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Ethics Act of 1990 and Finance

6-2007E

Original sponsor(s): SEN. POURCHOT/Select Committee on Legislative Ethics

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 415 (Judiciary)

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 and legisla-
8 tive employees, former legislators and employees, and
9 lobbyists; amending legislators' compensation and
10 allowances; and providing for an effective date."

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

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

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

15 CHAPTER 61. LEGISLATIVE ETHICS ACT OF 1990.

16 ARTICLE 1. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES.

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

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

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

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

S

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

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

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

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

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

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

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

1 expected and permitted to earn outside income;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and spirit of the provision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ARTICLE 2. STANDARDS OF CONDUCT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 substitute or significant amendment offered by the legislator;

2 (3) an identification of each bill voted on by the legisla-
3 tor's house and the vote of the legislator;

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

5 (e) The information required under (d) of this section must
6 include all activity since the last mailing or, if a previous state-
7 paid mailing was not sent, during the most recent legislative session,
8 up to and including activity at the time the publication is prepared,
9 and must be in the form prescribed by guidelines prepared by the
10 legislative council and adopted by the commission under AS 24.61.160.
11 This provision does not affect the content of a publication prepared
12 and distributed with campaign funds.

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

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

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

1 after the final election that year in which the legislator is a candi-
2 date;

3 (3) a legislator, or another person on behalf of the legis-
4 lator, or a campaign committee of the legislator, may not solicit or
5 accept a campaign contribution in a facility or office ordinarily used
6 to conduct state government business; this provision applies to tele-
7 phone conversations, personal meetings, and solicitations by mail; if
8 an unsolicited contribution is offered it shall be refused or returned
9 promptly; if an unsolicited contribution is received in the mail, or
10 a lawfully solicited contribution is misdirected to an office ordi-
11 narily used to conduct state business, if otherwise lawful it may be
12 accepted but it may not be processed in that office and it shall be
13 delivered promptly to the appropriate location;

14 (4) a legislator, or another person on behalf of the legis-
15 lator, or a campaign committee of the legislator, may not distribute
16 or post literature, placards, posters, or other communications de-
17 signed to influence the election of a candidate in an election in a
18 facility or office ordinarily used to conduct state government busi-
19 ness.

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

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 this chapter shall refuse to perform
27 it.

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 the civil
6 sanctions authorized 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 to assure that the provisions
11 of AS 24.61.140 - 24.61.160 and regulations adopted by the commission
12 are interpreted uniformly and fairly and are consistent with the
13 spirit of this chapter. The legislative council shall annually review
14 the regulations and recommend necessary changes to the commission.

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

19 Sec. 24.61.170. USE OF NONPUBLIC AND CONFIDENTIAL INFORMATION
20 FOR PRIVATE GAIN. (a) A legislator or legislative employee may not
21 use or disclose, other than in the performance of official duties or
22 as required by law, nonpublic or confidential information acquired in
23 the course of and by reason of legislative service to obtain private
24 gain for the legislator or employee or another person or business,
25 including a person or business with whom the legislator or legislative
26 employee is associated or has negotiated prospective employment. This
27 subsection does not allow the disclosure of information made confiden-
28 tial by law.

29 (b) A person who violates this section is subject to the civil

1 sanctions authorized under AS 24.61.560(a), and is guilty of a class A
2 misdemeanor.

3 Sec. 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRI-
4 VATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
5 employee may not use, or allow others to use, the authority, title, or
6 prestige of the legislator's or employee's office to obtain unwarrant-
7 ed private economic benefits for the legislator, legislative employee,
8 or another person. This provision includes, but is not limited to, a
9 prohibition against the use of authority, title, or prestige to obtain
10 employment, contracts for goods or services, clients, grants, or
11 loans.

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

18 (c) A legislator or legislative employee may not use, or allow
19 others to use, the authority, title, or prestige of the legislator's
20 or employee's office in the context of an endorsement of a commercial
21 product or service. Official letterhead may not be used in materials
22 endorsing a product, service, or candidate for office. This provision
23 may not be construed to prohibit the use of a

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

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

29 (d) A legislator or legislative employee may not solicit or

1 accept compensation of any sort under terms and conditions where the
2 compensation is not commensurate with the services performed or that
3 would otherwise create in the minds of reasonable objective observers
4 the perception that the stature of office has been unduly exploited
5 for private gain.

6 (e) The legislative council shall adopt a written definition of
7 "official letterhead" for purposes of this section.

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

10 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF
11 PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE EMPLOYEES. (a) A
12 legislative assistant or person who has served as a member of the
13 legislature may not, within one year after the expiration of the
14 person's legislative service, use or disclose nonpublic information
15 acquired in the course of and by reason of legislative service to
16 obtain private personal gain or for the gain of another, including a
17 person or business with whom the former legislator or legislative
18 employee is now associated. A person subject to this subsection may
19 not, at any time, use or disclose information that is by law confiden-
20 tial.

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

25 (1) legislator or legislative employee to take or withhold
26 legislative, administrative, or political action;

27 (2) state agency, public official, or employee with respon-
28 sibility in an area in which the person, while a legislator or legis-
29 lative assistant, had special oversight or budgeting responsibility,

1 to take or withhold administrative action.

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

8 (d) A former legislator, within one year after leaving office,
9 may not solicit or accept compensation of any sort under terms and
10 conditions where the compensation is not commensurate with the ser-
11 vices performed or that would otherwise create in the minds of reason-
12 able objective observers the perception that the stature of office has
13 been unduly exploited for private gain.

14 (e) This section does not prohibit a former legislative assis-
15 tant from being employed by another government agency if the legisla-
16 tive assistant obtains an exemption under AS 24.61.530.

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

20 Sec. 24.61.200. USE OF CAMPAIGN FUNDS: INTENT. Because the
21 right to solicit and accept funds from the public for the purpose of
22 supporting a person's campaign for office is purely an incident of our
23 democratic political system, the use that can properly be made of
24 campaign funds must be sharply limited to prevent actual misuse and
25 improper appearances of misuse of funds. Legislative campaign funds
26 are received, free of tax liability to the recipient, for the specific
27 purpose of assisting a candidate to get elected or reelected to of-
28 fice. Any other use of funds, whether for personal gain or other
29 purposes not closely related to bona fide campaign expenditures, is

1 improper.

2 Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS. Campaign funds
3 may be properly expended for an otherwise lawful purpose intended to
4 influence voters to elect or reelect the legislative candidate to the
5 legislature including, but not limited to: payment of staff and
6 consultants; rental of space and equipment for a campaign office;
7 purchase of media time and space; design work; printing of campaign
8 materials; postage; taking polls and interpreting them; telephone
9 installation and usage; costs of distribution of materials; advertis-
10 ing in organizational and club bulletins or other brochures; inscribed
11 promotional materials, including buttons, pencils, pens, and items of
12 clothing; necessary intrastate travel and related expenses for the
13 candidate and a member of the candidate's staff or immediate family
14 provided that the travel and lodging are directly related to attempts
15 to influence voters; victory and thank you celebrations; and newslet-
16 ters and mass mailings promoting the candidate.

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

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

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

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

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

28 (c) Campaign funds may be used only as is reasonable and neces-
29 sary to advance the interests of the campaign. A person or company

1 providing goods or services to the campaign may not knowingly be paid
2 more than the fair market value of the goods or services purchased.

3 (d) Funds may not be used in a way that would create in the mind
4 of a reasonable objective observer the belief that the funds are for
5 the personal financial benefit of the candidate, the candidate's
6 immediate family, or another person. Campaign funds may not be paid
7 to a member of the candidate's immediate family as an employee or for
8 goods or services provided to the campaign unless the amounts paid are
9 reasonable and proper for the goods or services provided. Excess
10 amounts paid to family members shall be treated as an improper conver-
11 sion of campaign funds to personal use.

12 (e) Except for funds received or postmarked before a final
13 election, a legislative candidate who has won office, and a committee
14 related to the election, may not accept campaign contributions. A
15 post-election contribution shall be treated as an illegal gratuity and
16 must be returned.

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

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

28 (h) A person who violates this section is subject to the civil
29 sanctions authorized under AS 24.61.560(a), and is guilty of a class A

1 misdemeanor.

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 the candidate's controlled
5 committee after the date of the election, unexpended funds in excess
6 of the amount allowed under (b) of this section may only be used as
7 provided in (1) - (5) 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 appropriate
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) paid promptly to the Department of Revenue for deposit
17 to the general fund;

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

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

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

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

5 Sec. 24.61.220. PAYMENT OF LEGAL EXPENSES; SPECIAL EXPENSE
6 FUNDS. (a) Campaign funds may be used to defray attorney fees and
7 other legal costs incurred in the candidate's legal defense to a
8 civil, criminal, or administrative action arising directly out of the
9 conduct of the campaign or election process or the performance of
10 official action taken as part of the legislator's governmental activ-
11 ities and duties. Campaign funds may not be expended on defense costs
12 relating to legal or ethics charges based on nonofficial personal
13 conduct; however, those costs may be paid from a special defense fund
14 established under this section.

15 (b) A legislative candidate, legislator, or legislative employee
16 wishing to establish a legal expense fund account shall file a state-
17 ment of organization for the legal expense fund with the commission.
18 The statement of organization must identify the specific civil, crimi-
19 nal, or administrative proceeding or proceedings for which the legal
20 expense fund is established.

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

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

29 (e) Expenditures from the legal expense fund account may be made

1 only for legal costs directly related to the civil, criminal, or
2 administrative proceeding or proceedings for which the legal expense
3 fund is established. Expenditures from the legal expense fund account
4 may not be used to pay or reimburse fines, penalties, judgments, or
5 settlements in connection with a criminal prosecution or a civil or
6 administrative action in which the legislative candidate, legislator,
7 or legislative employee is found to have committed, or admits to
8 having committed, an intentional or negligent violation of the law.

9 (f) Funds may not be transferred from the legal expense fund to
10 another committee. Surplus funds remaining in the legal expense fund
11 account after the proceeding or proceedings for which the account is
12 established have concluded may not be used for another purpose and
13 shall be returned to donors on a pro rata basis as to contributions in
14 excess of \$100 or given to the Department of Revenue for deposit in
15 the general fund within six months after the final conclusion of the
16 proceeding or proceedings.

17 (g) This section constitutes the sole means for soliciting or
18 accepting donations for legal costs described in this section that may
19 not be paid from campaign funds. Except for the provisions of this
20 chapter relating to the times during which political contributions may
21 be solicited or accepted, and provisions inconsistent with specific
22 provisions of this section, this chapter applies to the solicitation
23 and acceptance of funds under this section. The commission may adopt
24 regulations limiting the dollar amount of contributions under this
25 section.

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

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

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

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

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

22 (2) the legislator with personal benefits or political
23 support.

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

26 (1) agree to, or threaten to take or withhold a legisla-
27 tive, administrative, or political action, including but not limited
28 to support or opposition to a bill, employment, nominations, and
29 appointments, as a result of a person's decision to provide or not

1 provide a political contribution;

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

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

8 (4) knowingly accept a contribution given or offered in
9 violation of law.

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

13 Sec. 24.61.240. FUND RAISING LIMITATIONS. (a) Because the
14 process of campaign fund raising involves activities that take great
15 amounts of time and energy and that tend to place legislators in
16 situations rife with the potential for conflicts of interest, it is
17 the intent of this section that fund raising should be limited in ways
18 that permit legislators to concentrate their attention on public
19 matters.

20 (b) A legislator may not, either directly, through a campaign
21 committee, or other means, solicit or accept a campaign contribution
22 or a promise or pledge to make a contribution while the legislature is
23 in session, nor may a legislator otherwise be involved in a fund
24 raising activity for the legislator's own campaign or for another
25 person or cause while the legislature is in session.

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

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

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

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

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

21 Sec. 24.61.255. FINANCIAL CONFLICTS OF INTEREST DEFINED. A
22 financial conflict of interest exists when a person or a member of
23 that person's immediate family has substantial financial interests
24 that may be materially affected by an official action or decision they
25 might make. The interest must be so substantial and the potential
26 effect on that interest must be so material that a reasonable objec-
27 tive person is likely to believe that the ability of the person with
28 the financial interest to make an objective, fair, and impartial
29 professional judgment will be impeded by self-interest. It is not a

1 conflict of interest as to a specific matter if

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

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

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

10 Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRA-
11 TIVE, OR POLITICAL ACTION DEFINED. Conflicts of interest arise most
12 often and are most serious when a legislator or legislative employee
13 has a financial or personal relationship with other persons, including
14 governmental entities, that have a substantial interest in legisla-
15 tive, administrative, or political action. Persons, including govern-
16 mental entities, have a substantial interest if they

17 (1) are regulated by the legislature;

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

20 (3) 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 reasonable appears to have,
23 the ability to influence an employment decision;

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

29 (5) have or seek contracts for goods or services with an

1 agency of state government;
2 (6) are registered lobbyists;
3 (7) employ registered lobbyists; or
4 (8) represent, with or without compensation, a person or
5 organization described in (1) - (7) of this section.

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

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

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

17 Sec. 24.61.280. DEALING WITH PERSONAL RELATIONSHIP CONFLICTS OF
18 INTEREST. Except in the very few cases where certain relationships
19 give rise to specific legal limitations, such as the ban on nepotism,
20 personal relationship conflicts are not restricted or subject to
21 mandatory disclosure. However, this makes them no less damaging to
22 public trust. Legislators and legislative employees shall avoid,
23 where reasonably possible, getting into situations where they have
24 personal relationship conflicts of interest. Where the situations are
25 not reasonably avoidable, legislators and legislative employees shall
26 take affirmative steps to disclose the conflicts that are not apparent
27 and refrain, where reasonably possible, from making decisions or
28 taking actions affected by the conflict.

29 Sec. 24.61.290. RESTRICTED RELATIONSHIPS: NEPOTISM. (a) A

1 member of the immediate family of a legislator may not be employed for
2 compensation

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

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

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

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

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

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

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

21 Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-
22 TORS, AND LEGISLATIVE EMPLOYEES. (a) A registered lobbyist may not
23 serve as a campaign manager or director, serve as a campaign treasurer
24 or deputy campaign treasurer on a finance or fund-raising committee,
25 host a fund-raising event, or otherwise engage actively in the fund-
26 raising activity of a legislative campaign or for a legal expense fund
27 under AS 24.61.220. Although this subsection prohibits a lobbyist
28 from engaging in all forms of fund raising, it may not be construed to
29 prohibit a lobbyist from making personal contributions to or

1 personally advocating on behalf of a candidate.

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

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

18 (d) The commission shall make a determination as to whether the
19 relationship creates a conflict of interest that requires restrictions
20 or disclosure. After making the determination, the commission may
21 elect to

- 22 (1) keep the matter confidential;
23 (2) order some restriction in the activities;
24 (3) order disclosure in the journal of the appropriate
25 body; or
26 (4) order a combination of (1) and (2) or (2) and (3) of
27 this subsection.

28 (e) A legislator or legislative assistant may not provide per-
29 sonal services for compensation for or on behalf of a registered

1 lobbyist, lobbying firm, or another organization or firm that regular-
2 ly engages in lobbying the legislature or state agencies, boards, or
3 commissions, nor may a legislator or legislative assistant have a
4 financial interest in a business that receives a substantial part of
5 its income from lobbyists, lobbying firms, or another organization or
6 firm that regularly engages in lobbying the legislature or state
7 agencies, boards, or commissions.

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

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

14 Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS.

15 (a) A legislator or legislative employee may not serve on a governing
16 or advisory board of an organization that regularly has a substantial
17 interest in the legislative, administrative, and political actions of
18 the legislator or legislative employee.

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

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

25 Sec. 24.61.320. RESTRICTED FINANCIAL INTERESTS. (a) A legisla-
26 tor or legislative employee may not participate in legislative, admin-
27 istrative, or political action if the legislator or legislative em-
28 ployee has an equity or ownership interest in a business, investment,
29 real property, lease, or other enterprise if the interest has a fair

1 market value of \$25,000 or more and the effect of the action on that
2 interest is greater than the effect on a substantial class of persons
3 to which the legislator or legislative employee belongs as a member of
4 a profession, occupation, industry, or region.

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

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

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

21 (b) A legislator or legislative assistant may not professionally
22 represent either formally or informally as an advocate, advisor, or
23 consultant, a person in a matter involving an agency, board, or com-
24 mission of the state or a local government unless the matter involves
25 a proceeding that is adjudicatory in nature and there is no reasonable
26 basis to conclude that the side represented by the legislator or
27 legislative employee has an unfair advantage. A matter is considered
28 to be adjudicatory in nature where opposing sides are separately
29 represented. This provision does not prohibit an attorney from

1 representing a client in an otherwise permissible action before a
2 criminal or civil court or prevent a legislator or legislative assis-
3 tant from representing personal interests in an otherwise proper
4 proceeding. This provision shall be construed to prohibit formal and
5 informal professional representation for purposes of obtaining or
6 retaining a state or local license, permit, franchise, grant, loan, or
7 other entitlement, whether or not other parties contending for the
8 benefit are represented. If, however, the granting of the benefit is
9 a purely ministerial matter requiring little or no discretion, this
10 provision does not prohibit representation.

11 (c) Notwithstanding any other law to the contrary, a legislator
12 or legislative employee, acting as an attorney or representative of
13 another, may not seek or accept special treatment, privileges, rights,
14 or concessions solely by reason of service in the legislature.

15 (d) This section may not be construed to prohibit a legislator
16 or legislative assistant from informally advising a constituent about
17 the procedures or appropriateness of bringing an action against the
18 state or a local government. If a legislator or legislative assistant
19 in an otherwise proper manner advises a constituent or another in an
20 action against the state or a local government or before a state or
21 local government agency, the legislator or legislative employee may
22 not reveal nonpublic or confidential information.

23 (e) If an attorney is disqualified under this provision, in
24 accordance with the attorney's code of professional responsibility the
25 firm of the legislator or legislative assistant is also disqualified.

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

29 (g) A person who violates this section is subject to the civil

1 sanctions authorized under AS 24.61.560(a).

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

8 (b) A contract is permissible if the contract is let through
9 competitive sealed bidding under AS 36.30 (State Procurement Code) and
10 the legislator or legislative assistant has filed a statement with the
11 commission at the time the bid is made certifying under penalty of
12 unsworn falsification that the legislator or legislative assistant did
13 not have (1) access to inside, nonpublic, or confidential information
14 that reasonably could appear to provide an advantage; or (2) dis-
15 cussions or contacts with state officials involved in letting the
16 contract about the contract that could unduly influence the decision.
17 The statement must also specify the nature of the legislator or legis-
18 lative assistant's personal or immediate family interest, including
19 the percentage or share of profits that will be realized. If the
20 commission requests additional information, it shall be promptly
21 provided. If the commission believes the nature or circumstances of
22 the contract raise impermissible conflicts of interest, it may void
23 the contract or order restrictions. The statement filed by the legis-
24 lator or legislative assistant regarding the contract shall be made
25 part of the public record and published in the journal of the appro-
26 priate house.

27 (c) A contract or lease is permissible if the total amount of
28 the contract or lease over the course of a year is less than \$1,000
29 and it was let under circumstances that raise no substantial question

1 as to the use of undue influence.

2 (d) A contract or lease is permissible if the contract or lease
3 was developed and standardized under published guidelines and the
4 benefits and rights conferred are widely available to the general
5 public under the same terms and conditions.

6 (e) A legislator or legislative assistant may not seek or accept
7 compensation, whether in the form of a commission, bonus, retainer,
8 kickback, or other form, on a state contract, nor may a legislator or
9 legislative assistant receive similar compensation for services relat-
10 ing to recommending, supporting, or advocating a contract between a
11 person and an entity of state government, an entity of local govern-
12 ment that receives substantial state subsidy, or a private enterprise
13 that does a substantial portion of its business with state government.

14 (f) A legislator, legislative assistant, or former legislator or
15 legislative assistant, within one year of leaving legislative service,
16 may not seek or accept a contract for goods or personal services, or
17 other compensation concerning a matter on which the legislator or
18 legislative assistant worked extensively within the last year of
19 service.

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

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

25 Sec. 24.61.345. PARTICIPATION IN GENERAL STATEWIDE PROGRAMS
26 PERMISSIBLE. (a) A legislator or legislative employee may properly
27 participate in statewide benefit programs or receive a loan from the
28 state if the program or loan is generally available to members of the
29 public, is subject to fixed, objective eligibility standards, and

1 requires minimal discretion in determining qualification.

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

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

16 (d) If loan proceeds or other program benefits are received from
17 nonqualifying programs or loans after January 15, the legislator or
18 legislative employee shall file a statement with the commission within
19 30 days after the beginning of participation in the state program or
20 receipt of proceeds from the state loan. The statement shall be
21 promptly forwarded to the presiding officer of the appropriate house
22 who shall cause it to be published in the supplemental journal.

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

29 (f) The commission shall annually identify the programs and

1 loans to be audited by the division of legislative audit during the
2 following year, including the scope of the audit. The records of the
3 relevant state agencies shall be made available to the division of
4 legislative audit. The division of legislative audit shall prepare a
5 report to the commission on its findings. The report is confidential
6 until it is released by the commission.

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

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

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

15 Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a)
16 Public servants must be extremely cautious and circumspect about
17 accepting a gratuity or favor, especially from persons or entities
18 that have a substantial interest in their legislative, administrative,
19 or political actions. Even where there is a genuine personal friend-
20 ship, the acceptance of personal benefits from those who could gain
21 advantage by influencing official actions raises suspicions that tend
22 to undermine public trust. It is the intent of this section to dis-
23 courage all gratuities, but prohibit only those that create unaccept-
24 able conflicts of interest or appearances of impropriety.

25 (b) A legislator or legislative employee may not solicit, ac-
26 cept, or receive, directly or indirectly, a benefit as a gratuity from
27 a person or entity except as provided in this section. Over the
28 course of a year, a legislator or legislative employee may accept
29 gratuities in the form of personal gifts, free or subsidized travel,

1 tickets to entertainment or sporting events, lodging, and any other
2 benefit, provided that the aggregate value is not in excess of \$100
3 from a single source and provided that the gifts are reported as to
4 source and amount. However, a benefit of any amount may not be ac-
5 cepted under circumstances in which it could be reasonably inferred
6 that the gift is intended to influence the performance of official
7 duties, actions, or judgments.

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

11 (1) gifts from immediate family members;

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

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

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

27 (5) unsolicited subscriptions to publications, including
28 newspapers and magazines, with a market value of less than \$100 for
29 the duration of a legislative session;

1 (6) 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, provided that the
5 cost is not lavish or excessive, or as part of personal hospitality at
6 the residence or place of business of the host; this paragraph may not
7 be construed to permit gifts of packaged liquor, wine, or foodstuffs,
8 nor does it permit the acceptance of a restaurant meal not consumed
9 with the person providing the gift, for example if a lobbyist arranges
10 to have a dinner for you and your spouse billed to the lobbyist;

11 (7) a gift presented by a representative of a foreign
12 government may be accepted on behalf of the state, provided that if it
13 is worth more than \$100 it must be turned over to the presiding offi-
14 cer of either house for purposes of displaying the gift in public
15 areas of the Capitol or being sold at auction, the proceeds to go to
16 charity or the general fund; if the gift is worth less than \$100, and
17 it was intended as a personal gift, it may be kept provided that the
18 gift is properly reported;

19 (8) reasonable and necessary expenses including reimburse-
20 ment for travel and related food and lodging are not gratuities when
21 they are incidental to a trip paid for by a government agency or a
22 bona fide nonprofit educational or charitable institution for govern-
23 mental or educational purposes, provided that lodging expenses are
24 limited to the day preceding and the day or days of the event; if the
25 institution paying the expenses does not have a substantial interest
26 in the legislative, administrative, or political action of the recipi-
27 ent, expenses may also be paid for a spouse or other companion, in-
28 cluding a member of the legislator or legislative employee's family,
29 if the value of the gift is reported on required disclosure forms;

1 this paragraph does not permit acceptance of free travel from a person
2 or nongovernmental entity with a substantial interest in the legisla-
3 tive, administrative, or political action of the recipient even if the
4 purpose of the travel is related to matters of legislative concern;

5 (9) hospitality including overnight lodging, food, and
6 beverages at the residence or second home of the host provided the
7 host is present; if the host is a personal friend and has no substan-
8 tial interest in the legislative, administrative, or political actions
9 of the recipient and there are no other facts that create a conflict
10 of interest, there is no limit to the number of days stayed; if the
11 host has a substantial interest in the legislative, administrative, or
12 political actions of the recipient, the exempt stay shall be reported
13 on financial disclosure forms; this paragraph may not be construed to
14 permit the use of a summer home, company retreat, resort facility,
15 condominium or apartment, or other lodging where the host is not
16 personally present or, regardless of the presence of the host, the
17 purpose is to provide the legislator or legislative employee with a
18 paid or subsidized vacation or similar benefit; while the host may use
19 a personal or company car or van to transport the legislator or legis-
20 lative employee to the place of a social event, unusual or expensive
21 travel as by air or limousine to the residence of the host or another
22 place may not be accepted.

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

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

29 (f) A person who violates this section is subject to the civil

1 sanctions authorized under AS 24.61.560(a).

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

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

13 (1) will make it unreasonably difficult to fulfill legisla-
14 tive obligations;

15 (2) is likely to involve the disclosure or use of nonpublic
16 or confidential information acquired in the course of legislative
17 service;

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

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

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

29 (6) will require the legislator or legislative employee to

1 compromise another ethical or legal duty.

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

9 (d) A legislator or legislative assistant who accepts otherwise
10 permissible employment with a person that has a substantial interest
11 in their legislative, administrative, or political actions is subject
12 to special disclosure provisions under AS 24.61.405 and shall scrupu-
13 lously avoid conduct that would lead a reasonable person to believe
14 that the legislator or legislative employee is unable or unwilling to
15 exercise independent, objective, and impartial judgment in considering
16 matters that affect the interests of the legislator's or legislative
17 employee's employer.

18 (e) A legislator or legislative employee may not seek or accept
19 honoraria in the form of a payment of money or anything of value from
20 a person or entity that has a substantial interest in legislative,
21 administrative, or political action as compensation for a speech,
22 panel presentation, appearance, or similar service. This paragraph
23 does not prevent a legislator or legislative employee from accepting
24 an honoraria from a governmental entity outside of the state, from a
25 university, or from another bona fide nonprofit educational or civic
26 institution, provided that the amount paid is reasonable and commensu-
27 rate with the services performed and that the circumstances under
28 which the services are to be performed do not create a conflict of
29 interest or appearance of impropriety. Honoraria and related expenses

1 shall be reported on required disclosure forms. Under other pro-
2 visions of this chapter, a legislator or legislative employee is
3 permitted to accept travel and related expenses incurred as the result
4 of an otherwise permissible activity.

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

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

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

13 Sec. 24.61.370. OBLIGATION TO MAKE ALL DECISIONS ON THE MERITS:
14 FAVORITISM AND PATRONAGE. (a) Legislators and legislative employees
15 shall exercise their powers and prerogatives without prejudice or
16 favoritism. A legislator or legislative employee may not use public
17 authority simply to reward relatives, friends, or political supporters
18 or to hinder or punish enemies and opponents.

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

21 Sec. 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT
22 JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS. (a) The proper opera-
23 tion of democratic government requires that each public official carry
24 out the duties of office free from improper influences that tend to
25 prevent decisions from being made on the merits according to fair and
26 established procedures. Under our system of separation of powers,
27 legislators have the responsibility to exercise oversight to assure
28 that the executive branch is carrying out its functions equitably,
29 efficiently, and economically. This responsibility, combined with the

1 duty to provide legitimate constituent service, creates situations
2 where a legislator may become involved with administrative decisions
3 or proceedings that affect constituents. The purpose of this section
4 is to provide ground rules for that involvement so that the activity
5 does not unduly distort or politicize the administrative process,
6 while still affording the legislator the opportunity to advocate and
7 protect the interests of constituents.

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

13 (c) A legislator, either directly or indirectly, may not use or
14 appear to use political influence in a way that is likely to cause
15 another public servant to consider inappropriate factors in exercising
16 public authority. Acts either intended to or likely to be construed
17 as enticement, trade-offs, ingratiation, threats, intimidation, or
18 coercion are improper. Except to assure that a particular person is
19 being treated fairly according to established rules and procedures, a
20 legislator, directly or indirectly, may not interfere with or seek to
21 influence

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

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

26 (3) an action of a governmental agency concerning the
27 granting or revocation of a license, permit, franchise, or similar
28 entitlement.

29 (d) This section may not be construed to prevent a legislator

1 from

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

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

11 (3) exercising vigilant oversight with respect to the
12 policies, regulations, procedures, and implementation practices of an
13 agency, provided that the oversight activities are conducted through
14 the normal committee processes of the legislature and that the focus
15 is on the policies, procedures, and practices of the agency and not
16 the handling of a particular matter.

17 (e) A legislator who, directly or indirectly, intervenes in an
18 administrative consideration, action, or proceeding, shall explicitly
19 convey to the administrators involved that the administrator is ex-
20 pected to make an independent judgment and that no advantages or
21 disadvantages to the administrator or the agency will result from a
22 favorable or unfavorable disposition.

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

26 Sec. 24.61.390. CONFLICT OF INTEREST DISCLOSURE: STATEMENT OF
27 PURPOSE. The purpose of financial disclosure by legislators and
28 legislative assistants is to

29 (1) discourage legislators and legislative assistants from

1 acting on a private or business interest in the performance of a
2 public duty;

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

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

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

12 (5) provide the public the financial disclosure required to
13 meet the purposes listed in (1) - (4) of this section while preserving
14 the maximum amount of privacy to legislators and legislative assis-
15 tants.

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

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

29 (c) A legislator and a legislative assistant shall disclose to

1 the commission, on a form and at the times prescribed by the commis-
2 sion, detailed information on the sources and amounts of outside
3 income received by them, their spouses, and their dependent children.
4 The information shall be divided into two categories, category A
5 income and category B income.

6 (d) The commission shall adopt regulations relating to the
7 definitions of category A and B income and the reporting requirements
8 imposed by AS 24.61.400 - 24.61.420. The regulations must include
9 provisions that distinguish between income received for personal
10 services, income received from the ownership of property, income
11 received directly by the legislator or legislative assistant, and
12 income received by an entity in which the legislator or legislative
13 assistant has an ownership interest. The regulations may exclude from
14 category A income, income from sources such as interest on deposit
15 accounts in regulated financial institutions.

16 (e) In AS 24.61.400 - 24.61.420,

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

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

24 Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to all
25 benefits received from category A sources, a person required under
26 AS 24.61.400 to report shall file with the commission a sworn state-
27 ment that must include,

28 (1) as to all income received as compensation for services,
29 regardless of the amount, the name and address of the source, a brief

1 statement describing the nature of the services performed including
2 sufficient detail to permit the commission to determine whether the
3 nature of the work created a conflict of interest (for example:
4 "consultant re: expansion of operations;" "engineer, quality con-
5 trol."), and the amount paid;

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

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

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

25 (5) if the source of a reported benefit is a corporation,
26 the name of its parent corporation, if any, and names of its top
27 corporate officers; and

28 (6) if the source of a reported benefit is a partnership or
29 association doing business under a fictitious name, the names of the

1 principals.

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

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

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

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

19 (c) If the person filing a statement under this section is a
20 legislator, the statement is presumptively public, which means that it
21 will be made part of the public record unless the legislator submit-
22 ting it requests that it be kept confidential, states the reasons for
23 the request, and the commission finds that no valid public purpose
24 would be 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 out-
29 weighs the individual's interest in privacy.

1 Sec. 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS AND OTHERS
2 PAYING COMPENSATION TO LEGISLATORS OR LEGISLATIVE ASSISTANTS. (a)

3 Persons who have provided compensation to a legislator or legislative
4 assistant and who qualify as category A sources because they have a
5 substantial interest in legislative, administrative, or political
6 actions, shall file, on a form and at the times prescribed by the
7 commission, a statement regarding the compensation. The statement
8 shall be made under penalty of unsworn falsification. A statement
9 required under this subsection must

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

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

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

26 (c) Legislators and legislative assistants shall ensure that
27 persons who have provided compensation to them have the necessary
28 forms and are informed of the obligation to file a statement under
29 this section.

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

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

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

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

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

24 (c) Legislators and legislative employees who believe that a
25 law, policy, or rule of a house is not achieving its intended purpose,
26 is creating unintended harms, or is wasteful or inefficient, should
27 take affirmative steps to improve procedures in a way that will in-
28 crease the fairness and quality of government services and assure that
29 policies are implemented equitably, efficiently, and economically.

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

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

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

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

- 21 (1) bring a complaint before the commission; and
22 (2) bring a separate civil action in the courts seeking
23 damages, payment of back wages, reinstatement, or other relief.

24 (d) In addition to the special civil liability under (c)(2) of
25 this section, a person who violates this section is subject to the
26 civil sanctions authorized under AS 24.61.560(a).

27 Sec. 24.61.450. DUTY TOWARD COLLEAGUES AND SUBORDINATES. (a) A
28 legislator or legislative employee may not knowingly engage in conduct
29 that violates the right of others to be treated fairly, with dignity

1 and respect, nor may they engage in improper acts of discrimination,
2 sexual harassment, or abuse of a person in the course of legislative
3 activities.

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

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

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

17 ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.

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

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

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

26 (3) two members appointed by the supreme court;

27 (4) one member appointed by the governor;

28 (5) one member appointed by the lieutenant governor;

29 (6) one member appointed by the Alaska Public Offices

1 Commission; and

2 (7) two members selected by majority vote of the members
3 appointed under (1) - (6) of this subsection.

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

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

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

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

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

24 I will solemnly perform the duties of this office in a
25 manner that is consistent with both the letter and
26 spirit of the Alaska Legislative Ethics Act and I shall
27 conform my own conduct to the provisions therein. I
28 acknowledge the obligation and need to interpret and
29 apply all its provisions, and the ethical principles

1 that underlie them, vigorously, promptly, fairly, and
2 in good faith. All my actions, decisions, and votes on
3 matters relating to my duties will be made purely on
4 the merits, objectively, independently, and without
5 political, regional, or ideological partisanship.

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

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

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

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

23 (b) Six commissioners constitute a quorum. A vote of the major-
24 ity of the commissioners present at a meeting in which a quorum is
25 present is required for official action of the commission.

26 (c) The commission may meet by teleconference.

27 (d) Commissioners shall receive compensation of \$175 for each
28 day in which they attend or participate in a commission meeting of at
29 least one hour in length, either in person or by teleconference. The

1 chair and vice-chair shall receive an additional stipend of \$500 a
2 year. The commission shall develop and implement policies consistent
3 with those employed by other state commissions for the reimbursement
4 of travel costs and the payment of per diem under AS 39.20.180.

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

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

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

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

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

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

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

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

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

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

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

19 (A) a candidate for the legislature;

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

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

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

27 (4) take an action or make a statement that is likely to
28 create in the mind of a reasonable objective observer a belief that
29 the commissioner, employee, or other person is not impartial or

1 independent or is otherwise unable to properly perform public duties.

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

8 (e) Commissioners and the executive director are subject to
9 AS 39.50.

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

11 (a) The commission shall

12 (1) administer the provisions of this chapter;

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

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

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

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

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

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

28 (8) prepare a biennial report to the legislature summariz-
29 ing its activities over the previous two years, evaluating the

1 effectiveness of this chapter in accomplishing its stated purposes,
2 and recommending legislative reforms it thinks necessary to improve
3 the administration of this chapter and to better advance its goals.

4 (b) The commission may

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

9 (2) perform the other acts, duties, and functions necessary
10 to properly administer this chapter, consistent with law and the
11 purpose of this chapter.

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

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

23 (1) the opinions given are not necessarily those of the
24 commission;

25 (2) although the advice is given in good faith, the person
26 seeking the advice relies on it at the person's own risk because it is
27 not binding upon the commission; and

28 (3) information voluntarily provided to a commission em-
29 ployee is not necessarily confidential and may be used against the

1 person seeking the advice if it becomes material to a proceeding
2 before 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 the
4 identity of the requester confidential unless the request, the identi-
5 ty of the person making it, or information conveyed orally or in
6 writing relating to the request is or becomes material to a matter
7 before the commission.

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

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

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

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

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

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

29 (2) application of the rule or provision under the

1 circumstances presented would be inconsistent with the spirit and
2 purpose of the provision or this chapter as a whole; and

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

5 (d) The commission may require or permit the personal appearance
6 of the petitioner before the commission and hold hearings regarding
7 the exemption request.

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

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

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

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

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

25 (2) a statement of the facts known or believed to be true
26 that form the basis of the complaint and the sources of the informa-
27 tion, including the approximate dates of the acts alleged and names
28 and addresses of persons with personal knowledge of the facts alleged;
29 and

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

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

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

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

21 (g) Once a complaint has been determined to be formally suffi-
22 cient, commission staff shall evaluate the complaint and advise the
23 chair as to its opinion as to whether it states a valid complaint that
24 should be investigated. If the executive director is a member of the
25 bar, the executive director may provide the advice. Otherwise, the
26 executive director shall appoint a duly qualified legal counsel to
27 assist in making the determinations required under this subsection.
28 To be valid, the complaint must allege

29 (1) facts that, if true, establish a violation of this

1 chapter;

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

6 (3) that the person charged with misconduct is either a
7 legislator or legislative employee at the time of the filing of the
8 complaint or was a legislator or legislative employee within one year
9 of the filing.

10 (h) Within 20 days after the filing of the complaint, or within
11 45 days if the chair of the commission certifies additional time is
12 required, a determination shall be made on the substantive validity of
13 the complaint. If the chair concludes that there is no substantial
14 reason to question the opinion of staff as to the validity of a com-
15 plaint, the complaint shall either be dismissed or certified for
16 further consideration in accordance with the opinion. The chair or a
17 commissioner, however, may request a hearing on the validity of the
18 complaint at a meeting of the commission.

19 (i) If a complaint is dismissed because of invalidity, it shall
20 be returned to the complainant with a notice of dismissal stating in
21 detail the reason for dismissal. If the commission finds that the
22 complaint was frivolous, malicious, or was filed in bad faith, it
23 shall so state in the notice of dismissal. If the commission finds
24 that the complaint alleges violations outside the scope of this chap-
25 ter, it shall so state and forward the complaint to the appropriate
26 enforcement body for disposition. A copy of the notice of dismissal
27 shall be sent to the respondent. The notice of dismissal is a public
28 record.

29 (j) If the commission concludes that some or all of the

1 allegations of the complaint, if proven, would constitute a violation
2 of this chapter, or if the commission has initiated the complaint, the
3 complaint shall be certified and a factual investigation shall com-
4 mence. The record of certification for further consideration is
5 confidential subject to subsequent actions that may make it part of
6 the public record.

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

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

27 (c) A legislator or a legislative employee may request in writ-
28 ing that the commission investigate charges of impropriety made
29 against the legislator or legislative employee. The request must

1 state with specificity the nature of the investigation requested. If
2 the commission agrees to undertake an investigation, the investigation
3 is not necessarily limited in scope by the request and, once begun, it
4 shall be handled as any other investigation, with the person request-
5 ing the investigation formally treated as a respondent.

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

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

19 (f) Upon completion of the investigation, a confidential report
20 summarizing the evidence, evaluating its credibility, and detailing
21 findings on each of the allegations investigated shall be submitted to
22 the commission along with recommendations as to whether the complaint,
23 or a portion of it, should be dismissed or whether the matter should
24 proceed to the full hearing stage. The report shall be prepared so as
25 to exclude unreliable information and uncorroborated and irresponsible
26 allegations. The investigator's notes, records of interviews, and
27 other investigatory matter considered unreliable or unduly prejudicial
28 by the commission shall remain confidential.

29 Sec. 24.61.545. PROBABLE CAUSE DETERMINATION. (a) The

1 commission shall consider the investigator's report in closed session
2 and determine whether substantial credible evidence exists to believe
3 that it is probable that a violation of this chapter has occurred.

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

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

22 (d) If the commission finds that substantial credible evidence
23 exists establishing probable cause that a violation of this chapter
24 has occurred, it shall serve on the respondent in a manner consistent
25 with the service of summons under the rules of civil procedure, a
26 formal charge stating the specific allegations and a proposed hearing
27 date.

28 (e) The hearing may not be scheduled to commence sooner than 20
29 days after service of the formal charge on the respondent. If the

1 respondent requests an earlier hearing date, the commission may, but
2 is not required to, consent. The commission shall, upon request,
3 grant the respondent reasonable additional time to prepare a defense.
4 The respondent may file a responsive pleading admitting or denying the
5 various allegations.

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

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

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

23 (b) An adjudicatory hearing shall be before a hearing board
24 composed of the commission chair and four commissioners appointed by
25 the chair. If the chair cannot attend all hearing sessions without
26 undue inconvenience, the vice-chair shall serve in the chair's place.
27 If neither the chair nor the vice-chair is available, the chair shall
28 appoint another commissioner. Appointments to hearing boards shall be
29 rotated among the commissioners.

1 (c) The chair, vice-chair, or a commissioner designated by the
2 chair, as appropriate, shall preside at the hearing. The executive
3 director or other legal counsel designated by the commission shall
4 attend and advise and counsel the hearing board.

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

12 (e) A hearing board may

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

16 (2) compel the production of documentary or tangible evi-
17 dence;

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

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

22 (f) The respondent may

23 (1) appear before the hearing board and submit testimony or
24 other evidence;

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

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

29 Sec. 24.61.555. FINDINGS AND RECOMMENDATIONS. (a) Within 10

1 days after the completion of a hearing, the hearing board shall vote
2 on each charge to determine whether it was established by a preponder-
3 ance of the evidence and prepare a written opinion along with rec-
4 ommendations, if any. A vote of three commissioners is required to
5 find a violation and approve an opinion.

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

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

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

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

29 (2) divestiture of specified assets or withdrawal from

- 1 specified relationships;
- 2 (3) detailed disclosure, with or without additional period-
- 3 ic reporting requirements;
- 4 (4) suspension from legislative employment, with or without
- 5 pay;
- 6 (5) restitution or reimbursement;
- 7 (6) suspension of pay until orders are complied with;
- 8 (7) probationary status;
- 9 (8) a written reprimand;
- 10 (9) repealing or amending legislation, or voiding or modi-
- 11 fying other action that resulted from conduct in violation of this
- 12 chapter;
- 13 (10) censure, including a recommendation that a legislator
- 14 censured may not serve as a chair or co-chair on a legislative commit-
- 15 tee for the remainder of the legislator's current term in office;
- 16 (11) expulsion of a legislator or dismissal of a legislative
- 17 employee;
- 18 (12) payment of costs related to the investigation and
- 19 adjudication of the charge;
- 20 (13) another sanction fashioned to achieve the purposes of
- 21 this chapter.

22 (b) When a provision of this chapter provides for the imposition

23 of administrative sanctions under this subsection, the commission may

24 recommend any of the civil sanctions set out in (a) of this section

25 except sanctions under (a)(1) and (11).

26 Sec. 24.61.565. RECOMMENDATIONS TO THE LEGISLATURE WHERE VIOLA-

27 TOR IS A LEGISLATOR. (a) If the person found to have violated this

28 chapter is or was a member of the legislature, the hearing board's

29 recommendations shall be forwarded by the chair of the commission to

1 the presiding officer of the appropriate house of the legislature.

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

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

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

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

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

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

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

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

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

24 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may
25 publicly respond to a statement or interpretation made concerning the
26 contents of an advisory opinion or decision it has issued or is pur-
27 ported to have issued. A person who requests an advisory opinion and
28 makes that fact public is considered to have waived the confidential-
29 ity of the person's identity and of all records obtained by the

1 commission in connection with the request for the advisory opinion.

2 ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

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

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

- 12 (1) publish an ethics education manual;
13 (2) establish an education advisory committee; and
14 (3) design and implement a legislative orientation training
15 course, a current issues and applications seminar, and a lobbyist
16 training course.

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

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

28 (c) The manual shall be distributed to all legislators, legisla-
29 tive employees, and registered lobbyists. The manual shall also be

1 available to the public.

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

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

- 10 (1) legislative orientation training course;
11 (2) current issues and applications seminar; and
12 (3) lobbyist training course.

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

19 (b) The education advisory committee shall determine the specif-
20 ic content of the course, and it shall cover the ethics laws, internal
21 rules and policies, as well as the technical and specific legal re-
22 quirements that legislators and legislative employees must follow.
23 The course shall also cover the underlying purposes and ethical prin-
24 ciples of all ethics laws, internal rules and policies, and other
25 related regulations. The course shall highlight the principles of
26 public service ethics and the intent of ethics laws, including their
27 application to practical situations.

28 (c) The commission shall offer separate sessions of the course
29 for legislators and for legislative employees, and shall offer as many

1 sessions as necessary to accommodate the number of people required to
2 take the course. Unless the commission decides otherwise, the course
3 should be at least six hours long and given in one or two sessions.
4 To afford meaningful participation and direct involvement, the commis-
5 sion shall limit the attendance of each session to approximately 50
6 people.

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

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

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

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

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

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

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

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

19 (e) Lobbyists shall repeat the training course at least once
20 every three years and the commission shall update the course accord-
21 ingly.

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

24 Sec. 24.61.760. ADMINISTRATIVE PROVISIONS. (a) The commission
25 shall assure the continued implementation, improvement, and modifica-
26 tion of the ethics education programs. The commission shall develop
27 procedures to assure the attendance of, and course completion by, all
28 legislators, legislative employees, and lobbyists, including proce-
29 dures to review requests for exemptions.

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

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

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

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

21 ARTICLE 5. GENERAL PROVISIONS.

22 Sec. 24.61.900. RELATIONSHIP TO COMMON LAW AND OTHER LAWS. (a)
23 The provisions of this chapter specifically replace, supersede, and
24 where necessary repeal provisions of the common law relating to legis-
25 lative conflict of interest, and specific Alaska statutes including
26 former AS 24.60, and all other laws that are inconsistent or incom-
27 patible with a provision of this chapter.

28 (b) Nothing in this chapter exempts a person from applicable
29 provisions of another law unless the law is explicitly superseded or

1 incompatibly inconsistent with specific provisions of this chapter.

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

5 (b) Certain specified provisions apply to former members of the
6 legislature, candidates for the legislature, former legislative em-
7 ployees, persons who have transactions with legislators or legislative
8 employees, and lobbyists.

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

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

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

23 Sec. 24.61.950. COOPERATION OF OTHERS. If the commission re-
24 quests their cooperation, a state agency, official, employee, or a
25 person whose conduct is regulated by this chapter shall cooperate with
26 the commission. An individual shall make information reasonably
27 related to an investigation available to the commission on written
28 request. The commission may request and shall receive from every
29 officer, department, division, board, agency, commission, house of the

1 legislature, or other agency of the state, cooperation and assistance
2 in the performance of its duties.

3 Sec. 24.61.960. CONFIDENTIALITY. A person subject to the pro-
4 visions of this chapter may not knowingly make an unauthorized disclo-
5 sure of confidential information acquired in the course of official
6 duties.

7 Sec. 24.61.990. DEFINITIONS. In this chapter,

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

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

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

- 21 (i) money;
- 22 (ii) products or merchandise;
- 23 (iii) works of art or collectibles;
- 24 (iv) stocks, bonds, notes, or options;
- 25 (v) an interest in real property;
- 26 (vi) contracts or a promise of a future interest
27 in a contract;
- 28 (vii) an interest or a promise of a future interest
29 in a business;

- 1 (viii) meals, beverages, or lodging;
2 (ix) transportation;
3 (x) services, including loaned employees;
4 (xi) loans, loan guarantees, co-signing;
5 (xii) forgiveness of a debt;
6 (xiii) discounts or rebates not extended to the
7 public generally;
8 (xiv) preferential treatment;
9 (xv) tickets or admissions;
10 (xvi) free or discounted use of office facilities;
11 (xvii) loan of office equipment;
12 (xviii) radio or television time;
13 (xix) promise or offer of present or future employ-
14 ment;
15 (xx) use of autos, boats, apartments, or other
16 recreational or lodging facilities;
17 (xxi) intangible rights such as a cause of action;
18 (xxii) licenses, patents, copyrights, or an interest
19 in them;
20 (xxiii) any other item, tangible or intangible,
21 having economic value;
22 (B) "anything of value," "benefit," or "thing of
23 value" does not include
24 (i) unsolicited tokens or awards with a value of
25 less than \$100 in the form of a plaque, trophy, clock, desk
26 or wall memento or decoration, or similar item;
27 (ii) unsolicited advertising items such as calen-
28 dars, key chains, pens, or samples of merchandise with a
29 value of less than \$50;

1 (iii) unsolicited publications with a market value
2 of less than \$100 during a legislative session;

3 (iv) discounts afforded to the general public or
4 specified groups or occupations under normal business con-
5 ditions except that the discounts may not be based on the
6 fact of legislative service unless it is a discount program
7 approved by the commission;

8 (v) campaign contributions, pledges, political
9 endorsements, support in a political campaign, or a promise
10 of endorsement or support;

11 (vi) contributions to a cause or organization,
12 including a bona fide charity, made in response to a direct
13 solicitation from a legislator or a person acting at the
14 legislator's direction;

15 (3) "close economic association" has the meaning given in
16 AS 24.61.265;

17 (4) "close personal relationship" is a special relationship
18 between a legislator or legislative employee and another person that
19 creates strong bonds of loyalty, friendship, or love that could poten-
20 tially conflict with public duties and the obligation to exercise
21 objective independent judgment, or create the appearance that the
22 person may have undue access to confidential information or otherwise
23 receive favored treatment regarding public actions; it includes but is
24 not limited to immediate family, long-term personal friends or former
25 business associates, and persons with whom the legislator or legisla-
26 tive employee has a significant and continuous romantic relationship;

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

28 (6) "confidential information" refers to information made
29 confidential by law or that is conveyed or accepted with the

1 understanding that it will only be used for official purposes;

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

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

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

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

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

20 (12) "knowingly" means for a person to be aware with respect
21 to conduct or to a circumstance described by a provision of law that
22 the person's conduct is of that nature or that the circumstance ex-
23 ists; when knowledge of the existence of a particular fact is re-
24 quired, that knowledge is established if a person is aware of a sub-
25 stantial probability of its existence, unless the person actually
26 believes it does not exist;

27 (13) "legislative action" means conduct relating to the
28 development, drafting, consideration, sponsorship, enactment or de-
29 feat, support or opposition to or of a law, amendment, resolution,

1 report, nomination, or other matter affected by legislative action or
2 inaction;

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

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

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

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

25 (18) "political action" means conduct in which public offi-
26 cials, including legislators or legislative employees, use their
27 official position or political contacts to exercise informal influence
28 on state and local government employees or entities; it includes but
29 is not limited to intervening on behalf of constituents with a

1 government agency, endorsing, and pledging support or actively sup-
2 porting a legislative matter, a nominee, or a candidate for public
3 office;

4 (19) "professional representation" means representation for
5 compensation;

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

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

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

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

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

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

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

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

29 Sec. 24.10.100. SALARY OF LEGISLATORS. The annual [MONTHLY]

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

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

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

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

14 (c) In this section,

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

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

21 * Sec. 6. AS 24.10.110 is repealed and reenacted to read:

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

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

1 (c) A representative may voucher up to \$6,000 per year under
2 this section, and a senator may voucher up to \$10,000. Vouchers shall
3 be processed under AS 24.10.120 and policies adopted by the legisla-
4 tive council.

5 (d) Notwithstanding (b) of this section, expenses related to
6 newsletters that meet the requirements of AS 24.61.140(d) and (e) may
7 not be paid under this section. The legislative council shall adopt
8 guidelines under which each legislator may prepare and distribute two
9 newsletters a year that comply with AS 24.61. The guidelines must be
10 consistent with AS 24.61 and regulations under that chapter adopted by
11 the Legislative Ethics Commission and must provide for the payment of
12 expenses for the newsletters from appropriations to the legislature.

13 * Sec. 7. AS 24.10.130 is amended by adding a new subsection to read:

14 (b) During each regular session of the legislature, a member of
15 the legislature may be reimbursed for up to two round trip tickets
16 from Juneau to a city in the district from which the legislator was
17 elected. A trip paid for under this subsection may be for a family,
18 business, or constituent purpose.

19 * Sec. 8. AS 24.40.020 is amended to read:

20 Sec. 24.40.020. CONTINUANCE IN A CRIMINAL PROCEEDING WHERE
21 DEFENDANT [, DEFENSE ATTORNEY] OR WITNESS IS A MEMBER OF THE LEGISLA-
22 TURE. Upon a showing that [THE ATTORNEY OF RECORD AT THE TIME OF THE
23 DEFENDANT'S FIRST APPEARANCE IN THE COURT OF RECORD OR] a principal
24 witness or a party in a criminal proceeding is a member of the legis-
25 lature and that the legislature is in session or that a legislative
26 interim committee of which the legislator is a member is meeting or is
27 to meet within the next seven days, the defendant is entitled to a
28 reasonable continuance of the date of trial until at least 15 days
29 after the legislative session or interim committee meeting. However,

1 a continuance for this reason may [SHALL] not exceed 30 days after
2 recess of the legislature or interim committee. A continuance may not
3 be granted for any longer time than it is affirmatively proved the
4 ends of justice require.

5 * Sec. 9. AS 24.40.031 is amended to read:

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

24 * Sec. 10. AS 24.45.041(a) is amended to read:

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

1 * Sec. 11. AS 24.45.041(f) is amended to read:

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

11 * Sec. 12. AS 24.45.041 is amended by adding a new subsection to read:

12 (g) Notwithstanding (a) and (f) of this section, a lobbyist
13 whose name has not been certified to the commission under AS 24.61.-
14 750(c) may conditionally register or renew a registration under this
15 section if authorized by the Legislative Ethics Commission under
16 AS 24.61.750(a).

17 * Sec. 13. AS 24.45.121(a) is amended to read:

18 Sec. 24.45.121. PROHIBITIONS. (a) A lobbyist may not

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

21 (2) do anything with the intent of placing a public offi-
22 cial under personal obligation to the lobbyist or to the lobbyist's
23 employer;

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

27 (4) cause or influence the introduction of a legislative
28 measure for the purpose of thereafter being employed to secure its
29 defeat;

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

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

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

10 (8) use state property or resources in the conduct of the
11 lobbyist's business; this paragraph does not apply to a state employee
12 whose official duties require the employee to register as a lobbyist.

13 * Sec. 14. AS 39.25.110 is amended by adding a new paragraph to read:

14 (30) executive director and staff of the Legislative Ethics
15 Commission.

16 * Sec. 15. AS 39.50.025 is amended to read:

17 Sec. 39.50.025. NOTIFICATION TO CANDIDATES FOR LEGISLATURE. On
18 receipt of a statement under AS 39.50.020 from a candidate for the
19 legislature the commission shall mail, by certified mail, a copy of
20 AS 24.61 (Legislative Ethics Act) [AS 24.60 (STANDARDS OF CONDUCT)] to
21 the candidate at the address shown on the report.

22 * Sec. 16. AS 39.50.200(a)(8) is amended to read:

23 (8) "public official" means a judicial officer, a member of
24 the legislature, the fiscal analyst of the legislative finance divi-
25 sion, the legislative auditor of the legislative audit division, the
26 executive director of the Legislative Affairs Agency and the directors
27 of the divisions within the Legislative Affairs Agency, the executive
28 director of the Legislative Ethics Commission, the governor, the
29 lieutenant governor, a person hired or appointed as the head or deputy

1 head of, or director of a division, a department in the executive
2 branch, an assistant to the governor, chair [CHAIRMAN] or member of a
3 state commission or board, the executive director of the Alaska Tour-
4 ism Marketing Council, and each appointed or elected municipal offi-
5 cer;

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

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

9 * Sec. 18. AS 39.52.910(a) is amended to read:

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

16 * Sec. 19. AS 24.60 is repealed.

17 * Sec. 20. INITIAL COMMISSION APPOINTMENTS. Notwithstanding AS 24.61.-
18 500(b), as added by sec. 2 of this Act, the terms of the members initially
19 appointed to the Legislative Ethics Commission are as follows:

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

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

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

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

29 (5) the member appointed by the supreme court serves a term of

1 one year.

2 * Sec. 21. INITIAL TRAINING COURSES. The initial courses and seminars
3 required under AS 24.61.730 - 24.61.750, as added by sec. 2 of this Act,
4 shall be offered during January and February 1991.

5 * Sec. 22. INITIAL RECOMMENDED REGULATIONS. The Alaska Legislative
6 Council shall make its initial recommendations to the Legislative Ethics
7 Commission under AS 24.61.160, as added by sec. 2 of this Act, by
8 January 21, 1991. If the legislative council does not comply with the
9 deadline under this section, the Legislative Ethics Commission shall pro-
10 ceed to adopt regulations under AS 24.61.160 on its own initiative.

11 * Sec. 23. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER
12 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 19 of this Act,
13 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,
14 the Legislative Ethics Commission may consider complaints alleging viola-
15 tions of AS 24.60 that occurred prior to January 21, 1991, and for which
16 proceedings have not been commenced or concluded prior to January 21, 1991.
17 For the purpose of this section, the Legislative Ethics Commission shall
18 follow the procedures established under AS 24.61, but may not recommend a
19 sanction or penalty not authorized under former AS 24.60.

20 * Sec. 24. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTH-
21 ERS. Notwithstanding AS 24.61.330, as added by sec. 2, of this Act, a
22 legislator or legislative assistant who is subject to AS 24.61.330 may,
23 until January 1, 1992, represent a person in a proceeding that would other-
24 wise be prohibited under AS 24.61.330 if the legislator or legislative
25 assistant promptly files a statement with the Legislative Ethics Commission
26 that includes the name of the client, an identifying name or number of the
27 action, a brief description of the nature of the action, and the amount of
28 compensation received or anticipated relating to the representation. The
29 statement shall be published in the journal of the appropriate house. If

1 information contained in the statement changes, a supplemental statement
2 shall be filed every 90 days until the matter is completed or January 1,
3 1992, at which time the representation must be terminated. In this sec-
4 tion, "legislative assistant" has the meaning given in AS 24.61.990, as
5 added by sec. 2 of this Act.

6 * Sec. 25. AS 24.61.160, 24.61.400(d), 24.61.500 - 24.61.720 and
7 24.61.990, as added by sec. 2 of this Act, and secs. 20 and 22 of this Act,
8 take effect July 1, 1990.

9 * Sec. 26. AS 24.61.200 - 24.61.240, as added by sec. 2 of this Act,
10 take effect November 6, 1990.

11 * Sec. 27. Except as provided in secs. 25 and 26 of this Act, this Act
12 takes effect January 21, 1991.