE FINDINGS. The legislature finds  
5 that

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

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

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

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

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

29 (6) the state's commitment to the notion of a citizen

1 legislature requires that legislators be drawn from all parts of  
2 society; they cannot and should not be without personal and financial  
3 interests in the decisions and policies of government, and they are  
4 expected and permitted to earn outside income;

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

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

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

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

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

27 (12) effective democratic government depends on the will-  
28 ingness of the people to exercise responsible citizenship by voluntary  
29 compliance with laws and by active participation in the democratic

1 process; when the public's trust in and respect for government is  
2 high, citizens are more likely to fully participate by voting, becom-  
3 ing better informed, and becoming more active in public debate and  
4 discourse in a way that engenders civic pride and makes government  
5 more representative, more responsive, and more effective;

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

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

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

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

1 because it is legal and that conduct is not proper simply because it  
2 is permissible;

3 (17) legislative decisions must be made in a context of  
4 clashing interests; the growing effect of state laws and regulations  
5 creates incentives for competing special interests to seek to influ-  
6 ence the election and policy-making processes through organized advo-  
7 cacy and through the use of campaign contributions;

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

13 (19) legislators and legislative employees must be extremely  
14 cautious and circumspect about accepting a gratuity or favor, especi-  
15 ally from persons or entities that have a substantial interest in  
16 their legislative, administrative, or political actions; even where  
17 there is a genuine personal friendship, the acceptance of personal  
18 benefits from those who could gain advantage by influencing official  
19 actions raises suspicions that tend to undermine public trust;

20 (20) therefore, the state needs a comprehensive ethics  
21 program that responds to the challenges of the contemporary political  
22 climate, preserves and protects the integrity of the legislative  
23 process, and respects the needs of those who serve the legislature.

24 ARTICLE 2. STANDARDS OF CONDUCT.

25 Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL  
26 PRINCIPLE. Inherent in the concept that public office is a public  
27 trust is the principle that legislators and legislative employees  
28 refrain from using or attempting to use their government position to  
29 attain

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

3 (2) benefits, advantages, or privileges not available to  
4 the public at large, either for themselves, members of their immediate  
5 families, or their friends; or

6 (3) political advantages where the use of office is incon-  
7 sistent with the obligation to use public office only to advance the  
8 public interest.

9 Sec. 24.61.110. IMPROPER BENEFIT FROM PERFORMANCE OF PUBLIC  
10 DUTIES. (a) A legislator or legislative employee may not solicit,  
11 agree to accept, or accept a benefit other than official compensation  
12 for the performance of public duties. This subsection may not be  
13 construed to prohibit lawful solicitation for and acceptance of cam-  
14 paign contributions or the acceptance of a lawful gratuity under  
15 AS 24.61.350. A person who violates this subsection is guilty of  
16 receiving unlawful gratuities under AS 11.56.120 and is subject to  
17 civil sanctions under AS 24.61.560(a).

18 (b) A legislator or legislative employee may not accept anything  
19 of value under circumstances where the legislator or legislative  
20 employee knows or reasonably should know that it is offered with the  
21 intent to influence legislative, administrative, or political action.  
22 A person who violates this subsection is guilty of receiving a bribe  
23 under AS 11.56.110 and is subject to civil sanctions under AS 24.61.-  
24 560(a). In this subsection, "anything of value" has the meaning given  
25 to "benefit" in AS 11.56.130.

26 Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. (a) Legisla-  
27 tors and legislative employees who receive an offer of anything of  
28 value that reasonably appears to have been intended to improperly  
29 influence legislative, administrative, or political action, shall

1 reject the offer and inform the person that there may be a violation  
2 of bribery laws.

3 (b) If the attempt to improperly influence is clear, the person  
4 receiving the offer shall report it to law enforcement authorities.

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

7 Sec. 24.61.130. MISUSE OF STATE PROPERTY AND RESOURCES FOR  
8 PRIVATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative  
9 employee may not use public funds, facilities, equipment, mailing  
10 lists, computer data, services, or any other government asset or  
11 resource for a nongovernmental purpose or for the private gain or  
12 advantage of either the legislator, legislative employee, or another  
13 person. This subsection does not prohibit (1) the occasional and  
14 limited use of state property and resources for personal purposes if  
15 the use does not interfere with the performance of public duties, the  
16 cost or value related to the use is so nominal that reimbursement  
17 procedures would not be justified, and the use does not create the  
18 appearance of impropriety or improper influence; or (2) the use of  
19 mailing lists, computer data, or other information lawfully obtained  
20 from a government agency and available to the public for nongovern-  
21 mental purposes. A person who violates this subsection is subject to  
22 civil sanctions under AS 24.61.560(a) and may be prosecuted for theft  
23 under AS 11.46.

24 (b) A legislator or legislative employee may not seek, accept,  
25 use, allocate, grant, or award public funds for a purpose other than  
26 that approved by law, or make a false statement in connection with a  
27 claim, request, or application for compensation, reimbursement, or  
28 travel allowances from public funds. A person who violates this  
29 subsection is subject to civil sanctions under AS 24.61.560(a) and may

1 be subject to criminal penalties under another law.

2 (c) A legislator or legislative employee may not require at any  
3 time or authorize on government time a legislative employee to perform  
4 personal services or assist in a private activity on government time  
5 except in unusual and infrequent situations where the person's service  
6 is reasonably necessary to permit the legislator or legislative em-  
7 ployee to perform official duties. A person who violates this subsec-  
8 tion is subject to civil sanctions under AS 24.61.560(a) and may be  
9 subject to criminal penalties under another law.

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

19 (b) A legislator or legislative employee may not use or author-  
20 ize the use of public funds, facilities, equipment, mailing lists,  
21 computer data, services, or another government asset or resource for  
22 the purpose of political fund raising, campaigning, or influencing an  
23 election. This subsection does not prohibit the use of mailing lists,  
24 computer data, or other public information lawfully obtained from a  
25 government agency and available to the general public for nongovern-  
26 mental purposes. A person who violates this subsection may be pros-  
27 ecuted for theft under AS 11.46.

28 (c) A legislative employee may not on government time assist in  
29 political party activities, campaigning, fund raising, or other

1 partisan or personal political activities. A legislator may not  
2 require an employee to perform an act in violation of this subsection.

3 (d) The legislative council shall adopt policies relating to a  
4 legislator's use of public funds for the production of newsletters or  
5 similar publications for distribution to the legislator's constitu-  
6 ents. The policies must address the form and content of these publi-  
7 cations.

8 (e) Unless superseded by policies relating to the use of govern-  
9 ment resources for political purposes developed by the legislative  
10 council and adopted by the commission as regulations under AS 24.61.-  
11 160, the following prohibitions apply:

12 (1) a legislator may not use or authorize the use of public  
13 funds, property, personnel, or other resources to produce, print,  
14 photocopy, publish, broadcast, or otherwise disseminate material  
15 primarily intended to influence an election; this provision applies to  
16 newsletters and other constituent correspondence that by their nature,  
17 content, timing, or use are intended to influence an election, even if  
18 the materials do not make a specific reference to the election, but  
19 does not apply to newsletters and other constituent correspondence  
20 that express the legislator's opinions or views on issues before the  
21 legislature, or that describe the legislator's votes, legislative  
22 proposals, or other legislative action.

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 60 days before the primary  
27 election in which the legislator is a candidate, and ending the day  
28 after a general or special election in which the legislator is a  
29 candidate;

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 or authorize the solicitation or acceptance of, a campaign  
4           contribution in a facility or office ordinarily used to conduct state  
5           government business; this provision applies to telephone conversa-  
6           tions, personal meetings, and solicitations by mail; if an unsolicited  
7           contribution is offered it shall be refused or returned promptly; if  
8           an unsolicited contribution is received in the mail, or a lawfully  
9           solicited contribution is misdirected to an office ordinarily used to  
10          conduct state business, if otherwise lawful it may be accepted but it  
11          may not be processed in that office and it shall be delivered promptly  
12          to an appropriate location.

13          (f) Except for a person who violates (e)(1) of this section or a  
14          regulation adopted under AS 24.61.160 that supersedes (e)(1) of this  
15          section and whose conduct may be prosecuted as theft under AS 11.46, a  
16          person who violates (c) or (e)(1) - (3) of this section or a regu-  
17          lation adopted under AS 24.61.160 that supersedes (e)(1) - (3) of this  
18          section is guilty of a class A misdemeanor.

19          (g) In addition to criminal penalties, a person who violates  
20          (b), (c), or (e)(1) - (3) of this section or a regulation relating to  
21          (b), (c), or (e)(1) - (3) of this section is subject to civil sanc-  
22          tions under AS 24.61.560(a).

23          Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM  
24          IMPROPER TASKS. (a) A legislative employee who knows or reasonably  
25          should know that the employee has been asked to perform a personal or  
26          political task in violation of AS 24.61.100 - 24.61.450 shall refuse  
27          to perform the task.

28          (b) If a legislator or legislative employee with supervisory  
29          authority persists in requesting or demanding that a legislative

1 employee perform prohibited tasks, or if reprisals are threatened or  
2 sanctions imposed as a result of the refusal to perform prohibited  
3 tasks, the legislative employee subjected to the requests, threats, or  
4 sanctions shall report the matter to the commission.

5 (c) A person who violates this section is subject to civil  
6 sanctions under AS 24.61.560(a).

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

8 (a) The legislative council shall develop and recommend for adoption  
9 by the commission detailed regulations relating to the use of govern-  
10 ment property, resources, and personnel. The legislative council  
11 shall annually review the regulations and recommend necessary changes  
12 to the commission.

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

17 Sec. 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRI-  
18 VATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative  
19 employee may not use or aid, induce, cause, or encourage others to  
20 use, the authority, title, official letterhead, or prestige of the  
21 legislator's or legislative employee's office for the benefit of the  
22 legislator or legislative employee.

23 (b) A legislator or legislative employee may not solicit or  
24 accept anything of value under terms and conditions where the compen-  
25 sation is not commensurate with the services performed or where a  
26 reasonable person would believe that the authority, title, or prestige  
27 of office had been exploited.

28 (c) A legislator or legislative employee may not endorse commer-  
29 cial products by agreeing to use official letterhead or the

1 legislator's or employee's title in paid advertisements, unless the  
2 endorsement is for a public purpose and the person receives no compen-  
3 sation.

4 (d) Nothing in this section may be construed to prohibit appro-  
5 priate uses of official letterhead. The legislative council shall  
6 adopt a written definition of "official letterhead" and its appropri-  
7 ate uses, which must include, but are not limited to, letters of  
8 recommendation for employment, scholarships, fellowships, internships,  
9 entry into educational institutions, appointments to boards or commis-  
10 sions, and honorary awards.

11 (e) Nothing in this section may be construed to prohibit the use  
12 of a legislator's official title as a part of a political campaign or  
13 political endorsement.

14 (f) A person who violates this section is subject to civil  
15 sanctions under AS 24.61.560(a) in addition to appropriate criminal  
16 penalties under another law.

17 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF  
18 PUBLIC OFFICE BY FORMER LEGISLATORS. (a) A former legislator may  
19 not, during the next regular session after leaving office, act as a  
20 lobbyist in seeking to influence a

21 (1) legislator or legislative employee to take or withhold  
22 legislative, administrative, or political action; or

23 (2) state agency, public official, or employee to take or  
24 withhold official action

25 (b) A former legislator, within one year after leaving office,  
26 may not solicit or accept anything of value under terms and conditions  
27 where the compensation by reasonable objective standards is not com-  
28 mensurate with the services performed or where a reasonable person  
29 would believe that the stature of office had been exploited.

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

3 Sec. 24.61.200. PROPER USES OF CAMPAIGN FUNDS. Campaign funds  
4 may be used only to advance the interests of the campaign. Campaign  
5 funds may be properly expended for an otherwise lawful purpose intend-  
6 ed to influence voters to elect or reelect the legislative candidate  
7 to the legislature including, but not limited to: payment of staff  
8 and consultants; rental of space and rental or purchase of equipment  
9 for a campaign office; purchase of media time and space; design work;  
10 printing of campaign materials; postage; taking polls and interpreting  
11 them; telephone installation and usage; costs of distribution of  
12 materials; advertising in organizational and club bulletins or other  
13 brochures; inscribed promotional materials, including buttons, pen-  
14 cils, pens, and items of clothing; necessary travel and related expen-  
15 ses for the candidate and members of the candidate's staff or immedi-  
16 ate family provided that the travel and lodging are directly related  
17 to attempts to raise campaign funds or influence voters; victory and  
18 thank you celebrations; newsletters and mass mailings promoting the  
19 candidate; and payment of attorney fees and other legal expenses  
20 incurred in the defense of a civil, criminal, or administrative action  
21 arising directly out of the conduct of the campaign or election pro-  
22 cess or out of the performance of activities within the scope of a  
23 candidate's legislative duties.

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

26 (1) use funds raised and designated as campaign funds for  
27 the personal benefit of the candidate or another person, or for pay-  
28 ment of attorney fees and other legal expenses arising from civil,  
29 criminal, or administrative actions based on conduct not directly

1 related to the campaign or official duties;

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

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

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

8 (c) A legislative candidate, or another person on behalf of the  
9 legislative candidate, or a campaign committee of the legislative  
10 candidate, may not knowingly pay more than the fair market value for  
11 goods or services purchased for the campaign.

12 (d) Campaign funds may not be paid to a member of the candi-  
13 date's immediate family as an employee or for goods or services pro-  
14 vided to the campaign unless the amounts paid do not exceed the fair  
15 market value of the goods or services provided.

16 (e) Except for funds received or postmarked before a general or  
17 special election, a legislative candidate, and a committee related to  
18 the election, may not accept campaign contributions. A post-election  
19 contribution must be returned.

20 (f) A legislative candidate and a committee controlled by a  
21 legislative candidate may not use campaign funds to make a contribu-  
22 tion to another candidate running for office or to a committee sup-  
23 porting or opposing a candidate for office.

24 (g) Campaign funds may not be used to pay fines or other mone-  
25 tary penalties or costs assessed against a candidate by a court or  
26 other body, unless the fine, penalty, or cost is assessed as a result  
27 of proscribed actions by a member or employee of a campaign committee  
28 or another person acting on behalf of the candidate under circum-  
29 stances where the candidate did not know of or have reason to know of

1 those actions.

2 Sec. 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. (a) If  
3 a legislative candidate ceases to be a candidate or if there remains a  
4 balance in the account of the candidate or a committee controlled by  
5 the candidate after the date of the election, unexpended funds in  
6 excess of the amount allowed under (b) of this section may only be  
7 used as provided in of this subsection or to pay for a victory or  
8 thank you party. Within 60 days after the end of the candidacy or the  
9 election, unexpended funds shall be

10 (1) used to retire bona fide loans supported by written  
11 documentation including loans made to a campaign by the legislative  
12 candidate or a member of the candidate's immediate family provided  
13 that all other outstanding loans are paid first;

14 (2) returned on a pro rata basis to those who have made  
15 contributions in excess of \$100 in the aggregate a year;

16 (3) donated to the general fund of the state or of a munic-  
17 ipality;

18 (4) donated to one or more organizations that qualify as  
19 charitable organizations under 26 U.S.C. 501(c)(3) provided that the  
20 charity is not one that is controlled by the candidate or a member of  
21 the candidate's immediate family or in which the candidate or a member  
22 of the candidate's immediate family is personally involved as a direc-  
23 tor, trustee, member of the board, officer, or other position of  
24 responsibility;

25 (5) transferred to an ongoing political account controlled  
26 by the candidate, but only in the amounts and according to the re-  
27 quirements set out in (b) of this section; or

28 (6) transferred, in an amount not to exceed \$1,000, to a  
29 house legislative office account, or \$2,000 to a senate legislative

1 office account, for expenditures qualifying as business expenses under  
2 26 U.S.C. 162.

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

6 (c) Funds carried over under (b) of this section may be expended  
7 for any political purpose for which campaign funds can otherwise  
8 properly be used, but they may not be used for a campaign for an  
9 office other than the state legislature.

10 Sec. 24.61.220. PAYMENT OF LEGAL EXPENSES; LEGAL DEFENSE FUNDS.

11 (a) A legislative candidate, legislator, or legislative employee may  
12 establish a legal defense fund to assist with the payment of attorney  
13 fees and other costs arising from the legislator's or employee's  
14 defense of a civil, criminal, or administrative action brought against  
15 the legislator or employee. Contributions to a legal defense fund  
16 that meet the requirements of this section are not subject to the  
17 restrictions in AS 24.61.350.

18 (b) A legislative candidate, legislator, or legislative employee  
19 who wishes to establish a legal defense fund account shall file a  
20 statement of organization for the legal defense fund with the commis-  
21 sion. The statement of organization must identify the specific civil,  
22 criminal, or administrative proceeding or proceedings for which the  
23 legal defense fund is established.

24 (c) The legal defense fund shall establish a single account at  
25 an office of a financial institution located in the state. A donation  
26 to the candidate, legislator, or legislative employee for legal expen-  
27 ses shall be deposited into that account if the donation meets the  
28 requirements of (d) of this section.

29 (d) Only a donation that is specifically designated by the donor

1 as being for the legal defense fund and is made payable to the legal  
2 defense fund may be deposited in the legal defense fund account. A  
3 donation that the recipient believes is intended for the legal defense  
4 fund but that does not meet the requirements of this subsection shall  
5 be returned to the donor.

6 (e) Expenditures from the legal defense fund account may be made  
7 only for legal costs directly related to the civil, criminal, or  
8 administrative proceeding or proceedings for which the legal defense  
9 fund is established. Expenditures from the legal defense fund account  
10 may not be used to pay or reimburse fines, penalties, judgments, or  
11 settlements in connection with a criminal prosecution or a civil or  
12 administrative action in which the legislative candidate, legislator,  
13 or legislative employee is found to have committed, or admits to  
14 having committed a violation of the law.

15 (f) Surplus funds remaining in the legal defense fund account  
16 after the proceeding or proceedings for which the account is estab-  
17 lished have concluded may not be used for another purpose. These  
18 funds shall, within six months after the conclusion of the proceeding  
19 or proceedings, be

20 (1) returned to donors on a pro rata basis as to contribu-  
21 tions in excess of \$100 in the aggregate;

22 (2) donated to the state or to a municipality; or

23 (3) donated to a charitable organization that meets the  
24 requirements of AS 24.61.210(a)(4).

25 (g) This section constitutes the sole means for legislators and  
26 legislative employees to solicit or accept donations for legal costs  
27 that may not be paid from campaign funds under AS 24.61.200. Except  
28 for AS 24.61.240(b) and (c), the provisions of this chapter relating  
29 to the solicitation and acceptance of campaign funds apply to the

1 solicitation and acceptance of contributions to a legal defense fund  
2 established under this section. The commission may adopt regulations  
3 limiting the dollar amount of contributions under this section and  
4 shall adopt regulations requiring the disclosure of donors to a legal  
5 defense fund.

6 (h) Funds received from fund-raising events must be clearly  
7 designated in advance as either for campaign purposes or for the legal  
8 defense fund and all proceeds shall be dealt with as required by this  
9 chapter.

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

12 Sec. 24.61.230. COERCION. (a) A legislator may not, directly  
13 or by authorizing another to act on the legislator's behalf, state or  
14 imply that the legislator's consideration of an issue, cause, or piece  
15 of legislation, or the legislator's willingness to meet with a person,  
16 is dependent on the person making a campaign contribution, donating to  
17 a cause favored by the legislator, or providing a thing of value to  
18 the legislator.

19 (b) A legislator may not directly, or by authorizing another to  
20 act on the legislator's behalf,

21 (1) agree to, or threaten to take or withhold a legisla-  
22 tive, administrative, or political action, including but not limited  
23 to support or opposition to a bill, employment, nominations, and  
24 appointments, as a result of a person's decision to provide or not  
25 provide a political contribution;

26 (2) state or imply that the legislator will perform or  
27 refrain from performing a lawful constituent service as a result of a  
28 person's decision to provide or not provide a political contribution.

29 (c) Unless the conduct violates a provision of AS 11 and the

1 person is subject to prosecution under that provision, a person who  
2 violates (a) or (b) of this section is guilty of a class A misde-  
3 meanor.

4 (d) In addition to criminal penalties, a person who violates  
5 this section is subject to civil sanctions under AS 24.61.560(a).

6 Sec. 24.61.240. FUND RAISING LIMITATIONS. (a) Because the  
7 process of campaign fund raising involves activities that take great  
8 amounts of time and energy and that tend to place legislators in  
9 situations rife with the potential for conflicts of interest, it is  
10 the intent of this section that fund raising should be limited in ways  
11 that permit legislators to concentrate their attention on public  
12 matters.

13 (b) A legislator may not, either directly, through a campaign  
14 committee, or other means, solicit or accept a campaign contribution  
15 or a promise or pledge to make a contribution while the legislature is  
16 in regular session, nor may a legislator solicit campaign funds or  
17 host a campaign fund-raising event for another person while the legis-  
18 lature is in session. This subsection does not prevent fund-raising  
19 activity for a charitable organization if the activity does not vio-  
20 late AS 24.61.230.

21 (c) A legislator or a candidate for the legislature may not,  
22 either directly, through a campaign committee, or other means, solicit  
23 or accept a campaign contribution or a promise or pledge to make a  
24 contribution relating to candidacy for the legislature in an election  
25 other than a special election under AS 15.40 except during the follow-  
26 ing periods:

27 (1) legislators, and other incumbent elected public offi-  
28 cials intending to run for the legislature, may raise funds from  
29 June 1 until December 31 in the year before the year of an election in

1 which they intend to be a candidate, and from June 1 through the  
2 general election in November in the year of the election; in this  
3 paragraph, "public official" means a person required to file a cam-  
4 paign disclosure statement under AS 15.13;

5 (2) candidates for the legislature who are not in public  
6 office at the time of their candidacy may raise funds from June 1 in  
7 the year before the year of an election in which they intend to be a  
8 candidate through the general election in November in the year of the  
9 election.

10 (d) This section does not prohibit a legislator from making a  
11 otherwise lawful contribution or from attending an otherwise lawful  
12 fund-raising activity at any time.

13 Sec. 24.61.245. ENFORCEMENT OF CAMPAIGN FUND PROVISIONS. The  
14 Alaska Public Offices Commission shall enforce AS 24.61.205, 24.61.-  
15 210, and 24.61.240. A person who believes that AS 24.61.205, 24.61.-  
16 210, or 24.61.240(b) or (c) has been violated may file a complaint  
17 under AS 15.13.120(d) with the Alaska Public Offices Commission, which  
18 shall handle the complaint in the same manner as a complaint alleging  
19 a violation of AS 15.13. The penalties for a violation of AS 24.61.-  
20 205, 24.61.210, and 24.61.240(b) and (c) are those set out in AS 15.-  
21 13.120(a). In addition, if the Alaska Public Offices Commission  
22 determines after a hearing under AS 15.13.120(d), or if a legislator  
23 admits, that the legislator violated or caused, induced, aided, or  
24 encouraged a violation of AS 24.61.205, 24.61.210, or 24.61.240(b) and  
25 (c), the legislator is subject to civil sanctions under AS 24.61.-  
26 560(a).

27 Sec. 24.61.255. FINANCIAL CONFLICTS OF INTEREST DEFINED. A  
28 financial conflict of interest exists when a person or a member of  
29 that person's immediate family has substantial financial interests

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

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

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

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

16 Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRA-  
17 TIVE, OR POLITICAL ACTION DEFINED. Persons, including governmental  
18 entities, have a substantial interest in legislative, administrative,  
19 or political action if they

20 (1) seek employment in the legislative branch or a govern-  
21 ment agency or in a private organization in which a legislator or  
22 legislative employee is likely to have, or reasonably appears to have,  
23 the ability to influence an employment decision;

24 (2) will be directly and substantially affected, either  
25 financially or personally, by a legislative, administrative, or polit-  
26 ical action in a way that is greater than the effect on a substantial  
27 class of persons to which the person belongs as a member of a profes-  
28 sion, occupation, industry, or region;

29 (3) have or seek contracts in excess of \$10,000 annually

1 for goods or services with the legislature or with an agency of state  
2 government;

3 (4) are lobbyists;

4 (5) employ lobbyists; or

5 (6) represent, with or without compensation, a person or  
6 organization described in (1) - (5) of this section.

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

25 Sec. 24.61.270. DEALING WITH FINANCIAL CONFLICTS. Except in the  
26 relatively few cases in which certain transactions or relationships  
27 are prohibited by this chapter or where divestiture may be ordered by  
28 the commission, conflicts of interest are dealt with primarily as a  
29 matter of required public disclosure and voluntary restraint.

1           Sec. 24.61.290. RESTRICTED RELATIONSHIPS: NEPOTISM.   (a)   A  
2   member of the immediate family of a legislator may not be employed for  
3   compensation

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

6           (2) in either house in the interim between legislative  
7   sessions;

8           (3) by an agency of the legislature established under  
9   AS 24.20; or

10          (4) by the commission, whether for compensation or not, at  
11   any time.

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

15          (c) In cases where a member of the immediate family of a  
16   legislator or legislative employee is uniquely qualified to perform a  
17   task, or another extraordinary circumstance exists under which it  
18   would be in the state's interest to waive the limitation of this  
19   section, an exemption may be sought from the commission.

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

22          (e) A person who violates this section is subject to civil  
23   sanctions under AS 24.61.560(a).

24           Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-  
25   TORS, LEGISLATIVE CANDIDATES, AND LEGISLATIVE ASSISTANTS.   (a)   A  
26   legislator or a legislative candidate may not solicit or knowingly  
27   permit a lobbyist to actively engage in fund-raising activities for a  
28   legislative campaign or for a legal expense fund under AS 24.61.220,  
29   which activities include (1) serving as a campaign manager or direc-

1 tor; (2) serving as a campaign treasurer or deputy campaign treasurer  
2 on a finance or fund-raising committee; (3) hosting a fund-raising  
3 event. This subsection may not be construed as prohibiting a lobbyist  
4 from making personal contributions to or personally advocating on  
5 behalf of a candidate. A legislator or a legislative candidate may  
6 not seek to evade the purposes of this subsection by soliciting or  
7 knowingly permitting a member of a business entity retained to lobby,  
8 or an employee of a lobbyist to perform similar fund-raising services.

9 (b) Legislators and legislative assistants who have a close  
10 economic association with a lobbyist shall make a written disclosure  
11 of the association in confidence to the commission. The disclosure  
12 shall be made during the first week of each session. If a legislator  
13 or legislative assistant is not in office or employed during the first  
14 week of the session, or if the association did not exist during the  
15 first week of the session, the disclosure shall be made within 30 days  
16 after taking office or being employed or the creation of the associa-  
17 tion.

18 (c) The written disclosure must state the name of the persons  
19 involved, the nature of the association, and a brief narrative of the  
20 matters the legislator or legislative assistant is working on that  
21 could create an actual conflict of interest. If the commission re-  
22 quests additional information necessary to determine whether the  
23 nature of the association creates a conflict of interest, it shall be  
24 promptly provided.

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

29 (1) keep the matter confidential;

1           (2) recommend some restriction in the activities; or  
2           (3) order full or partial disclosure in the journal of the  
3 appropriate body.

4           (e) A legislator or legislative assistant may not provide per-  
5 sonal services for compensation for or on behalf of a lobbyist or a  
6 business entity retained to lobby, and may not have a financial inter-  
7 est in a business that receives a substantial part of its income from  
8 lobbyists and business entities retained to lobby.

9           (f) A person who violates this section is subject to civil  
10 sanctions under AS 24.61.560(a) and other penalties authorized under  
11 AS 24.45 (regulation of lobbying).

12           Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS AND  
13 OTHER PUBLIC OFFICES. (a) A legislator may not serve on a governing  
14 or advisory board of a nongovernmental organization that regularly has  
15 a substantial interest in the legislative, administrative, and  
16 political actions of the legislator.

17           (b) A legislative assistant may not serve in a position that  
18 requires confirmation by the legislature. A legislative assistant may  
19 serve on a board of an organization, including a governmental entity,  
20 that regularly has a substantial interest in the legislative activi-  
21 ties of the assistant, if the assistant discloses the board membership  
22 to the commission. A legislative assistant may not, as part of the  
23 assistant's employment, be personally involved in an issue or take a  
24 specific action that directly relates to an organization of which the  
25 assistant is a board member.

26           (c) In extraordinary situations where the criteria for an ex-  
27 emption exists, a legislator or legislative assistant may seek a  
28 waiver of a provision of this section or a modified order from the  
29 commission.

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

3 Sec. 24.61.320. RESTRICTED FINANCIAL INTERESTS. (a) Unless  
4 required by the Uniform Rules of the Alaska State Legislature, a  
5 legislator or legislative employee may not participate in legislative,  
6 administrative, or political action if the legislator or legislative  
7 employee has an equity or ownership interest in a business, invest-  
8 ment, real property, lease, or other enterprise if the interest is  
9 substantial and the effect of the action on that interest is greater  
10 than the effect on a substantial class of persons to which the legis-  
11 lator or legislative employee belongs as a member of a profession,  
12 occupation, industry, or region.

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

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

18 Sec. 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REP-  
19 RESENTATIVE. (a) A legislator or legislative assistant may not for  
20 compensation represent, as an advocate, advisor, or consultant, a  
21 person in a matter involving an agency, board, or commission of the  
22 state, unless the agency, board, or commission is acting quasi-judi-  
23 cially and there is no reasonable basis to conclude that the side  
24 represented by the legislator or legislative assistant has an unfair  
25 advantage. This provision does not prohibit an attorney from repre-  
26 senting a client in a judicial action or prevent a legislator or  
27 legislative assistant from representing personal interests in an  
28 otherwise proper proceeding. This subsection may not be construed to  
29 permit compensated representation for purposes of obtaining or retain-

1 ing a state or local license, permit, franchise, grant, loan, or other  
2 benefit, whether or not other parties contending for the benefit are  
3 represented, unless the granting of the benefit is a purely ministeri-  
4 al matter requiring little or no discretion.

5 (b) This section may not be construed to prohibit a legislator  
6 or legislative assistant from informally advising a constituent about  
7 the procedures or appropriateness of bringing an action against the  
8 state or a local government. If a legislator or legislative assistant  
9 in an otherwise proper manner advises a constituent or another in an  
10 action against the state or a local government or before a state or  
11 local government agency, the legislator or legislative assistant may  
12 not reveal confidential information.

13 (c) In extraordinary situations where the criteria for an ex-  
14 emption exists, a legislator or legislative assistant may seek a  
15 waiver of a provision of this section.

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

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

24 (b) A contract is permissible if the contract is let through  
25 competitive sealed bidding under AS 36.30 (State Procurement Code) and  
26 the legislator or legislative assistant files a statement with the  
27 commission before the contract is executed certifying under penalty of  
28 unsworn falsification that the legislator or legislative assistant did  
29 not have (1) access to confidential information that reasonably could

1 provide an advantage; or (2) discussions or contacts with state offi-  
2 cials involved in letting the contract about the contract that could  
3 influence the decision. The statement must also specify the nature of  
4 the legislator's or legislative assistant's personal or immediate  
5 family interest, including the percentage or share of profits that  
6 will be realized. If the commission requests additional information  
7 necessary to determine the propriety of the award of the contract, it  
8 shall be promptly provided. If the commission believes the nature or  
9 circumstances of the contract raise impermissible conflicts of inter-  
10 est, it may recommend that the contract be voided or that restrictions  
11 be placed on the contractor. The statement filed by the legislator or  
12 legislative assistant regarding the contract shall be made part of the  
13 public record and published in the journal of the appropriate house.

14 (c) A contract or lease is permissible if the total amount of  
15 the contract or lease over the course of a year is less than \$1,000  
16 and it was let under circumstances that do not raise a substantial  
17 question of improper influence.

18 (d) A contract or lease is permissible if it is a standardized  
19 contract or lease that was developed under publicly adopted regula-  
20 tions or procedures and is generally available to the public at large  
21 or to members of a profession, occupation, or group to which the  
22 legislator, legislative assistant, or member of the legislator's or  
23 assistant's immediate family belongs.

24 (e) A legislator or legislative assistant may not receive any-  
25 thing of value to procure or advocate for a contract with state or  
26 local government.

27 (f) A legislator, legislative assistant, or former legislator or  
28 legislative assistant, within one year of leaving legislative service,  
29 may not seek or accept a contract with a person that does a substan-

1 tial portion of its business with the state for goods or personal  
2 services concerning a matter on which the legislator or legislative  
3 assistant participated personally and substantially within the last  
4 year of service.

5 (g) A person who violates this section is subject to civil  
6 sanctions under AS 24.61.560(a) and may be subject to criminal penal-  
7 ties under another law.

8 Sec. 24.61.345. PARTICIPATION IN GENERAL STATEWIDE PROGRAMS  
9 PERMISSIBLE. (a) A legislator or legislative employee may, without  
10 disclosure to the commission, participate in a statewide benefit  
11 program or receive a loan from the state if the program or loan is  
12 generally available to members of the public, is subject to fixed,  
13 objective eligibility standards, and requires minimal discretion in  
14 determining qualification.

15 (b) The commission shall review annually state programs and  
16 state loans and publish a list of programs and loans, designating  
17 which ones meet the standards of (a) of this section.

18 (c) A legislator or legislative employee who participates in a  
19 program or receives a loan that is not exempt from disclosure under  
20 (a) of this section shall file a written report with the commission by  
21 the first Monday in February of each year stating the amounts of the  
22 loans or other benefits received during the preceding calendar year  
23 from nonqualifying programs. If the commission requests additional  
24 information necessary to determine the propriety of participating in  
25 the program or receiving the loan, it shall be promptly provided. The  
26 commission shall promptly compile a list of the statements indicating  
27 the loans and programs and amounts and send it to the presiding offi-  
28 cer of each house who shall have it published in the supplemental  
29 journals within three weeks of the filing date.

1 (d) If loan proceeds or other program benefits are received from  
2 nonqualifying programs or loans after January 15, the legislator or  
3 legislative employee shall file a statement with the commission within  
4 30 days after the beginning of participation in the state program or  
5 receipt of proceeds from the state loan. If the commission receives  
6 the statement while the legislature is in session, it shall promptly  
7 forward the statement to the chief clerk of the house or the secretary  
8 of the senate, as appropriate, who shall cause it to be published in  
9 the supplemental journal. If the commission receives a statement  
10 while the legislature is not in session, it shall forward the state-  
11 ment to the chief clerk of the house or the secretary of the senate  
12 for publication when the legislature next convenes.

13 (e) If the commission determines that the nature and circum-  
14 stances under which the legislator or legislative employee received a  
15 state benefit or loan raises an appearance of impropriety or was in  
16 fact the result of unfair or improper influence it shall be treated as  
17 a violation of this section. In addition, the commission shall report  
18 the violation to the attorney general for action under other civil or  
19 criminal laws.

20 (f) The commission shall annually recommend to the Legislative  
21 Budget and Audit Committee the programs and loans to be audited by the  
22 division of legislative audit during the following year, including the  
23 scope of the audit. The records of the relevant state agencies shall  
24 be made available to the division of legislative audit. The division  
25 of legislative audit shall prepare a report to the Legislative Budget  
26 and Audit Committee on its findings. The report is confidential until  
27 it is released by the committee.

28 (g) In extraordinary situations where the criteria for an ex-  
29 emption exists, a legislator or legislative employee may seek a waiver

1 of this section.

2 (h) A person who violates this section is subject to civil  
3 sanctions under AS 24.61.560(a) and may be subject to criminal penal-  
4 ties under another law.

5 Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a) A  
6 legislator or legislative employee may not accept or receive, directly  
7 or indirectly, a benefit as a gratuity from a person except as pro-  
8 vided in this section. Notwithstanding the provisions of (b) and (c)  
9 of this section, this section does not permit the acceptance of a  
10 benefit in any amount if the acceptance of the benefit would violate  
11 AS 24.61.110(b).

12 (b) A legislator or legislative employee may accept gratuities  
13 in the form of personal gifts, free or subsidized travel, tickets to  
14 entertainment or sporting events, unsolicited subscriptions to publi-  
15 cations, lodging, pens, calendars, candy, fruit baskets, flowers, or  
16 any other benefit, provided that the aggregate value in a calendar  
17 year may not exceed \$100 from a single source except as provided in  
18 this subsection. The following benefits may be accepted as gratuities  
19 without regard to \$100 limit and they need not be reported except as  
20 noted:

21 (1) gifts from immediate family members;

22 (2) birthday, wedding, anniversary, and similar ceremonial  
23 gifts if the donor does not have a substantial interest in the legis-  
24 lative, administrative, or political action of the recipient;

25 (3) unsolicited tokens or awards of appreciation or recog-  
26 nition with a value of more than \$100 in the form of a plaque, trophy,  
27 clock, watch, desk item, wall memento, or similar item if the award  
28 has been approved by the commission upon a finding that the gift does  
29 not create an impermissible conflict of interest;

1           (4) food or foodstuffs indigenous to the state that are  
2 shared generally as a cultural or social norm, and meals and beverages  
3 provided and consumed at social or fund-raising events, conferences,  
4 or professional meetings, at a restaurant or club, or as part of  
5 personal hospitality at the residence or place of business of the  
6 host; gratuities under this paragraph with a value of more than \$100  
7 shall be reported on financial disclosure forms; this paragraph may  
8 not be construed to exclude from the \$100 limit gifts of packaged  
9 liquor, wine, or foodstuffs, nor does it exclude from the \$100 limit  
10 the acceptance of a restaurant meal not consumed with the person  
11 providing the gift;

12           (5) a gift presented by a representative of a foreign  
13 government that is worth more than \$100 may be accepted only on behalf  
14 of the legislature and must be turned over within 60 days to the  
15 presiding officer of either house for purposes of displaying the gift  
16 in public areas of the Capitol or other appropriate public  
17 location or being sold at auction, the proceeds to go to charity or  
18 the general fund;

19           (6) reasonable and necessary expenses, including reimburse-  
20 ment for travel and related food and lodging, when they are incidental  
21 to a trip paid for by a government agency or a nonprofit educational,  
22 charitable, or political institution for governmental or educational  
23 purposes; the commission shall adopt regulations implementing this  
24 paragraph, including regulations relating to the payment of expenses  
25 for the members of a person's immediate family;

26           (7) hospitality including overnight lodging, food, and  
27 beverages at the residence or second home of the host provided the  
28 host is present, or, if the host is not present, the person is staying  
29 as a house-sitter; if the host has a substantial interest in the

1 legislative, administrative, or political actions of the recipient, a  
2 stay with a value of more than \$100 shall be reported on financial  
3 disclosure forms; this paragraph may not be construed to permit the  
4 use, other than as a house-sitter in a residence or a second home, of  
5 a summer home, company retreat, resort facility, condominium or apart-  
6 ment, or other lodging where the host is not personally present or,  
7 regardless of the presence of the host, the purpose is to provide the  
8 legislator or legislative employee with a paid or subsidized vacation  
9 or similar benefit; the host may use customary and usual means of  
10 transportation to transport the legislator or legislative employee to  
11 the host's residence or the place of a social event;

12 (8) leave donated under AS 39.20.245(b);

13 (9) the portion of a student loan forgiven under former  
14 AS 14.43.120(j).

15 (c) In extraordinary situations where the criteria for an exemp-  
16 tion exists, a legislator or legislative employee may seek a waiver of  
17 a provision of this section under AS 24.61.530.

18 (d) A person who violates this section is subject to civil  
19 sanctions under AS 24.61.560(a) and may be subject to prosecution  
20 under AS 11.56.120 (receiving unlawful gratuities).

21 Sec. 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOY-  
22 MENT AND HONORARIA. (a) A legislator or legislative assistant may  
23 not seek, accept, or retain employment, including as an advisor or  
24 consultant, that

25 (1) is likely to involve the disclosure or use of confi-  
26 dential information acquired in the course of legislative service;

27 (2) is likely to involve the legislator or assistant acting  
28 as a representative in a matter that makes use of the authority,  
29 prestige, or title associated with legislative office;

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

5 (4) is likely to require the legislator or legislative  
6 assistant, under conflict of interest and disqualification require-  
7 ments, to refrain from taking legislative, administrative, or politi-  
8 cal actions in an undue number of situations;

9 (5) will require the legislator or legislative assistant to  
10 act as a lobbyist; or

11 (6) will require the legislator or legislative assistant to  
12 compromise another ethical or legal duty.

13 (b) A legislator or legislative assistant may not receive com-  
14 pensation for personal services from a state entity other than the  
15 legislature except as specifically provided in this chapter or ap-  
16 proved by the commission. A legislator or legislative assistant is  
17 not precluded by this subsection from earning compensation at a state-  
18 funded school or university, provided that influence was not used to  
19 obtain the position.

20 (c) A legislator or legislative assistant who accepts otherwise  
21 permissible employment with a person that has a substantial interest  
22 in legislative, administrative, or political actions is subject to  
23 special disclosure provisions under AS 24.61.405 and shall avoid  
24 conduct that would lead a reasonable person to believe that the legis-  
25 lator or legislative assistant is unable or unwilling to exercise  
26 independent, objective, and impartial judgment in considering matters  
27 that affect the interests of the legislator's or legislative assis-  
28 tant's employer.

29 (d) A legislator or legislative assistant may not seek or accept

1 an honorarium from a person or entity that has a substantial interest  
2 in legislative, administrative, or political action. This subsection  
3 does not prevent a legislator or legislative assistant from accepting  
4 an honorarium from a governmental entity outside of the state, from a  
5 university other than the University of Alaska, or from another non-  
6 profit educational or civic institution, provided that the amount paid  
7 is reasonable and commensurate with the services performed and that  
8 the circumstances under which the services are to be performed do not  
9 create a conflict of interest or appearance of impropriety. Honoraria  
10 shall be reported on required disclosure forms. Under other pro-  
11 visions of this chapter, a legislator or legislative assistant is  
12 permitted to accept travel and related expenses incurred as the result  
13 of an otherwise permissible activity.

14 (e) In extraordinary situations where the criteria for an ex-  
15 emption exists, a legislator or legislative assistant may seek a  
16 waiver of a provision of this section under AS 24.61.530.

17 (f) A person who violates this section is subject to civil  
18 sanctions under AS 24.61.560(a).

19 Sec. 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT  
20 JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS. (a) A legislator,  
21 either directly or indirectly, should not interfere with the ability  
22 or willingness of a state or municipal government body, official, or  
23 employee to make official decisions or take appropriate actions on the  
24 merits, based on independent objective judgment.

25 (b) A legislator may not directly use or appear to use political  
26 influence in a way that is likely to cause a public official to con-  
27 sider inappropriate factors in exercising public authority. Acts  
28 either intended to or likely to be construed as enticement, trade-  
29 offs, ingratiation, threats, intimidation, or coercion are improper.

1 A legislator may not directly and improperly interfere with or seek to  
2 influence

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

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

7 (3) an action of a governmental agency concerning the  
8 granting or revocation of a license, permit, franchise, or similar  
9 entitlement.

10 (c) This section may not be construed to prevent a legislator  
11 from

12 (1) ensuring that a constituent is being treated fairly  
13 according to established rules and procedures;

14 (2) making inquiries about the status of a matter or help-  
15 ing a constituent get a benefit or service that the legislator be-  
16 lieves the constituent is entitled to as a matter of right;

17 (3) openly advocating the position of constituents on the  
18 merits, provided that no effort is made to influence the decision  
19 making process by express or implied political pressure in matters  
20 involving discretionary decisions of administrative bodies that will  
21 have direct and significant economic or social effect on the legisla-  
22 tor's district; or

23 (4) exercising vigilant oversight with respect to the  
24 policies, regulations, procedures, and implementation practices of an  
25 agency, provided that the oversight activities are conducted through  
26 the normal committee processes of the legislature and that the focus  
27 is on the policies, procedures, and practices of the agency and not  
28 the handling of a particular matter.

29 (d) A person who violates (b) of this section is subject to

1 civil sanctions under AS 24.61.560(a) and may be subject to criminal  
2 penalties under another law.

3 Sec. 24.61.390. CONFLICT OF INTEREST DISCLOSURE: STATEMENT OF  
4 PURPOSE. The purpose of financial disclosure by legislators, candi-  
5 dates for the legislature, and legislative assistants is to

6 (1) discourage legislators and legislative assistants from  
7 acting on a private or business interest in the performance of a  
8 public duty;

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

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

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

18 (5) provide the public the financial disclosure required to  
19 meet the purposes listed in (1) - (4) of this section while preserving  
20 the maximum amount of privacy to legislators, candidates for the  
21 legislature, and legislative assistants.

22 Sec. 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS,  
23 CANDIDATES FOR THE LEGISLATURE, AND LEGISLATIVE ASSISTANTS; "CATEGORY  
24 A" AND "CATEGORY B" INCOME SOURCES DEFINED. (a) A legislator, a  
25 candidate for the legislature, and a legislative assistant shall  
26 disclose financial interests that would cause a reasonable person to  
27 believe that the legislator's, candidate's, or legislative assistant's  
28 objectivity and ability to exercise independent judgment in the public  
29 interest have been adversely affected by those interests.

1 (b) A legislator, a candidate for the legislature, and a legis-  
2 lative assistant shall file with the commission the reports required  
3 under AS 24.61.400 - 24.61.410. A candidate for the legislature,  
4 including an incumbent legislator, shall file the reports at the time  
5 required under AS 15.25.030 or 15.25.180. In addition, legislators  
6 and legislative assistants shall file annual reports on or before  
7 April 15. The commission shall adopt filing guidelines and develop  
8 forms that are compatible with financial disclosure forms required to  
9 be filed with the Alaska Public Offices Commission under AS 39.50.030.

10 (c) A legislator, a candidate for the legislature, and a legis-  
11 lative assistant shall disclose to the commission the information  
12 required under AS 24.61.405 and 24.61.410 and the guidelines and  
13 regulations adopted by the commission under (b) and (d) of this sec-  
14 tion, on the sources and amounts of outside income received by them,  
15 their spouses, and their dependent children, except that disclosure of  
16 the amount of income received by a legislator's or assistant's spouse  
17 or dependent children is not required. If the spouse or dependent  
18 child receives income from a category A source, the legislator or  
19 legislative assistant shall file a statement with the commission  
20 stating that (1) all the funds earned by the spouse or dependent child  
21 were reasonable payments for services actually rendered, and (2)  
22 employment of the spouse or dependent child was not related to any  
23 attempt to influence or do any favor for the legislator or legislative  
24 assistant. A legislator, candidate for the legislature, or legisla-  
25 tive assistant shall also report the information relating to income  
26 and assets that a public official is required to report under AS 39.-  
27 50.030.

28 (d) The commission shall adopt regulations relating to the  
29 definitions of category A and B income and the reporting requirements

1 imposed by AS 24.61.400 - 24.61.410. The regulations must include  
2 provisions that distinguish between income received for personal  
3 services, income received from the ownership of property, income  
4 received directly by the legislator, candidate for the legislature, or  
5 legislative assistant, and income received by an entity in which the  
6 legislator, candidate, or legislative assistant has an ownership  
7 interest. The regulations may exclude from category A income, income  
8 from sources such as interest on deposit accounts in regulated  
9 financial institutions.

10 (e) In AS 24.61.400 - 24.61.410,

11 (1) "category A source" means a person who is known or  
12 reasonably should be known to have a substantial interest in legisla-  
13 tive, administrative, or political actions; the legislature or an  
14 agency of the legislature is not a category A source;

15 (2) "category B source" means a person who does not, or is  
16 not known to fall within category A;

17 (3) "income" means benefits received, in the form of mone-  
18 tary compensation or another thing of value.

19 Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to income  
20 received from category A sources, a person required under AS 24.61.400  
21 to report shall file with the commission a statement that must  
22 include,

23 (1) as to all income received as compensation for services  
24 in excess of \$100, the name and address of the source, a brief  
25 statement describing the nature of the services performed including  
26 sufficient detail to permit the commission to determine whether the  
27 nature of the work created or would create a conflict of interest, and  
28 the amount paid;

29 (2) as to each gratuity received and required to be re-

1 reported under AS 24.61.350(b)(4) and (7), the name and address of the  
2 person providing the gratuity, a brief description of its nature, and  
3 a good faith statement of its fair market value; if exact values are  
4 not known, and cannot be found out without undue hardship or expense,  
5 reasonable good faith estimates are acceptable;

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

9 (4) as to each loan or loan guarantee yielding loan pro-  
10 ceeds of \$100 or more in the reporting period and the lender or guar-  
11 antor is a person with a substantial interest in legislative, adminis-  
12 trative, or political actions, the name and address of the person  
13 making the loan or guarantee, the amount of the loan, the terms and  
14 conditions under which the loan or guarantee was given, the amount  
15 outstanding at the time of filing, and whether or not a written loan  
16 agreement exists;

17 (5) if the source of a reported benefit is a corporation,  
18 other than a publicly traded corporation, the name of its parent  
19 corporation, if any, and names of its top corporate officers;

20 (6) if the source of a reported benefit is a partnership or  
21 association doing business under a fictitious name, the names of the  
22 principals; and

23 (7) other information required under regulations of the  
24 commission.

25 (b) The commission shall review category A statements to deter-  
26 mine whether an impermissible conflict exists or would exist and  
27 whether special orders or restrictions are required.

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

1 (d) In extraordinary situations, a legislator, a candidate for  
2 the legislature, or a legislative assistant may seek a waiver of a  
3 provision of this section under AS 24.61.530.

4 Sec. 24.61.410. REPORTING CATEGORY B INCOME. (a) A person  
5 required under AS 24.61.400 to report shall file a statement listing  
6 the items in AS 24.61.405(a) that the person has received from a  
7 category B source, except that the person shall disclose only those  
8 income sources providing benefits worth \$1,000 or more. The person is  
9 not required to report the amount of income from a reportable source.  
10 As to gratuities, the requirements of AS 24.61.350(b)(4) and (7)  
11 control, but apply to a candidate for the legislature as to disclosure  
12 requirements only.

13 (b) The commission shall review category B statements to deter-  
14 mine whether an impermissible conflict exists or would exist, whether  
15 special orders or restrictions are required, and whether the state-  
16 ments shall be considered to be public records and made available for  
17 public inspection.

18 (c) If the person filing a statement under this section is a  
19 legislator, or a candidate for the legislature, the statement is  
20 presumptively public, which means that it will be made part of the  
21 public record unless the legislator or candidate submitting it re-  
22 quests that it be kept confidential, states the reasons for the re-  
23 quest, and the commission finds that no valid public purpose would be  
24 advanced by publication.

25 (d) If the person filing a statement under this section is a  
26 legislative assistant, the statement is presumptively confidential,  
27 which means that it shall be kept confidential unless the commission  
28 determines that the public benefit in disclosure substantially  
29 outweighs the individual's interest in privacy.

1           Sec. 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS OF LEGISLA-  
2 TORS AND LEGISLATIVE ASSISTANTS. (a) A person who has provided  
3 compensation for personal services to a legislator or legislative  
4 assistant and who qualifies as a category A source under AS 24.61.-  
5 400(e) shall file a report to the commission concerning the compen-  
6 sation paid. The report must contain all information required by the  
7 commission.

8           (b) The commission shall adopt regulations prescribing the times  
9 at which a report under (a) of this section must be filed, and the  
10 information that the report must contain. The regulations must pro-  
11 vide that the report include a brief narrative of the nature of the  
12 employment relationship with the legislator or legislative assistant,  
13 the terms of compensation, and the amount paid during the reporting  
14 period.

15           (c) Legislators and legislative assistants shall ensure that  
16 persons who have provided compensation to them for personal services  
17 have the necessary forms and are informed of the obligation to file a  
18 report under this section. At the time of filing the report the  
19 person filing shall provide a copy to the legislator or legislative  
20 assistant.

21           Sec. 24.61.420. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a)  
22 A person required to make a disclosure under AS 24.61.100 - 24.61.420  
23 may not knowingly make a false or deliberately misleading or incom-  
24 plete disclosure to the commission, or file a disclosure after a  
25 deadline set by this chapter or by a regulation adopted by the commis-  
26 sion under AS 24.61.160.

27           (b) A person who violates this section is guilty of a class A  
28 misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

29           (c) In addition to the sanctions in (b) of this section, if the

1 commission finds that a candidate for the legislature, including an  
2 incumbent legislator, has committed a substantial violation of this  
3 section, the commission shall notify the lieutenant governor. The  
4 lieutenant governor shall return the candidate's filing fee and shall  
5 remove the candidate's name from the filing records. In this sub-  
6 section "substantial violation" includes the refusal or failure to  
7 make a filing required under AS 24.61.400 - 24.61.410.

8 Sec. 24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a)  
9 Legislators shall abide by AS 44.62.310 - 44.62.312 (open meetings  
10 law) and, to the greatest extent reasonably possible, exercise the  
11 authority of their offices openly so that the public is informed about  
12 governmental decisions and can hold them accountable for their  
13 actions.

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

16 Sec. 24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING,  
17 AND PROTECTION OF WHISTLE BLOWERS. (a) Legislators and legislative  
18 employees shall maintain the integrity and trustworthiness of govern-  
19 ment by taking whatever steps are necessary to prevent unethical  
20 practices, unlawful conduct, corruption, mismanagement, improper use  
21 of public funds, danger to public safety, or another abuse of public  
22 position, authority, or resources.

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

27 (c) A legislator or legislative employee may not, directly or  
28 indirectly, subject a person who reports to the commission or another  
29 government entity conduct the person reasonably believes is a viola-

1 tion of this chapter or any other state law, to reprisal, retaliation,  
2 harassment, discrimination, or ridicule. A legislative employee who  
3 is discharged, disciplined, involuntarily transferred, or otherwise  
4 penalized by a legislator or another legislative employee in violation  
5 of this subsection may

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

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

9 (d) In addition to the special civil liability under (c)(2) of  
10 this section, a person who violates this section is subject to civil  
11 sanctions under AS 24.61.560(a).

12 Sec. 24.61.450. DUTY TOWARD COLLEAGUES AND SUBORDINATES. (a) A  
13 legislator or legislative employee may not engage in acts of dis-  
14 crimination in violation of AS 18.80.220.

15 (b) A person who violates this section is subject to the admin-  
16 istrative sanctions authorized under AS 24.61.560(b), and may be  
17 subject to liability under another criminal law or civil action aris-  
18 ing from the conduct.

19 ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.

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

24 (1) two members appointed jointly by the president of the  
25 senate and the senate minority leader;

26 (2) two members appointed jointly by the speaker of the  
27 house and the house minority leader;

28 (3) two members appointed by the supreme court; and

29 (4) three members selected by majority vote of the members

1 appointed under (1) - (3) of this subsection.

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

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

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

14 (e) A commissioner may not be a legislator, a legislative  
15 employee, an elected or appointed official required to make conflict-  
16 of-interest disclosures under AS 39.50, an officer of a political  
17 party, a candidate for public office, or a registered lobbyist.

18 Sec. 24.61.502. CERTIFICATION; LEGISLATIVE DECERTIFICATION OR  
19 REMOVAL FROM OFFICE. (a) Upon appointment, a person appointed to the  
20 commission shall execute a written oath that includes the following  
21 undertaking:

22 I will solemnly perform the duties of this office in a  
23 manner that is consistent with both the letter and  
24 spirit of the Alaska Legislative Ethics Act and I shall  
25 conform my own conduct to the provisions therein. I  
26 acknowledge the obligation and need to interpret and  
27 apply all its provisions, and the ethical principles  
28 that underlie them, vigorously, promptly, fairly, and  
29 in good faith. All my actions, decisions, and votes on

1 matters relating to my duties will be made purely on  
2 the merits, objectively, independently, and without  
3 political, regional, or ideological partisanship.

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

7 (b) Within 45 days after certification, a commissioner may be  
8 decertified by a majority vote of both houses of the legislature, if  
9 the legislature is in session, or by a two-thirds vote of the members  
10 of the legislative council if the legislature is not in session. If  
11 decertified, the commissioner is disqualified and that seat on the  
12 commission is vacant.

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

18 Sec. 24.61.504. MEETINGS; COMPENSATION. (a) The commission  
19 shall meet at the call of the chair or a majority of the commis-  
20 sioners. The commission shall meet at least once every three months.

21 (b) Six commissioners constitute a quorum. A vote of the major-  
22 ity of the commissioners appointed is required for official action of  
23 the commission.

24 (c) The commission may meet by teleconference.

25 (d) Commissioners shall receive compensation of \$175 for each  
26 day in which they attend or participate in a commission meeting of at  
27 least one hour in length, either in person or by teleconference. The  
28 chair shall receive an additional stipend of \$500 a year. The commis-  
29 sion shall develop and implement policies consistent with those em-

1 ployed by other state commissions for the reimbursement of travel  
2 costs and the payment of per diem under AS 39.20.180.

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

5 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The commis-  
6 sion shall hire an executive director and determine the director's  
7 salary. The executive director serves at the pleasure of the commis-  
8 sion.

9 (b) The executive director may employ and determine the compen-  
10 sation of necessary employees, subject to the budget approved by the  
11 commission. The executive director may, subject to the approval of  
12 the commission, contract for services when those services are tempo-  
13 rary or specialized in nature, or it is in the best interest of the  
14 state.

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

18 (d) If the commission determines that an investigation is neces-  
19 sary and that the investigation cannot be efficiently, promptly, or  
20 adequately handled by commission staff, the executive director shall  
21 nominate a special investigator to be appointed upon approval by the  
22 commission. The executive director shall maintain a list of individu-  
23 als qualified to serve as a special investigator by virtue of their  
24 experience, reputation, likely availability, willingness to serve, and  
25 freedom from conflicts of interest.

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

28 Sec. 24.61.508. APPLICABILITY OF CHAPTER TO COMMISSIONERS AND  
29 EMPLOYEES; OTHER RESTRICTIONS. (a) Commissioners and employees of

1 the commission, including persons employed or under contract as legal  
2 counsel or special investigators, are subject to this chapter and  
3 shall be held accountable to the same standards and requirements,  
4 including disclosure, as legislative assistants.

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

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

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

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

17 (A) a candidate for the legislature;

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

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

22 (3) participate in lobbying activities that would require  
23 the person to register as a lobbyist except as required to inform the  
24 legislature concerning legislation requested by the commission or  
25 other matters related to the commission; or

26 (4) take an action or make a statement that is likely to  
27 cause a reasonable person to believe that the commissioner, employee,  
28 or other person is not impartial or independent or is otherwise unable  
29 to properly perform public duties.

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

7 (e) Commissioners and the executive director are subject to the  
8 disclosure requirements of this chapter.

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

10 (a) The commission shall

11 (1) administer the provisions of this chapter;

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

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

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

19 (5) investigate and adjudicate complaints and recommend  
20 disciplinary actions to the legislature;

21 (6) authorize research in the field of legislative ethics  
22 and carry out the educational programs that are required by this  
23 chapter and additional programs it considers necessary to effectuate  
24 the policy and purposes of this chapter;

25 (7) prepare and distribute an ethics manual to legislators,  
26 legislative employees, and registered lobbyists as provided in this  
27 chapter;

28 (8) mail by certified mail a copy of this chapter to a  
29 candidate for the legislature upon the receipt of notice of the candi-

1 date's declaration of candidacy under AS 15.25.030 or petition under  
2 AS 15.25.150;

3 (9) 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  
23 shall authorize and train its staff to give oral advice and provide a  
24 written informal nonbinding advice letter to persons seeking guidance  
25 as to the spirit or legal requirements of this chapter, provided that  
26 the advice is given with the express stipulations that

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

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.

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

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

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

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

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

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

25 (g) Under normal circumstances, the commission shall issue its  
26 opinion within 30 days of receiving the request, if the request is  
27 received during the first 100 days of the legislative session, or  
28 within 60 days of the request if the request is received at another  
29 time. The period for issuing an opinion may be shortened or extended

1 by the chair when that action is considered necessary or appropriate  
2 to meet the goals of this chapter.

3 (h) The commission and all commission employees shall keep  
4 confidential the identity of the requester and all information con-  
5 veyed orally or in writing relating to the request, unless the re-  
6 quester authorizes the commission to make public the requester's  
7 identity or the information conveyed.

8 (i) Advisory opinions issued by the commission are public re-  
9 cords. If the requester of the opinion has not waived confidentiality  
10 under (h) of this section, the advisory opinion shall be written so  
11 that the identity of the requester cannot be ascertained.

12 Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR  
13 ADVICE. The commission may not bring a complaint against a person  
14 based upon information voluntarily given to the commission by the  
15 person in connection with a good faith request for advice under  
16 AS 24.61.520 or 24.61.525, and may not use that information against  
17 the person in a proceeding under AS 24.61.545 or 24.61.550. This  
18 subsection does not preclude the commission from acting on a complaint  
19 concerning the subject of a person's request for advice if the  
20 complaint is brought by another person, or if the complaint arises out  
21 of conduct taking place after the advice is requested, and does not  
22 preclude the commission from using information or evidence obtained  
23 from an independent source, even if that information or evidence was  
24 also submitted with a request for advice.

25 Sec. 24.61.530. EXEMPTIONS PROCESS. (a) In situations in which  
26 principles of fundamental fairness are best served by exempting cer-  
27 tain individuals or acts from specified provisions of this chapter,  
28 the commission may grant full or partial exemptions.

29 (b) The commission shall provide a simple form for petitions for

1 exemptions. A petition must include  
2 (1) the name and address of the petitioner;  
3 (2) relevant provisions involved in the exemption request;  
4 (3) essential facts on which an exemption is requested;  
5 (4) specific nature of the exemption sought;  
6 (5) anticipated unfair or unreasonable consequences that  
7 would result from a failure to grant the petition; and  
8 (6) a certification that the petitioner verifies under  
9 penalty of unsworn falsification that the facts stated are true to the  
10 best of the petitioner's knowledge.

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

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

17 (2) application of the regulation or provision under the  
18 circumstances presented would be inconsistent with the spirit and  
19 purpose of the regulation or provision or of this chapter as a whole;  
20 or

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

23 (d) The commission may request or permit the appearance of the  
24 petitioner before the commission, in person or by teleconference, and  
25 hold hearings regarding the exemption request.

26 (e) Unless a shortened or expanded time is considered necessary  
27 or appropriate by the commission, decisions on petitions for exemp-  
28 tions shall be made within 30 days after filing the petition. Unless  
29 the petitioner consents, extensions of time ordered by the commission

1 may not exceed an additional 60 days.

2           Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PRO-  
3           CESSES. (a) It is the purpose of this section to assure that com-  
4           plaints provide sufficient information on which to proceed, yet not be  
5           so complex or burdensome that the requirements unduly discourage or  
6           screen out valid good faith complaints.

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

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

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

12                   (2) a statement of the facts known or believed to be true  
13           that form the basis of the complaint and the sources of the informa-  
14           tion, including the approximate dates of the acts alleged and names  
15           and addresses of persons with personal knowledge of the facts alleged;  
16           and

17                   (3) a certification that the complainant verifies under  
18           penalty of unsworn falsification that the facts stated are true to the  
19           best of the complainant's knowledge and that the complainant knows  
20           that it is a crime under AS 11.56.805 to intentionally initiate a  
21           false complaint.

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

29           (e) Until a preliminary finding on the validity of a complaint

1 has been properly made, the existence and substance of a complaint  
2 shall be kept confidential except that all members of the commission  
3 and necessary staff may be informed about it.

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

8 (g) Once a complaint has been determined to be formally suffi-  
9 cient, commission staff shall evaluate the complaint and advise the  
10 chair as to its opinion as to whether it states a valid complaint that  
11 should be investigated. If the executive director is a member of the  
12 bar, the executive director may provide the advice. Otherwise, the  
13 executive director shall appoint a duly qualified legal counsel to  
14 assist in making the determinations required under this subsection.  
15 To be valid, the complaint must allege

16 (1) facts that, if true, establish a violation of a pro-  
17 vision of this chapter for which civil or administrative sanctions are  
18 authorized;

19 (2) that the conduct providing the basis of the complaint  
20 has occurred

21 (A) within five years of the complaint; or

22 (B) if the person charged with misconduct intention-  
23 ally concealed or otherwise sought to prevent discovery of the  
24 relevant facts within one year of the discovery of the relevant  
25 facts and within eight years of the complaint; and

26 (3) that the person charged with misconduct is either a  
27 legislator or legislative employee at the time of the filing of the  
28 complaint or was a legislator or legislative employee within one year  
29 of the filing.

1 (h) Within 20 days after the filing of the complaint, or within  
2 45 days if the chair of the commission certifies additional time is  
3 required, a determination shall be made on the substantive validity of  
4 the complaint. If the chair concludes that there is no substantial  
5 reason to question the opinion of staff as to the validity of a com-  
6 plaint, the complaint shall either be dismissed or certified for  
7 further consideration in accordance with the opinion. The chair or a  
8 commissioner, however, may request a hearing on the validity of the  
9 complaint at a meeting of the commission.

10 (i) If a complaint is dismissed because of invalidity, it shall  
11 be returned to the complainant with a notice of dismissal stating in  
12 detail the reason for dismissal. If the commission finds that the  
13 complaint was frivolous, malicious, or was filed in bad faith, it  
14 shall so state in the notice of dismissal. If the commission finds  
15 that the complaint alleges violations outside the scope of this chap-  
16 ter, it shall so state and forward the complaint to the appropriate  
17 enforcement body for disposition. A copy of the notice of dismissal  
18 shall be sent to the respondent. The notice of dismissal is a public  
19 record.

20 (j) If the commission concludes that some or all of the alle-  
21 gations of the complaint, if proven, would constitute a violation of  
22 this chapter, or if the commission has initiated the complaint, the  
23 complaint shall be certified and a factual investigation shall com-  
24 mence. The record of certification for further consideration is  
25 confidential subject to subsequent actions that may make it part of  
26 the public record.

27 Sec. 24.61.540. INVESTIGATIONS. (a) Investigation into ethics  
28 charges shall be undertaken in a manner that assures the public of an  
29 impartial and comprehensive review, is fair to the respondent, and

1 that elicits the information the commission needs to make a decision.

2 (b) Before commencing an investigation, the commission shall  
3 adopt a written resolution defining the scope of the investigation, a  
4 copy of which shall be supplied to both the complainant and the re-  
5 spondent. If, during the investigation, additional facts are dis-  
6 covered that justify an expansion of the investigation and the pos-  
7 sibility of additional charges beyond those alleged in the complaint,  
8 the resolution shall be amended accordingly with copies sent to the  
9 complainant and the respondent. The resolution, and the fact that an  
10 investigation has been undertaken, shall be kept confidential by the  
11 commission except that, upon inquiry, the commission may verify that  
12 it is investigating a complaint along with a statement that no finding  
13 of probable cause has been made and that no adverse inference of  
14 impropriety or guilt should be drawn from the decision to investigate.  
15 Additional facts concerning the nature or results of the investigation  
16 may not be revealed except as provided in AS 24.61.545 after a deter-  
17 mination of probable cause has been made.

18 (c) A legislator or a legislative employee may request in writ-  
19 ing that the commission investigate charges of impropriety made  
20 against the legislator or legislative employee. The request must  
21 state with specificity the nature of the investigation requested. If  
22 the commission agrees to undertake an investigation, the investigation  
23 is not necessarily limited in scope by the request and, once begun, it  
24 shall be handled as any other investigation, with the person  
25 requesting the investigation formally treated as a respondent.

26 (d) A preliminary investigation is conducted by the commission  
27 staff, and if the commission determines it is necessary, outside  
28 counsel and investigators. The purpose of the preliminary inves-  
29 tigation is to determine whether there is probable cause to proceed

1 with a full adjudicatory hearing.

2 (e) The person conducting the preliminary investigation may  
3 order a hearing and subpoena witnesses and documents, conduct depo-  
4 sitions under oath, require the participation of the respondent, and  
5 issue interrogatories to be answered under oath. An oral or written  
6 statement, whether incriminatory or exculpatory, may not be considered  
7 in the investigator's report unless made under oath. The respondent  
8 shall be given an adequate opportunity to provide testimonial and  
9 documentary evidence.

10 (f) Upon completion of the investigation, a confidential report  
11 summarizing the evidence, evaluating its credibility, and detailing  
12 findings on each of the allegations investigated shall be submitted to  
13 the commission along with recommendations as to whether the complaint,  
14 or a portion of it, should be dismissed or whether the matter should  
15 proceed to the full hearing stage. The report shall be prepared so as  
16 to exclude unreliable information and uncorroborated and irresponsible  
17 allegations. The investigator's notes, records of interviews, and  
18 other investigatory matter considered unreliable or unduly prejudicial  
19 by the commission shall remain confidential.

20 Sec. 24.61.545. PROBABLE CAUSE DETERMINATION. (a) The commis-  
21 sion shall consider the investigator's report in closed session and  
22 determine whether substantial credible evidence exists to believe that  
23 it is probable that a violation of a provision of this chapter for  
24 which civil or administrative sanctions are authorized has occurred.

25 (b) If the commission does not find that substantial credible  
26 evidence exists to warrant a full adjudicatory hearing, it shall  
27 dismiss the complaint and so notify the complainant with a notice of  
28 dismissal stating in detail the reason for dismissal. If the commis-  
29 sion finds that the charges were frivolous, malicious, made in bad

1 faith, or that, in its opinion the respondent should be exonerated of  
2 the charges, it shall so state in the notice of dismissal. If the  
3 commission finds that the evidence supports violations outside the  
4 scope of this chapter, it shall so state and forward the complaint and  
5 its report to the appropriate enforcement body for disposition.

6 (c) A copy of the notice of dismissal shall be sent to the  
7 respondent. The notice of dismissal and the investigator's report  
8 containing findings and recommendations, but not the underlying in-  
9 vestigatory materials, shall be made public unless the commission  
10 determines that this would unfairly prejudice either the respondent or  
11 complainant. This subsection may not be construed to prevent either  
12 the complainant or respondent from making the notice of dismissal and  
13 the report public.

14 (d) If the commission finds that substantial credible evidence  
15 exists establishing probable cause that a violation of a provision of  
16 this chapter for which civil or administrative sanctions are autho-  
17 rized has occurred, it shall serve on the respondent in a manner  
18 consistent with the service of summons under the rules of civil proce-  
19 dure, a formal charge stating the specific allegations and a proposed  
20 hearing date.

21 (e) The hearing may not be scheduled to commence sooner than 20  
22 days after service of the formal charge on the respondent. If the  
23 respondent requests an earlier hearing date, the commission may, but  
24 is not required to, consent. The commission shall, upon request,  
25 grant the respondent reasonable additional time to prepare a defense.  
26 The respondent may file a responsive pleading admitting or denying the  
27 various allegations.

28 (f) The commission may suspend further proceedings if the re-  
29 spondent acknowledges the violation and agrees to corrective actions

1 and sanctions considered appropriate by the commission. If the com-  
2 mission suspends the proceedings or dismisses the charges as a result  
3 of a negotiated settlement, the terms and conditions of the settlement  
4 and the reasons for entering into the agreement shall be stated in a  
5 written report that shall be sent to the complainant and made part of  
6 the public record.

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

11 Sec. 24.61.550. ADJUDICATORY HEARING. (a) A formal hearing on  
12 ethics charges against a respondent shall be conducted in a manner  
13 that inspires confidence in the integrity and objectivity of the  
14 process and demonstrates full consideration for the rights and reputa-  
15 tion of the respondent.

16 (b) An adjudicatory hearing shall be before a hearing board  
17 composed of the commission chair and four commissioners appointed by  
18 the chair. If the chair cannot attend all hearing sessions without  
19 undue inconvenience, the vice-chair shall serve in the chair's place.  
20 If neither the chair nor the vice-chair is available, the chair shall  
21 appoint another commissioner. Appointments to hearing boards shall be  
22 rotated among the commissioners.

23 (c) The chair, vice-chair, or a commissioner designated by the  
24 chair, as appropriate, shall preside at the hearing. The executive  
25 director or other legal counsel designated by the commission may  
26 attend and advise and counsel the hearing board.

27 (d) An adjudicatory hearing shall be public under AS 44.62.310.  
28 A hearing may not be held by teleconference. Except as expressly  
29 provided in this chapter, procedures shall be consistent with hearing

1 procedures under AS 44.62.330 - 44.62.630. Upon request, the presid-  
2 ing commissioner may issue reasonable discovery and protective orders  
3 in a manner consistent with Rule 26 of the Alaska Rules of Civil  
4 Procedure.

5 (e) A hearing board may

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

9 (2) compel the production of documentary or tangible evi-  
10 dence;

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

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

15 (f) The respondent may

16 (1) appear before the hearing board and submit testimony or  
17 other evidence;

18 (2) personally, or through counsel, subpoena, examine and  
19 cross-examine witnesses, raise objections, and make arguments;

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

22 Sec. 24.61.555. FINDINGS AND RECOMMENDATIONS. (a) Within 10  
23 days after the completion of a hearing, the hearing board shall vote  
24 on each charge to determine whether it was established by clear and  
25 convincing evidence, and shall prepare a written opinion along with  
26 recommendations, if any. A vote of three commissioners is required to  
27 find a violation and approve an opinion.

28 (b) As to each charge on which the evidence was found to be  
29 insufficient to establish a violation, the hearing board shall include

1 its findings in its written opinion. If the board finds that the  
2 charges were frivolous, malicious, made in bad faith, or that, in its  
3 opinion the respondent should be exonerated of the charges, it shall  
4 so state in its opinion. The respondent's reasonable legal fees  
5 should be paid in full from public funds if the respondent is exoner-  
6 ated.

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

11 Sec. 24.61.560. CIVIL SANCTIONS. (a) When a hearing board  
12 considers the appropriate recommended sanctions to be included in its  
13 opinion, it shall give due consideration to the purposes of this  
14 chapter, the nature of the violation, and other circumstances that are  
15 included in the hearing record. The board may recommend, either  
16 singly or in combination,

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

20 (2) divestiture of specified assets or withdrawal from  
21 specified associations;

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

24 (4) suspension from legislative employment, with or without  
25 pay;

26 (5) restitution or reimbursement;

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

28 (7) probationary status;

29 (8) a written reprimand;

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

4                   (10) expulsion of a legislator or dismissal of a legislative  
5 employee;

6                   (11) payment of costs related to the investigation and  
7 adjudication of the charge;

8                   (12) another sanction fashioned to achieve the purposes of  
9 this chapter.

10                   (b) When a provision of this chapter provides for the imposition  
11 of administrative sanctions under this subsection, the commission may  
12 recommend any of the civil sanctions set out in (a) of this section  
13 except sanctions under (a)(1) and (10).

14                   (c) If the commission finds that a violation of AS 24.61.100 -  
15 24.61.450 contributed substantially to the enactment of legislation or  
16 to other legislative action, the commission may recommend to the  
17 presiding officer of each house that the legislation be repealed or  
18 amended or that the other legislative action be rescinded or modified.

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

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

28                   (c) If the legislature is not in session or is not within 30  
29 days of convening in regular session, the presiding officer may re-

1 quest a special session under AS 24.05.100 to put the matter to a  
2 vote. If expulsion is recommended, a special session should be con-  
3 vened.

4 (d) Except in the case of expulsion, which requires a two-thirds  
5 vote, all other sanctions shall be determined by a majority vote of  
6 the full house.

7 (e) In determining the sanctions, if any, to impose, the legis-  
8 lature should scrupulously observe the rule of nonpartisanship. It  
9 should not retry the basic facts nor question the hearing board's  
10 findings of fact. The only issue before it should be the determina-  
11 tion of the appropriate sanction assuming the validity of the board's  
12 findings.

13 Sec. 24.61.570. RECOMMENDATIONS WHERE VIOLATOR IS A LEGISLATIVE  
14 EMPLOYEE. If the person found to have violated this chapter is or  
15 was a legislative employee, the hearing board's recommendations shall  
16 be forwarded to the appropriate appointing authority which shall, as  
17 soon as is reasonably possible, determine the sanctions, if any, to be  
18 imposed. The appointing authority may not question the hearing  
19 board's findings of fact. The appointing authority shall assume the  
20 validity of the board's findings, and determine and impose the appro-  
21 priate sanctions.

22 Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL. (a) The  
23 attorney general may independently bring civil or criminal actions  
24 relating to violations under this chapter regardless of the outcome or  
25 settlement of a charge before the commission, provided that (1) the  
26 attorney general may not bring an independent civil action under this  
27 chapter if the provision violated is subject only to administrative  
28 sanctions under AS 24.61.560(b); and (2) the cumulative civil penal-  
29 ties imposed for a violation may not exceed the amount that could be

1 imposed in an action before the commission. This subsection does not  
2 prohibit the attorney general from bringing an action under another  
3 civil or criminal law.

4 (b) A citizen may make a written request that the attorney  
5 general commence a civil action authorized under (a) of this section  
6 against a person for a violation of this chapter.

7 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may  
8 publicly respond to a statement or interpretation made concerning the  
9 contents of an advisory opinion or decision it has issued or is pur-  
10 ported to have issued. A person who requests an advisory opinion and  
11 makes that fact public is considered to have waived the confidential-  
12 ity of the person's identity.

13 ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

14 Sec. 24.61.700. ETHICS EDUCATION PROGRAM. The commission shall  
15 oversee and develop the following components of a comprehensive ethics  
16 education program:

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

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

1 (b) The commission shall issue a revised and updated version of  
2 the manual no later than 30 days after the commencement of each legis-  
3 lature.

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

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

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

- 15 (1) legislative orientation training course;
- 16 (2) current issues and applications seminar;
- 17 (3) lobbyist ethics course; and
- 18 (4) commission and commission staff training course.

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

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

1 principles of all ethics laws, internal rules and policies, and other  
2 related regulations. The course shall highlight the principles of  
3 public service ethics and the intent of ethics laws, including their  
4 application to practical situations.

5 (c) The commission shall offer separate sessions of the course  
6 for legislators and for legislative employees, and shall offer as many  
7 sessions as necessary to accommodate the number of people required to  
8 take the course.

9 Sec. 24.61.740. CURRENT ISSUES AND APPLICATIONS SEMINAR. (a)  
10 The commission shall conduct a current issues and applications seminar  
11 in January of each odd-numbered year. The seminar is mandatory for  
12 all legislators and legislative employees who have previously complet-  
13 ed the legislative ethics orientation training course.

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

21 (c) The commission shall offer separate sessions of the seminar  
22 for legislators and for legislative employees, and shall offer as many  
23 sessions as necessary to accommodate the number of people required to  
24 take the seminar.

25 Sec. 24.61.750. LOBBYIST ETHICS COURSE. (a) Lobbyists shall  
26 complete a lobbyist ethics course conducted by the commission as a  
27 condition of registering as a lobbyist under AS 24.45. A person who  
28 first engages in activities requiring the person to register as a  
29 lobbyist either before the commission has offered the ethics course

1 for that year, or after the ethics course has been offered for that  
2 year, may be authorized by the commission to conditionally register  
3 under AS 24.45 unless the person reasonably should have known that the  
4 person was likely to engage in lobbying activities and could have  
5 attended the most recent ethics course. A person with a conditional  
6 registration must successfully complete the next ethics course offered  
7 or the registration shall be revoked.

8 (b) The specific content of the ethics course shall be deter-  
9 mined by the education advisory committee, and shall include a review  
10 of all ethics statutes, the rules and regulations relating to appro-  
11 priate lobbyist conduct, and the principles of public service ethics.

12 (c) The commission shall certify to the Alaska Public Offices  
13 Commission the names of persons successfully completing the ethics  
14 course, including persons taking the course under (d) of this section.

15 (d) Lobbyists shall repeat the ethics course at least once every  
16 three years and the commission shall update the course accordingly.

17 (e) At the commission's discretion, lobbyists may be charged  
18 reasonable fees to attend the ethics course.

19 Sec. 24.61.760. ADMINISTRATIVE PROVISIONS. (a) The commission  
20 shall assure the continued implementation, improvement, and modifice-  
21 tion of the ethics education programs. The commission shall develop  
22 procedures to assure the attendance of, and course completion by, all  
23 legislators, legislative employees, and lobbyists.

24 (b) The commission shall assure the attendance of legislative  
25 employees who are not in and cannot travel to Juneau by offering the  
26 programs by teleconference. When a teleconference connection is  
27 unavailable, the commission shall distribute video tapes to the em-  
28 ployees or arrange to have them travel to a site where a live or  
29 teleconference course is available.

1 (c) The commission may recommended sanctions, including suspen-  
2 sion of pay and dismissal of legislative employees, disciplinary  
3 action for legislators, and revocation of lobbyist registrations, upon  
4 any legislator, legislative employee, or lobbyist who fails to com-  
5 plete the ethics education requirements within a reasonable amount of  
6 time, as determined by the commission.

7 (d) The commission shall supply the presiding officer of each  
8 house with the names of those legislators and legislative employees  
9 who have not complied with the ethics education requirements.

10 (e) The commission shall offer all of the education programs at  
11 appropriate times and locations and shall provide adequate notice of  
12 them.

13 (f) The commission may grant an exemption from the requirements  
14 of AS 24.61.730 - 24.61.750 upon a showing of good cause for the  
15 exemption.

16 ARTICLE 5. GENERAL PROVISIONS.

17 Sec. 24.61.900. RELATIONSHIP TO COMMON LAW AND OTHER LAWS. (a)  
18 The provisions of this chapter specifically replace, supersede, and  
19 where necessary repeal provisions of the common law relating to legis-  
20 lative conflict of interest.

21 (b) This chapter does not exempt a person from applicable pro-  
22 visions of another law unless the law is expressly superseded or  
23 incompatibly inconsistent with specific provisions of this chapter.

24 Sec. 24.61.910. APPLICABILITY. (a) Unless otherwise  
25 specifically stated, the provisions of this chapter apply to legisla-  
26 tors and legislative employees.

27 (b) Certain specified provisions apply to former members of the  
28 legislature, candidates for the legislature, former legislative em-  
29 ployees, persons who have transactions with legislators or legislative

1 employees, and lobbyists.

2 Sec. 24.61.920. PRINCIPLE OF STRICT COMPLIANCE. In imposing  
3 civil or administrative sanctions, the commission and the legislature  
4 shall hold legislators and legislative employees strictly to the  
5 provisions and spirit of this chapter. Except in extraordinary cir-  
6 cumstances, legislators and employees may not assert a lack of knowl-  
7 edge or understanding as a defense to a charge of misconduct.

8 Sec. 24.61.930. MENTAL STATE REQUIRED FOR CRIMINAL ACTIONS.  
9 When a provision of this chapter is made subject to criminal penal-  
10 ties, unless the provision specifically provides for another mental  
11 state, the defendant in a criminal prosecution must be shown to have  
12 acted with criminal negligence, as that term is defined in AS 11.81.-  
13 900(a). AS 11.81.610(c) applies to this section.

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

17 Sec. 24.61.950. COOPERATION OF OTHERS. If the commission re-  
18 quests their cooperation, a state agency, official, employee, or a  
19 person whose conduct is regulated by this chapter shall cooperate with  
20 the commission. An individual shall make information reasonably  
21 related to an investigation available to the commission on written  
22 request. The commission may request and shall receive from every  
23 officer, department, division, board, agency, commission, house of the  
24 legislature, or other agency of the state, cooperation and assistance  
25 in the performance of its duties.

26 Sec. 24.61.960. CONFIDENTIALITY. A person subject to the pro-  
27 visions of this chapter may not knowingly make an unauthorized disclo-  
28 sure of confidential information acquired in the course of official  
29 duties. A person who violates this section is subject to civil sanc-

1 tions under AS 24.61.560(a) and may be subject to prosecution under  
2 AS 11.56.860 or another law.

3 Sec. 24.61.990. DEFINITIONS. In this chapter,

4 (1) "administrative action" means conduct related to the  
5 development, drafting, consideration, enactment, defeat, application,  
6 or interpretation of a rule, regulation, policy, or other action in a  
7 regulatory proceeding or a proceeding involving a license, permit,  
8 franchise, or entitlement for use;

9 (2) "anything of value," "benefit," or "thing of value"  
10 includes all matters, whether tangible or intangible, that could  
11 reasonably be considered to be an advantage, of worth, use, or service  
12 to the person to whom it is conferred; the terms are intended to be  
13 interpreted broadly and encompass all matters that the recipient might  
14 find sufficiently desirable to do something in exchange for;

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

- 17 (i) money;
- 18 (ii) products or merchandise;
- 19 (iii) works of art or collectibles;
- 20 (iv) stocks, bonds, notes, or options;
- 21 (v) an interest in real property;
- 22 (vi) contracts or a promise of a future interest  
23 in a contract;
- 24 (vii) an interest or a promise of a future interest  
25 in a business;
- 26 (viii) meals, beverages, or lodging;
- 27 (ix) transportation;
- 28 (x) services, including loaned employees;
- 29 (xi) loans, loan guarantees, co-signing;

- 1 (xii) forgiveness of a debt;
- 2 (xiii) discounts or rebates not extended to the  
3 public generally;
- 4 (xiv) preferential treatment;
- 5 (xv) tickets or admissions;
- 6 (xvi) free or discounted use of office facilities;
- 7 (xvii) loan of office equipment;
- 8 (xviii) radio or television time;
- 9 (xix) promise or offer of present or future employ-  
10 ment;
- 11 (xx) use of autos, boats, apartments, or other  
12 recreational or lodging facilities;
- 13 (xxi) intangible rights such as a cause of action;
- 14 (xxii) licenses, patents, copyrights, or an interest  
15 in them;
- 16 (xxiii) any other item, tangible or intangible,  
17 having economic value;
- 18 (B) "anything of value," "benefit," or "thing of  
19 value" does not include
- 20 (i) an item listed in AS 24.61.350(b);
- 21 (ii) campaign contributions, pledges, political  
22 endorsements, support in a political campaign, or a promise  
23 of endorsement or support;
- 24 (iii) contributions to a cause or organization,  
25 including a charity, made in response to a direct sollicita-  
26 tion from a legislator or a person acting at the legisla-  
27 tor's direction;
- 28 (iv) grants under AS 37.05.316 to named recipients;
- 29 (3) "charitable organization" means an organization that

- 1 qualifies for a federal tax exemption under 26 U.S.C. 501(c)(3);
- 2 (4) "close economic association" has the meaning given in  
3 AS 24.61.265;
- 4 (5) "commission" means the Legislative Ethics Commission;
- 5 (6) "compensation" means remuneration for personal services  
6 rendered, including salary, fees, commissions, bonuses, and similar  
7 payments, but excluding reimbursement for actual expenses incurred by  
8 a person;
- 9 (7) "confidential information" means information that has  
10 been classified confidential by law;
- 11 (8) "exonerate" means to free from a charge or the imputa-  
12 tion of guilt, or to prove blameless;
- 13 (9) "financial conflict of interest" has the meaning given  
14 in AS 24.61.255;
- 15 (10) "honorarium" means anything of value, other than reim-  
16 bursement of travel expenses, given to a person for making a speech,  
17 panel presentation, personal appearance, or similar activity;
- 18 (11) "immediate family" means the spouse, parents, including  
19 parents-in-law, children, including a stepchild and an adoptive child,  
20 and siblings of a person;
- 21 (12) "intent to influence legislative, administrative, or  
22 political action" means that an act, including the offering or confer-  
23 ring of a thing of value to a public official, is done with the intent  
24 to induce the official to do or refrain from doing an act;
- 25 (13) "knowingly" has the meaning given in AS 11.81.900;
- 26 (14) "legislative action" means conduct relating to the  
27 development, drafting, consideration, sponsorship, enactment or de-  
28 feat, support or opposition to or of a law, amendment, resolution,  
29 report, nomination, or other matter affected by legislative action or

1 inaction;

2 (15) "legislative assistant" means a legislative employee  
3 whose assigned duties involve the exercise of substantial discretion  
4 and judgment; it does not include employees who perform purely cler-  
5 ical or ministerial functions; the legislative council shall propose  
6 policies relating to the interpretation of this definition, and the  
7 commission shall consider the adoption of these guidelines as regula-  
8 tions under AS 24.61.160;

9 (16) "legislative employee" means a person, other than a  
10 legislator, who is compensated by the legislative branch in return for  
11 regular or substantial personal services, regardless of the person's  
12 pay level or technical status as a full-time or part-time employee,  
13 independent contractor, or consultant; it includes members and staff  
14 of the commission; it does not include individuals who perform func-  
15 tions that are incidental to legislative functions, such as security,  
16 messengers, maintenance, and print shop employees; for purposes of  
17 this paragraph, "regular or substantial" means work that is expected  
18 to involve, or does involve, at least 400 hours in a calendar year or  
19 300 hours during a regular legislative session; the legislative coun-  
20 cil shall propose policies relating to the interpretation of this  
21 definition, and the commission shall consider the adoption of these  
22 guidelines as regulations under AS 24.61.160;

23 (17) "lobbyist" means a person who is required to register  
24 under AS 24.45.041 and is described under AS 24.45.171(8)(A), but does  
25 not include a volunteer lobbyist described in AS 24.45.161(a)(1) or a  
26 representational lobbyist as defined under regulations of the Alaska  
27 Public Offices Commission;

28 (18) "local government" means a municipality, a municipal  
29 school district, or a regional educational attendance area;

1           (19) "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 influence on state  
4 and local government employees or entities; it includes but is not  
5 limited to intervening on behalf of constituents with a government  
6 agency, endorsing, and pledging support or actively supporting a  
7 legislative matter, a nominee, or a candidate for public office;

8           (20) "reasonably should know" means that, under the circum-  
9 stances, a reasonable person would know a fact;

10           (21) "registered lobbyist" means a person who is required to  
11 register under AS 24.45.041;

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

16           (23) "substantial interest in legislative, administrative,  
17 or political action" has the meaning given in AS 24.61.260.

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

19           (a) A person commits the crime of false accusation if the person  
20 knowingly or intentionally initiates a false complaint with the [SE-  
21 LECT COMMITTEE ON] Legislative Ethics Commission established under  
22 AS 24.61 [IN AS 24.60].

23 \* Sec. 4. AS 15.25.030(b) is amended to read:

24           (b) A person filing a declaration of candidacy under this  
25 section other than for a state legislative office shall simultaneously  
26 file with the director a statement of income sources and business  
27 interests that complies with the requirements of AS 39.50. A person  
28 filing a declaration of candidacy for state legislative office shall  
29 simultaneously file with the director a disclosure statement that

1 complies with the requirements of AS 24.61.400 - 24.61.410.

2 \* Sec. 5. AS 15.25.030(c) is amended to read:

3 (c) An incumbent public official other than a legislator who has  
4 a current statement of income sources and business interests on file  
5 with the Alaska Public Offices Commission, or an incumbent legislator  
6 who has a current disclosure statement on file with the Legislative  
7 Ethics Commission, is not required to file a statement of income  
8 sources and business interests or a disclosure statement with the  
9 declaration of candidacy under (b) of this section.

10 \* Sec. 6. AS 15.25.180(b) is amended to read:

11 (b) A person filing a nominating petition under this section  
12 other than for a state legislative office shall also file with the  
13 director a statement of income sources and business interests that  
14 complies with the requirements of AS 39.50 within 30 days of filing  
15 the petition. A person filing a nominating petition for state legis-  
16 lative office shall file with the director a disclosure statement that  
17 complies with the requirements of AS 24.61.400 - 24.61.410 within 30  
18 days of filing the petition.

19 \* Sec. 7. AS 15.25.180(c) is amended to read:

20 (c) An incumbent public official other than a legislator who has  
21 a current statement of income sources and business interests on file  
22 with the Alaska Public Offices Commission, or an incumbent legislator  
23 who has a current disclosure statement on file with the Legislative  
24 Ethics Commission, is not required to file a statement of income  
25 sources and business interests or a disclosure statement with the  
26 declaration of candidacy under (b) of this section.

27 \* Sec. 8. AS 24.10.100 is amended to read:

28 Sec. 24.10.100. SALARY OF LEGISLATORS. The annual [MONTHLY]  
29 salary for each member of the legislature is \$40,000 [EQUAL TO STEP A,

1 RANGE 10 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU]. The  
2 president of the senate and the speaker of the house of representa-  
3 tives are each entitled to an additional \$500 a year during tenure of  
4 office.

5 \* Sec. 9. AS 24.10.105 is repealed and reenacted to read:

6 Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) A member of the  
7 legislature is entitled to receive per diem at the short-term rate

8 (1) during a legislative session if the legislator is not  
9 living in the legislator's place of permanent residence during the  
10 session; or

11 (2) while on committee business or other legislative busi-  
12 ness in a place that is not the legislator's place of permanent resi-  
13 dence.

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

17 (c) In this section,

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

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

24 \* Sec. 10. AS 24.10.110 is repealed and reenacted to read:

25 Sec. 24.10.110. LEGISLATIVE OFFICE ALLOWANCE. (a) A legislator  
26 may be reimbursed for the lawful expenses of maintaining a legislative  
27 office to supplement resources generally provided to legislators by  
28 the legislature and its agencies. Expenses eligible for reimbursement  
29 under this section include those incurred in a district office or an

1 office in the capital city.

2 (b) Expenses that may be paid with public funds under AS 24.61  
3 (Legislative Ethics Act) are presumed to be lawful.

4 (c) A representative from a single-representative district may  
5 voucher up to \$6,000 a year under this section. A representative from  
6 a two-representative district and a senator from a single-senator dis-  
7 trict may voucher up to \$7,000 a year under this section. A senator  
8 from a two-senator district may voucher up to \$9,000 a year under this  
9 section. Vouchers shall be processed under AS 24.10.120 and policies  
10 adopted by the legislative council consistent with 26 U.S.C. 162.

11 (d) Notwithstanding (b) of this section, expenses related to  
12 newsletters may not be paid under this section. The legislative  
13 council shall adopt guidelines under which each legislator may prepare  
14 and distribute two newsletters a year that comply with AS 24.61. The  
15 guidelines must be consistent with AS 24.61 and regulations under that  
16 chapter adopted by the Legislative Ethics Commission and must provide  
17 for the payment of expenses for the newsletters from appropriations to  
18 the legislature.

19 \* Sac. 11. AS 24.10.130 is amended by adding a new subsection to read:

20 (b) During each regular session of the legislature, a member of  
21 the legislature may be reimbursed for up to two round trip tickets  
22 from Juneau to a city in the district from which the legislator was  
23 elected. A trip paid for under this subsection may be for a personal,  
24 family, business, or constituent purpose. This section does not apply  
25 to travel as a part of a legislative committee or subcommittee or for  
26 other official business of the legislature.

27 \* Sac. 12. AS 24.40.020 is amended to read:

28 Sac. 24.40.020. CONTINUANCE IN A CRIMINAL PROCEEDING WHERE  
29 DEFENDANT [, DEFENSE ATTORNEY] OR WITNESS IS A MEMBER OF THE LEGISLA-

1 TURE. Upon a showing that [THE ATTORNEY OF RECORD AT THE TIME OF THE  
2 DEFENDANT'S FIRST APPEARANCE IN THE COURT OF RECORD OR] a principal  
3 witness or a party in a criminal proceeding is a member of the legis-  
4 lature and that the legislature is in session or that a legislative  
5 interim committee of which the legislator is a member is meeting or is  
6 to meet within the next seven days, the defendant is entitled to a  
7 reasonable continuance of the date of trial until at least 15 days  
8 after the legislative session or interim committee meeting. However,  
9 a continuance for this reason may [SHALL] not exceed 30 days after  
10 recess of the legislature or interim committee. A continuance may not  
11 be granted for any longer time than it is affirmatively proved the  
12 ends of justice require.

13 \* Sec. 13. AS 24.40.031 is amended to read:

14 Sec. 24.40.031. POSTPONEMENT OF CIVIL PROCEEDINGS WHEN A PARTY  
15 [OR ATTORNEY] IS A MEMBER OF THE LEGISLATURE. When it appears that a  
16 party [OR AN ATTORNEY OF RECORD OF A PARTY] to a civil action is a  
17 member of the legislature of this state [,] and that the legislature  
18 is in session, the action shall be continued until 10 days after the  
19 legislature has adjourned, unless the party [OR ATTORNEY] upon the  
20 call of the action for trial waives the benefit of this section. When  
21 it appears that a party [OR AN ATTORNEY OF RECORD OF A PARTY] to a  
22 civil action is a member of the Alaska Legislative Council, the Legis-  
23 lative Budget and Audit Committee, or one of their subcommittees, the  
24 action shall be continued when the legislative council, budget and  
25 audit committee, or the subcommittee, as the case may be, is holding a  
26 meeting, unless the party [OR ATTORNEY] upon the call of the action  
27 for trial waives the benefit of this section. When it is necessary to  
28 file a brief or memorandum of law in an action that [WHICH] has been  
29 continued under the provisions of this section, the action shall be

1 continued for a time sufficient to prepare and file the brief or  
2 memorandum.

3 \* Sec. 14. AS 24.45.041(a) is amended to read:

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

9 \* Sec. 15. AS 24.45.041(f) is amended to read:

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

19 \* Sec. 16. AS 24.45.041 is amended by adding a new subsection to read:

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

25 \* Sec. 17. AS 24.45.121(a) is amended to read:

26 (a) A lobbyist may not

27 (1) engage in any activity as a lobbyist before registering  
28 under AS 24.45.041;

29 (2) do anything with the intent of placing a public offi-

1        cial under personal obligation to the lobbyist or to the lobbyist's  
2        employer;

3                (3) intentionally deceive or attempt to deceive any public  
4        official with regard to any material fact pertinent to pending or  
5        proposed legislative or administrative action;

6                (4) cause or influence the introduction of a legislative  
7        measure for the purpose of thereafter being employed to secure its  
8        defeat;

9                (5) cause a communication to be sent to a public official  
10       in the name of any fictitious person or in the name of any real per-  
11       son, except with the consent of that person;

12               (6) accept or agree to accept any payment in any way con-  
13       tingent upon the defeat, enactment, or outcome of any proposed legis-  
14       lative or administrative action;

15               (7) serve as a member of a state board [,] or commission  
16       [,] if the lobbyist's employer may receive direct economic benefit  
17       from a decision of that board or commission;

18               (8) use state property or resources in the conduct of the  
19       lobbyist's business;

20               (9) serve as a campaign manager or director, serve as a  
21       campaign treasurer or deputy campaign treasurer on a finance or fund-  
22       raising committee, host a fundraising event, or otherwise engage  
23       actively in the fundraising activity of a legislative campaign or for  
24       a legal defense fund under AS 24.61.220 if the lobbyist has registered  
25       during the calendar year; this paragraph does not apply to a represen-  
26       tational lobbyist as defined in the regulations of the Alaska Public  
27       Offices Commission, and does not prohibit a lobbyist from making  
28       personal contributions to or personally advocating on behalf of a  
29       candidate.

1 \* Sec. 18. AS 39.25.110 is amended by adding a new paragraph to read:  
2 (30) executive director and staff of the Legislative Ethics  
3 Commission.

4 \* Sec. 19. AS 39.50.020 is amended to read:

5 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a)  
6 A judicial officer, commissioner, chair [CHAIRMAN] or member of a  
7 state commission or board specified in AS 39.50.200(b), a person hired  
8 or appointed as head or deputy head of, or director of a division  
9 within, a department in the executive branch, a person appointed as  
10 assistant to the governor, and a municipal officer, shall file a  
11 statement giving income sources and business interests, under oath and  
12 on penalty of perjury, within 30 days after taking office as a public  
13 official. Candidates for governor and lieutenant governor [STATE  
14 ELECTIVE OFFICE] shall file such a statement with the director of  
15 elections at the time of filing a declaration of candidacy or within  
16 30 days of the filing of any nominating petition, or within 30 days of  
17 becoming a candidate by any other means. Candidates for elective  
18 municipal office shall file such a statement at the time of filing a  
19 nominating petition, declaration of candidacy, or other required  
20 filing for the elective municipal office. Refusal or failure to file  
21 within the time prescribed shall require that the candidate's filing  
22 fees, if any, and filing for office be refused or that a previously  
23 accepted filing fee be returned and the candidate's name removed from  
24 the filing records. A statement shall also be filed by public offi-  
25 cials no later than April 15 or 15 days after the person files a  
26 federal income tax return in each following year, whichever comes  
27 first. Persons who, on or after December 11, 1974, were members of  
28 boards or commissions not named in AS 39.50.200(b) are not required to  
29 file financial statements.

1 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLA-  
2 TURE,] judicial officers, each commissioner, head or deputy head of,  
3 or director of a division within, a department in the executive  
4 branch, assistant to the governor or chair [CHAIRMAN] or member of a  
5 commission or board required to report under this chapter, shall file  
6 the statement with the Alaska Public Offices Commission. Candidates  
7 for the office of governor and [,] lieutenant governor [, AND THE  
8 LEGISLATURE] shall file the statement under AS 15.25.030 or 15.25.180.  
9 Municipal officers, and candidates for elective municipal office,  
10 shall file with the municipal clerk or other municipal official des-  
11 ignated to receive their filing for office. All statements required  
12 to be filed under this chapter are public records.

13 \* Sec. 20. AS 39.50.200(a)(8) is amended to read:

14 (8) "public official" means a judicial officer, [A MEMBER  
15 OF THE LEGISLATURE, THE FISCAL ANALYST OF THE LEGISLATIVE FINANCE  
16 DIVISION, THE LEGISLATIVE AUDITOR OF THE LEGISLATIVE AUDIT DIVISION,  
17 THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE AFFAIRS AGENCY AND THE  
18 DIRECTORS OF THE DIVISIONS WITHIN THE LEGISLATIVE AFFAIRS AGENCY,] the  
19 governor, the lieutenant governor, a person hired or appointed as the  
20 head or deputy head of, or director of a division, a department in the  
21 executive branch, an assistant to the governor, chair [CHAIRMAN] or  
22 member of a state commission or board, the executive director of the  
23 Alaska Tourism Marketing Council, and each appointed or elected munic-  
24 ipal officer;

25 \* Sec. 21. AS 39.52.910(a) is amended to read:

26 (a) Except as specifically provided, this chapter applies to all  
27 public officers within executive-branch agencies, including members of  
28 boards or commissions. This chapter does not apply to a former public  
29 officer of an executive-branch agency unless a provision specifically

1 states that it so applies. This chapter does not apply to legislators  
2 covered by AS 24.61 [AS 24.60].

3 \* Sec. 22. AS 24.55.310, AS 24.60, AS 39.50.025, and 39.50.120 are  
4 repealed.

5 \* Sec. 23. INITIAL COMMISSION APPOINTMENTS. Notwithstanding AS 24.61.-  
6 500(b), as added by sec. 2 of this Act, the terms of the members initially  
7 appointed to the Legislative Ethics Commission are as follows:

8 (1) one of the members appointed by each of the senate and the  
9 house of representatives and one of the members appointed by the Legisla-  
10 tive Ethics Commission, determined by lot, serve terms of five years;

11 (2) one member appointed by the supreme court and one of the  
12 members appointed by the Legislative Ethics Commission determined by lot,  
13 serve terms of four years;

14 (3) one of the members appointed by each of the senate and the  
15 house of representatives and one of the members appointed by the Legisla-  
16 tive Ethics Commission, determined by lot, serve terms of three years;

17 (4) the third member appointed by the Legislative Ethics Commis-  
18 sion serves a term of two years.

19 \* Sec. 24. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER  
20 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 22 of this Act,  
21 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,  
22 the Legislative Ethics Commission may consider complaints alleging viola-  
23 tions of AS 24.60 that occurred prior to July 1, 1991, and for which pro-  
24 ceedings have not been commenced or concluded prior to July 1, 1991. For  
25 the purpose of this section, the Legislative Ethics Commission shall follow  
26 the procedures established under AS 24.61, but may not recommend a sanction  
27 or penalty not authorized under former AS 24.60.

28 \* Sec. 25. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTH-  
29 ERS. Notwithstanding AS 24.61.330, as added by sec. 2 of this Act, a

1 legislator or legislative assistant who is subject to AS 24.61.330 may,  
2 until January 1, 1992, represent a person in a proceeding that would other-  
3 wise be prohibited under AS 24.61.330 if the legislator or legislative  
4 assistant promptly files a statement with the Legislative Ethics Commission  
5 that includes the name of the client, an identifying name or number of the  
6 action, a brief description of the nature of the action, and the amount of  
7 compensation received or anticipated relating to the representation. The  
8 statement shall be published in the journal of the appropriate house. If  
9 information contained in the statement changes, a supplemental statement  
10 shall be filed every 90 days until the matter is completed or January 1,  
11 1992, at which time the representation must be terminated. The representa-  
12 tion may continue beyond January 1, 1992, if the legislator or legislative  
13 assistant applies for, and the Legislative Ethics Commission grants, an  
14 exemption to the termination date under AS 24.61.530, as added by sec. 2 of  
15 this Act. In this section, "legislative assistant" has the meaning given  
16 in AS 24.61.990, as added by sec. 2 of this Act.

17 \* Sec. 26. AS 24.61.200 - 24.61.220, 24.61.240, and 24.61.245, as added  
18 by sec. 2 of this Act, take effect November 6, 1990.

19 \* Sec. 27. AS 24.61.160, 24.61.400(d), 24.61.500 - 24.61.720, and 24.-  
20 61.990, as added by sec. 2 of this Act, and sec. 23 of this Act take effect  
21 January 1, 1991.

22 \* Sec. 28. Except as provided in secs. 26 and 27 of this Act, this Act  
23 takes effect July 1, 1991.