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

1 IN THE SENATE
2 CS FOR SENATE BILL NO. 415 (Leg. Ethics)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act establishing a legislative ethics commission
7 and standards of conduct for legislators, candidates
8 for the legislature, and legislative employees,
9 former legislators and employees, and lobbyists;
10 requiring financial disclosures by legislators,
11 candidates for the legislature, and certain legisla-
12 tive employees; amending legislators' compensation
13 and allowances; and providing for an effective date."
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
15 * Section 1. SHORT TITLE. This Act may be known as the Legislative
16 Ethics Act of 1990.
17 * Sec. 2. AS 24 is amended by adding a new chapter to read:
18 CHAPTER 61. LEGISLATIVE ETHICS ACT OF 1990.
19 ARTICLE 1. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES.
20 Sec. 24.61.010. PURPOSE. This chapter is enacted to
21 (1) assure the integrity of representative government and
22 sustain the confidence and trust of the people of this state in their
23 representatives, the legislature as a whole, and the legislative
24 process;
25 (2) provide a comprehensive and unified statement of the
26 ethical principles, considerations, and obligations inherent in the
27 public trust theory of government service and establish specific
28 standards of conduct to ensure that those entrusted with public au-
29 thority avoid conduct that might undermine the people's respect for

1 the legislature; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Sec. 24.61.030. PRINCIPLE OF NONPARTISANSHIP. All actions,
6 decisions, and votes on matters relating to this chapter shall be made
7 on their merits. Decisions shall be made objectively and independent-
8 ly, and without party, regional, or ideological partisanship.

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

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

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

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

29 (c) In pursuing the public interest, legislators and legislative

1 employees should

2 (1) put loyalty to democratic principles and to their
3 conscientious convictions about the overall public good above loyalty
4 to political party, narrow constituency, and individual interests that
5 are inconsistent with the general public interest;

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

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

14 Sec. 24.61.045. PRINCIPLE OF ACCOUNTABILITY. (a) Legislators
15 and legislative employees shall ensure that government is conducted
16 openly, efficiently, equitably, and honorably in a manner that permits
17 the citizenry to make informed judgments and hold government officials
18 accountable.

19 (b) Legislators and legislative employees who believe that a
20 law, policy, or rule of a house is not achieving its intended purpose,
21 is creating unintended harms, or is wasteful or inefficient, shall
22 take affirmative steps to improve procedures in a way that will in-
23 crease the fairness and quality of government services and assure that
24 policies are implemented equitably, efficiently, and economically.

25 Sec. 24.61.050. PRINCIPLE OF REPRESENTATIVE DEMOCRACY. (a)
26 Legislators and legislative employees shall honor and respect the
27 principles and spirit of representative democracy and set a positive
28 example of good citizenship by scrupulously observing the letter and
29 spirit of laws and rules.

1 (b) A legislator or legislative employee may not knowingly use
2 improper artifices or schemes to circumvent the clear purpose of this
3 chapter or another law, use procedural powers or processes in a way
4 that prevents appropriate consideration of a matter, or exercise
5 leadership authority and power arbitrarily, arrogantly, or in another
6 way that violates the spirit of representative democracy.

7 Sec. 24.61.055. PRINCIPLE OF RESPECTABILITY; CONDUCT BEFITTING
8 THE LEGISLATURE. (a) Legislators and legislative employees shall
9 safeguard public confidence in the integrity of government by not
10 engaging in conduct that prevents them from carrying out their public
11 duties or that unreasonably casts discredit on the legislature.

12 (b) A legislator or legislative employee may not knowingly
13 engage in conduct that violates the rights of others to be treated
14 fairly, and with dignity and respect.

15 Sec. 24.61.060. PRINCIPLE OF INDEPENDENT JUDGMENT. (a) Legis-
16 lators and legislative employees shall employ independent objective
17 judgment in performing their duties and shall decide all matters on
18 the merits.

19 (b) Legislators and legislative employees should avoid trans-
20 actions and relationships that create conflicts of interest and both
21 real and apparent improper influences. Where the interests and influ-
22 ences are unavoidable, legislators and legislative employees shall
23 subordinate other interests to their public duties.

24 (c) Legislators and legislative employees shall exercise their
25 powers and prerogatives without prejudice or favoritism. A legislator
26 or legislative employee may not use public authority simply to reward
27 relatives, friends, or political supporters or to hinder or punish
28 enemies and opponents.

29 (d) Legislators who, directly or indirectly, intervene in an

1 administrative consideration, action, or proceeding, should explicitly
2 convey to the administrator involved that the administrator is ex-
3 pected to make an independent judgment and that no advantage or dis-
4 advantage to the administrator or the agency will result from a favor-
5 able or unfavorable disposition.

6 ARTICLE 2. STANDARDS OF CONDUCT.

7 Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL
8 PRINCIPLE. Inherent in the concept that public office is a public
9 trust is the principle that legislators and legislative employees
10 refrain from using or attempting to use their government position to
11 attain

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

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

17 (3) benefit for social or business associates, political
18 contributors, corporations, or other organizations in which the public
19 servant is involved; or

20 (4) political advantages where the use of office is incon-
21 sistent with the obligation to use public office only to advance the
22 public interest.

23 Sec. 24.61.110. IMPROPER BENEFIT FROM PERFORMANCE OF PUBLIC
24 DUTIES. (a) A legislator or legislative employee may not solicit,
25 agree to accept, or accept a benefit other than official compensation
26 for the performance of public duties. This subsection may not be
27 construed to prohibit lawful solicitation for and acceptance of cam-
28 paign contributions or the acceptance of a lawful gratuity under
29 AS 24.61.350. A person who violates this subsection is guilty of

1 receiving unlawful gratuities under AS 11.56.120 and is subject to
2 civil sanctions under AS 24.61.560(a).

3 (b) A legislator or legislative employee may not accept anything
4 of value under circumstances where the legislator or legislative
5 employee knows or reasonably should know that it is offered with the
6 intent to influence legislative, administrative, or political action.
7 A person who violates this subsection is guilty of receiving a bribe
8 under AS 11.56.110 and is subject to civil sanctions under AS 24.61.-
9 560(a).

10 Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. (a) Legisla-
11 tors and legislative employees who receive an offer of anything of
12 value that reasonably appears to have been intended to improperly
13 influence legislative, administrative, or political action, shall
14 firmly and unequivocally reject the offer and caution the person
15 making it about a possible violation of bribery laws.

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

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

20 Sec. 24.61.130. MISUSE OF STATE PROPERTY AND RESOURCES FOR
21 PRIVATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
22 employee may not use public funds, time, facilities, equipment, mail-
23 ing lists, computer data, services, or any other government asset or
24 resource for a nongovernmental purpose or for the private gain or
25 advantage of either the legislator, legislative employee, or another
26 person. This subsection does not prohibit (1) the occasional and
27 limited use of state property and resources for personal purposes if
28 the use does not interfere with the performance of public duties, the
29 cost or value related to the use is so nominal that reimbursement

1 procedures would not be justified, and the use does not create the
2 appearance of impropriety or improper influence; or (2) the use of
3 mailing lists, computer data, or other information lawfully obtained
4 from a government agency and available to the public for nongovern-
5 mental purposes. A person who violates this subsection is subject to
6 civil sanctions under AS 24.61.560(a) and may be prosecuted for theft
7 under AS 11.46.

8 (b) A legislator or legislative employee may not seek, accept,
9 use, allocate, grant, or award public funds for a purpose other than
10 that approved by law, or make a false statement in connection with a
11 claim, request, or application for compensation, reimbursement, or
12 travel allowances from public funds. A person who violates this
13 subsection is subject to the civil sanctions authorized under AS 24.-
14 61.560(a) in addition to appropriate criminal penalties under another
15 law.

16 (c) A legislator or legislative employee may not require or
17 permit a legislative employee to perform personal services or assist
18 in a private activity except in unusual and infrequent situations
19 where the person's service is reasonably necessary to permit the
20 legislator or legislative employee to perform official duties. A
21 person who violates this subsection is subject to civil sanctions
22 under AS 24.61.560(a) in addition to appropriate criminal penalties
23 under another law.

24 Sec. 24.61.140. MISUSE OF STATE PROPERTY AND RESOURCES FOR
25 POLITICAL PURPOSES. (a) It is the intent of this section to ensure
26 that public resources, including funds, facilities, and personnel are
27 used only for the good of the public at large and not to further
28 partisan campaign purposes or to influence the outcome of an election;
29 that elections are fair and open and not distorted by the use of

1 public resources to the advantage of individual candidates; and that
2 taxpayers are not forced to subsidize the campaign of an incumbent
3 legislator.

4 (b) A legislator or legislative employee may not use or author-
5 ize the use of public funds, time, facilities, equipment, mailing
6 lists, computer data, services, or another government asset or re-
7 source for the purpose of political fund raising, campaigning, or
8 influencing an election. This subsection does not prohibit the use of
9 mailing lists, computer data, or other public information lawfully
10 obtained from a government agency and available to the general public
11 for nongovernmental purposes. A person who violates this subsection
12 may be prosecuted for theft under AS 11.46.

13 (c) A legislator or legislative employee may not require a
14 legislative employee on government time to assist in political party
15 activities, campaigning, fund raising, or other partisan or personal
16 political activities.

17 (d) The legislative council shall adopt policies relating to a
18 legislator's use of public funds for the production of newsletters or
19 similar publications for distribution to the legislator's constitu-
20 ents. The policies must address the form and content of these publi-
21 cations and must include a requirement that the publications include

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

24 (2) an identification of significant bills voted on by the
25 legislator's house and the vote of the legislator; and

26 (3) the name of each significant contributor to the legis-
27 lator's campaign.

28 (e) Unless superseded by policies relating to the use of govern-
29 ment resources for political purposes developed by the legislative

1 council and adopted by the commission as regulations under AS 24.61.-
2 160, the following prohibitions apply:

3 (1) a legislator may not use or authorize the use of public
4 funds, property, time, personnel, or other resources to produce,
5 print, photocopy, publish, broadcast, or otherwise disseminate mater-
6 ial primarily intended to influence an election; this provision
7 applies to newsletters and other constituent correspondence that by
8 their nature, content, timing, or use are intended to influence an
9 election, even if the materials do not make a specific reference to
10 the election, but does not apply to newsletters and other constituent
11 correspondence that express the legislator's opinions or views on
12 issues before the legislature, or that describe the legislator's
13 votes, legislative proposals, or other legislative action.

14 (2) unless approved by the commission, public funds may not
15 be used to print or distribute a mass mailing from or about a legisla-
16 tor who is a candidate for reelection to the legislature or another
17 state office during the period beginning 60 days before the primary
18 election in which the legislator is a candidate, and ending the day
19 after a general or special election in which the legislator is a
20 candidate;

21 (3) a legislator, or another person on behalf of the legis-
22 lator, or a campaign committee of the legislator, may not solicit or
23 accept or authorize the solicitation or acceptance of, a campaign
24 contribution in a facility or office ordinarily used to conduct state
25 government business; this provision applies to telephone conversa-
26 tions, personal meetings, and solicitations by mail; if an unsolicited
27 contribution is offered it shall be refused or returned promptly; if
28 an unsolicited contribution is received in the mail, or a lawfully
29 solicited contribution is misdirected to an office ordinarily used to

1 conduct state business, if otherwise lawful it may be accepted but it
2 may not be processed in that office and it shall be delivered promptly
3 to an appropriate location;

4 (4) a legislator, or another person on behalf of the legis-
5 lator, or a campaign committee of the legislator, may not distribute
6 or post literature, placards, posters, or other communications in-
7 tended to influence the election of a candidate in an election in a
8 facility or office ordinarily used to conduct state government busi-
9 ness.

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

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

20 Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM
21 IMPROPER TASKS. (a) A legislative employee who knows or reasonably
22 should know that the employee has been asked to perform a personal or
23 political task in violation of AS 24.61.100 - 24.61.460 shall refuse
24 to perform the task.

25 (b) If a legislator or legislative employee with supervisory
26 authority persists in requesting or demanding that a legislative
27 employee perform prohibited tasks, or if reprisals are threatened or
28 sanctions imposed as a result of the refusal to perform prohibited
29 tasks, the legislative employee subjected to the requests, threats, or

1 sanctions shall report the matter to the commission.

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

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

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

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

14 Sec. 24.61.170. USE OF NONPUBLIC INFORMATION FOR PRIVATE GAIN.

15 (a) A legislator or legislative employee, or a former legislator or
16 legislative employee who terminated legislative service within one
17 year, may not use or disclose nonpublic information to obtain a bene-
18 fit for the legislator, employee, former legislator or employee, or
19 another person, including a person with whom the legislator, employee,
20 or former legislator or employee is associated or has negotiated pro-
21 spective employment. This subsection does not allow the disclosure of
22 information made confidential by law.

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

25 Sec. 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRI-

26 VATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
27 employee may not use or aid, induce, cause, or encourage others to
28 use, the authority, title, official letterhead, or prestige of the
29 legislator's or legislative employee's office for the benefit of the

1 legislator or legislative employee.

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

7 (c) A legislator or legislative employee may not endorse commer-
8 cial products by agreeing to use official letterhead or the legisla-
9 tor's or employee's title in paid advertisements, unless the endorse-
10 ment is for a public purpose and the member receives no compensation.

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

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

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

24 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF
25 PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE ASSISTANTS. (a)
26 Legislators may not, for a period of one year after leaving office,
27 act as a lobbyist in seeking to influence a (1) legislator or legisla-
28 tive employee to take or withhold legislative, administrative, or
29 political action; or (2) state agency, public official, or employee to

1 take or withhold official action if the agency is one over which the
2 former legislator had special oversight or budget authority. A person
3 is considered to have had special oversight or budget authority over
4 an agency if the person served, within the last year of the person's
5 legislative term, as the president of the senate, speaker of the
6 house, chair of the finance committee of either house, or as chair of
7 a committee directly concerned on a regular basis with the agency's
8 activities.

9 (b) A legislative assistant may not, for a period of one year
10 after leaving office or legislative employment, act as a lobbyist
11 before the legislature.

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

17 (d) In extraordinary situations, a former legislator or legisla-
18 tive assistant may seek a waiver of a provision of this section under
19 AS 24.61.530.

20 (e) A person who violates (a) - (c) of this section is guilty of
21 a class A misdemeanor and is subject to civil sanctions under AS 24.-
22 61.560(a).

23 Sec. 24.61.200. USE OF CAMPAIGN FUNDS: INTENT. Because the
24 right to solicit and accept funds from the public for the purpose of
25 supporting a person's campaign for office is purely an incident of our
26 democratic political system, the use that can properly be made of
27 campaign funds must be sharply limited to prevent actual misuse and
28 improper appearances of misuse of funds. Legislative campaign funds
29 are received, free of tax liability to the recipient, for the specific

1 purpose of assisting a candidate to get elected or reelected to of-
2 fice. Any other use of funds, whether for personal gain or other
3 purposes not closely related to bona fide campaign expenditures, is
4 improper.

5 Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS. Campaign funds
6 may be used only to advance the interests of the campaign. Campaign
7 funds may be properly expended for an otherwise lawful purpose intend-
8 ed to influence voters to elect or reelect the legislative candidate
9 to the legislature including, but not limited to: payment of staff
10 and consultants; rental of space and equipment for a campaign office;
11 purchase of media time and space; design work; printing of campaign
12 materials; postage; taking polls and interpreting them; telephone
13 installation and usage; costs of distribution of materials; advertis-
14 ing in organizational and club bulletins or other brochures; inscribed
15 promotional materials, including buttons, pencils, pens, and items of
16 clothing; necessary travel and related expenses for the candidate and
17 members of the candidate's staff or immediate family provided that the
18 travel and lodging are directly related to attempts to raise campaign
19 funds or influence voters; victory and thank you celebrations; news-
20 letters and mass mailings promoting the candidate; and payment of
21 attorney fees and other legal expenses incurred in the defense of a
22 civil, criminal, or administrative action arising directly out of the
23 conduct of the campaign or election process or out of the performance
24 of activities within the scope of a candidate's legislative duties.

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

27 (1) use funds raised and designated as campaign funds for
28 the personal benefit of the candidate or another person, or for pay-
29 ment of attorney fees and other legal expenses arising from civil,

1 criminal, or administrative actions based on conduct not directly
2 related to the campaign or official duties;

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

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

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

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

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

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

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

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

1 circumstances where the candidate did not know of or have reason to
2 know of those actions.

3 Sec. 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. (a) If
4 a legislative candidate ceases to be a candidate or if there remains a
5 balance in the account of the candidate or a committee controlled by
6 the candidate after the date of the election, unexpended funds in
7 excess of the amount allowed under (b) of this section may only be
8 used as provided in (1) - (5) of this subsection or to pay for a
9 victory or thank you party. Within 60 days after the end of the
10 candidacy or the election, unexpended funds shall be

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

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

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

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

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

29 (6) transferred, in an amount not to exceed \$1,000, to a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (g) This section constitutes the sole means for legislators and
26 legislative employees to solicit or accept donations for legal costs
27 that may not be paid from campaign funds under AS 24.61.202. Except
28 for AS 24.61.240(b) and (c), the provisions of this chapter relating
29 to the solicitation and acceptance of campaign funds apply to the

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

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

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

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

20 (b) A legislator may not, directly or by authorizing another to
21 act on the legislator's behalf, state or imply that the legislator's
22 consideration of an issue, cause, or piece of legislation, or the
23 legislator's willingness to meet with a person, is dependent on the
24 person making a campaign contribution, donating to a cause favored by
25 the legislator, or providing a thing of value to the legislator.

26 (c) A legislator may not directly, or by authorizing another to
27 act on the legislator's behalf,

28 (1) agree to, or threaten to take or withhold a legisla-
29 tive, administrative, or political action, including but not limited

1 to support or opposition to a bill, employment, nominations, and
2 appointments, as a result of a person's decision to provide or not
3 provide a political contribution;

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

7 (3) agree to or participate in a scheme or plan intended to
8 evade the requirements of this chapter, a regulation adopted under
9 this chapter, or another financial disclosure provision of state law;
10 or

11 (4) knowingly accept a contribution given or offered in
12 violation of this chapter.

13 (d) Unless the conduct violates a provision of AS 11 and the
14 person is subject to prosecution under that provision, a person who
15 violates (b) or (c) of this section is guilty of a class A misde-
16 meanor.

17 (e) In addition to criminal penalties, a person who violates
18 this section is subject to civil sanctions under AS 24.61.560(a).

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

26 (b) 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 while the legislature is
29 in regular session, nor may a legislator solicit campaign funds or

1 host a campaign fundraising event for another person while the legis-
2 lature is in session. This subsection does not prevent fundraising
3 activity for a charitable organization if the activity does not vio-
4 late AS 24.61.230.

5 (c) A legislator or a candidate for the legislature may not,
6 either directly, through a campaign committee, or other means, solicit
7 or accept a campaign contribution or a promise or pledge to make a
8 contribution relating to candidacy for the legislature in an election
9 other than a special election under AS 15.40 except during the follow-
10 ing periods:

11 (1) legislators and other incumbent elected public offi-
12 cials intending to run for the legislature may raise funds from June 1
13 until December 31 in the year before the year of an election in which
14 they intend to be a candidate, and from June 1 through the general
15 election in November in the year of the election; in this paragraph,
16 "public official" means a person required to file a campaign disclo-
17 sure statement under AS 15.13;

18 (2) candidates for the legislature who are not in public
19 office at the time of their candidacy may raise funds from June 1 in
20 the year before the year of an election in which they intend to be a
21 candidate through the general election in November in the year of the
22 election.

23 (d) This section does not prohibit a legislator from making an
24 otherwise lawful contribution or from attending an otherwise lawful
25 fund raising activity at any time.

26 Sec. 24.61.245. ENFORCEMENT OF CAMPAIGN FUND PROVISIONS. The
27 Alaska Public Offices Commission shall enforce AS 24.61.205, 24.61.-
28 210, and 24.61.240. A person who believes that AS 24.61.205, 24.61.-
29 210, or 24.61.240(b) or (c) has been violated may file a complaint

1 under AS 15.13.120(d) with the Alaska Public Offices Commission, which
2 shall handle the complaint in the same manner as a complaint alleging
3 a violation of AS 15.13. The penalties for a violation of AS 24.61.-
4 205, 24.61.210, and 24.61.240(b) and (c) are those set out in AS 15.-
5 13.120(a). In addition, if the Alaska Public Offices Commission
6 determines after a hearing under AS 15.13.120(d), or if a legislator
7 admits, that the legislator violated or caused, induced, aided, or
8 encouraged a violation of AS 24.61.205, 24.61.210, or 24.61.240(b) and
9 (c), the legislator is subject to sanctions under AS 24.61.560(a).

10 Sec. 24.61.250. GENERAL OBLIGATION TO AVOID CONFLICTS OF INTER-
11 EST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS.
12 Legislators and legislative employees shall safeguard their ability to
13 make independent, objective, fair, and impartial judgments by avoiding
14 financial relationships and transactions that may compromise or give
15 the appearance of compromising their objectivity, independence, or
16 honesty.

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

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

28 (2) the person's authority in relation to the interest is
29 such that an action or decision is not likely to materially affect the

1 financial interest; or

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

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

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

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

22 (3) have or seek contracts in excess of \$10,000 annually
23 for goods or services with the legislature or with an agency of state
24 government;

25 (4) are lobbyists;

26 (5) employ lobbyists; or

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

29 Sec. 24.61.265. CLOSE ECONOMIC ASSOCIATION DEFINED. "Close

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

18 Sec. 24.61.270. DEALING WITH FINANCIAL CONFLICTS. Except in the
19 relatively few cases in which certain transactions or relationships
20 are banned by this chapter or where divestiture may be ordered by the
21 commission, conflicts of interest are dealt with primarily as a matter
22 of required public disclosure and voluntary restraint.

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

1 shall ensure that they take no official actions under circumstances
2 where the personal relationship actually impedes the ability to make
3 an independent objective judgment on the merits. Legislators and
4 legislative employees may, but are not required to, disclose to the
5 commission the nature of personal relationships that might create
6 appearances of impropriety and seek informal or formal advice.

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

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

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

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

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

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

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

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

28 Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-
29 TORS, LEGISLATIVE CANDIDATES, AND LEGISLATIVE ASSISTANTS. (a) It is

1 important for legislators and legislative assistants to maintain and
2 appear to maintain independence from lobbyists seeking legislative,
3 administrative, and political actions. A legislator or a legislative
4 candidate may not solicit or knowingly permit a lobbyist to actively
5 engage in fundraising activities for a legislative campaign or for a
6 legal expense fund under AS 24.61.220, which activities include (1)
7 serving as a campaign manager or director; (2) serving as a campaign
8 treasurer or deputy campaign treasurer on a finance or fundraising
9 committee; (3) hosting a fundraising event. This subsection may not
10 be construed as prohibiting a lobbyist from making personal contribu-
11 tions to or personally advocating on behalf of a candidate. A legis-
12 lator or a legislative candidate may not seek to evade the purposes of
13 this subsection by soliciting or knowingly permitting a member of a
14 business entity retained to lobby, or an employee of a lobbyist to
15 perform similar fundraising services.

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

25 (c) The written disclosure must state the name of the persons
26 involved, the nature of the association, and a brief narrative of the
27 matters the legislator or legislative assistant is working on that
28 could create an actual conflict of interest. If the commission re-
29 quests additional information it shall be promptly provided.

1 (d) The commission shall make a determination as to whether the
2 association creates a conflict of interest that warrants restrictions
3 or disclosure. After making the determination, the commission may
4 elect to

5 (1) keep the matter confidential;

6 (2) recommend some restriction in the activities; or

7 (3) order full or partial disclosure in the journal of the
8 appropriate body.

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

14 (f) A person who violates this section is subject to the civil
15 sanctions authorized under AS 24.61.560(a) and other penalties au-
16 thorized under AS 24.45 (regulation of lobbying).

17 Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS AND
18 OTHER PUBLIC OFFICES. (a) A legislator may not serve on a governing
19 or advisory board of a nongovernmental organization that regularly has
20 a substantial interest in the legislative, administrative, and politi-
21 cal actions of the legislator.

22 (b) A legislative assistant may not serve in an elected public
23 office for which a candidate must file campaign disclosure statements
24 under AS 15.13, and may not serve in a position that requires confir-
25 mation by the legislature. A legislative assistant may serve on a
26 board of an organization, including a governmental entity, that regu-
27 larly has a substantial interest in the legislative activities of the
28 assistant, if the assistant discloses the board membership to the
29 commission. A legislative assistant may not, as part of the

1 assistant's employment, be personally involved in an issue or take a
2 specific action that directly relates to an organization of which the
3 assistant is a board member.

4 (c) In extraordinary situations where the criteria for an ex-
5 emption exists, a legislator or legislative assistant may seek a
6 waiver of the provisions of this section or a modified order from the
7 commission.

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

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

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

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

25 Sec. 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REP-
26 RESENTATIVE. (a) A legislator or legislative assistant may not for
27 compensation represent, as an advocate, advisor, or consultant, a
28 person in a matter involving an agency, board, or commission of the
29 state, unless the agency, board, or commission is acting

1 (d) The commission shall make a determination as to whether the
2 association creates a conflict of interest that warrants restrictions
3 or disclosure. After making the determination, the commission may
4 elect to

5 (1) keep the matter confidential;

6 (2) recommend some restriction in the activities; or

7 (3) order full or partial disclosure in the journal of the
8 appropriate body.

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

14 (f) A person who violates this section is subject to the civil
15 sanctions authorized under AS 24.61.560(a) and other penalties au-
16 thorized under AS 24.45 (regulation of lobbying).

17 Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS AND
18 OTHER PUBLIC OFFICES. (a) A legislator may not serve on a governing
19 or advisory board of a nongovernmental organization that regularly has
20 a substantial interest in the legislative, administrative, and politi-
21 cal actions of the legislator.

22 (b) A legislative assistant may not serve in an elected public
23 office for which a candidate must file campaign disclosure statements
24 under AS 15.13, and may not serve in a position that requires confir-
25 mation by the legislature. A legislative assistant may serve on a
26 board of an organization, including a governmental entity, that regu-
27 larly has a substantial interest in the legislative activities of the
28 assistant, if the assistant discloses the board membership to the
29 commission. A legislative assistant may not, as part of the

1 quasi-judicially and there is no reasonable basis to conclude that the
2 side represented by the legislator or legislative assistant has an
3 unfair advantage. This provision does not prohibit an attorney from
4 representing a client in a judicial action or prevent a legislator or
5 legislative assistant from representing personal interests in an
6 otherwise proper proceeding. This subsection may not be construed to
7 permit compensated representation for purposes of obtaining or
8 retaining a state or local license, permit, franchise, grant, loan, or
9 other benefit, whether or not other parties contending for the benefit
10 are represented, unless the granting of the benefit is a purely minis-
11 terial matter requiring little or no discretion.

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

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

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

25 Sec. 24.61.340. RESTRICTED TRANSACTIONS: INTEREST IN STATE
26 CONTRACTS OR LEASES. (a) A legislator, a legislative assistant, or a
27 member of the immediate family of a legislator or legislative assis-
28 tant may not be a party to, or have a financial interest in, a state
29 contract or lease unless the contract or lease is permitted under (b),

1 (c), or (d) of this section.

2 (b) A contract is permissible if the contract is let through
3 competitive sealed bidding under AS 36.30 (State Procurement Code) and
4 the legislator or legislative assistant files a statement with the
5 commission before the contract is executed certifying under penalty of
6 unsworn falsification that the legislator or legislative assistant did
7 not have (1) access to nonpublic or confidential information that
8 reasonably could provide an advantage; or (2) discussions or contacts
9 with state officials involved in letting the contract about the con-
10 tract that could influence the decision. The statement must also
11 specify the nature of the legislator's or legislative assistant's per-
12 sonal or immediate family interest, including the percentage or share
13 of profits that will be realized. If the commission requests addi-
14 tional information, it shall be promptly provided. If the commission
15 believes the nature or circumstances of the contract raise imper-
16 missible conflicts of interest, it may recommend that the contract be
17 voided or that restrictions be placed on the contractor. The state-
18 ment filed by the legislator or legislative assistant regarding the
19 contract shall be made part of the public record and published in the
20 journal of the appropriate house.

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

25 (d) A contract or lease is permissible if it is a standardized
26 contract or lease that was developed under publicly adopted regula-
27 tions or procedures and is generally available to the public at large
28 or to members of a profession, occupation, or group to which the
29 legislator, legislative assistant, or member of the legislator's or

1 assistant's immediate family belongs.

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

5 (f) A legislator, legislative assistant, or former legislator or
6 legislative assistant, within one year of leaving legislative service,
7 may not seek or accept a contract with the state or a person that does
8 a substantial portion of its business with the state for goods or
9 personal services concerning a matter on which the legislator or
10 legislative assistant participated personally and substantially within
11 the last year of service.

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

15 Sec. 24.61.345. PARTICIPATION IN GENERAL STATEWIDE PROGRAMS
16 PERMISSIBLE. (a) A legislator or legislative employee may, without
17 disclosure to the commission, participate in a statewide benefit
18 program or receive a loan from the state if the program or loan is
19 generally available to members of the public, is subject to fixed,
20 objective eligibility standards, and requires minimal discretion in
21 determining qualification.

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

25 (c) A legislator or legislative employee who participates in a
26 program or receives a loan that is not exempt from disclosure under
27 (a) of this section shall file a written report with the commission by
28 the first Monday in February of each year stating the amounts of the
29 loans or other benefits received during the preceding calendar year

1 assistant's immediate family belongs.

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

5 (f) A legislator, legislative assistant, or former legislator or
6 legislative assistant, within one year of leaving legislative service,
7 may not seek or accept a contract with the state or a person that does
8 a substantial portion of its business with the state for goods or
9 personal services concerning a matter on which the legislator or
10 legislative assistant participated personally and substantially within
11 the last year of service.

12 (g) A person who violates this section is subject to civil
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23 state loans and publish a list of programs and loans, designating
24 which ones meet the qualifications stated.

25 (c) A legislator or legislative employee who participates in a
26 program or receives a loan that is not exempt from disclosure under
27 (a) of this section shall file a written report with the commission by
28 the first Monday in February of each year stating the amounts of the
29 loans or other benefits received during the preceding calendar year

1 from nonqualifying programs. If the commission requests additional
2 information it shall be promptly provided. The commission shall
3 promptly compile a list of the statements indicating the loans and
4 programs and amounts and send it to the presiding officer of each
5 house who shall have it published in the supplemental journals within
6 three weeks of the filing date.

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

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

26 (f) The commission shall annually identify the programs and
27 loans to be audited by the division of legislative audit during the
28 following year, including the scope of the audit. The records of the
29 relevant state agencies shall be made available to the division of

1 legislative audit. The division of legislative audit shall prepare a
2 report to the commission on its findings. The report is confidential
3 until it is released by the commission.

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

7 (h) A person who violates this section is subject to the civil
8 sanctions authorized under AS 24.61.560(a) in addition to appropriate
9 criminal penalties under another law.

10 Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a)
11 Legislators and legislative employees must be extremely cautious and
12 circumspect about accepting a gratuity or favor, especially from
13 persons or entities that have a substantial interest in their legisla-
14 tive, administrative, or political actions. Even where there is a
15 genuine personal friendship, the acceptance of personal benefits from
16 those who could gain advantage by influencing official actions raises
17 suspicions that tend to undermine public trust. It is the intent of
18 this section to discourage all gratuities, but prohibit only those
19 that create unacceptable conflicts of interest or appearances of
20 impropriety.

21 (b) A legislator or legislative employee may not accept or
22 receive, directly or indirectly, a benefit as a gratuity from a person
23 or entity except as provided in this section. A legislator or legis-
24 lative employee may accept gratuities in the form of personal gifts,
25 free or subsidized travel, tickets to entertainment or sporting
26 events, unsolicited subscriptions to publications, lodging, pens,
27 calendars, candy, fruit baskets, flowers, and any other benefit,
28 provided that the aggregate value in a calendar year is not in excess
29 of \$100 from a single source. However, a benefit of any amount may

1 not be accepted under circumstances in which it could be reasonably
2 inferred that the gift is intended to influence the performance of
3 official duties, actions, or judgments.

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

7 (1) gifts from immediate family members;

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

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

16 (4) food or foodstuffs indigenous to the state that are
17 shared generally as a cultural or social norm, and meals and beverages
18 provided and consumed at social or fund-raising events, conferences,
19 or professional meetings, at a restaurant or club, or as part of
20 personal hospitality at the residence or place of business of the
21 host; gratuities under this paragraph with a value of more than \$100
22 shall be reported on financial disclosure forms; this paragraph may
23 not be construed to exclude from the coverage of (b) of this section
24 gifts of packaged liquor, wine, or foodstuffs, nor does it exclude
25 from the coverage of (b) of this section the acceptance of a restau-
26 rant meal not consumed with the person providing the gift;

27 (5) a gift presented by a representative of a foreign
28 government, provided that if it is worth more than \$100 it must be
29 accepted on behalf of the legislature and turned over within 60 days

1 to the presiding officer of either house for purposes of displaying
2 the gift in public areas of the Capitol or other appropriate public
3 location or being sold at auction, the proceeds to go to charity or
4 the general fund;

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

12 (7) hospitality including overnight lodging, food, and
13 beverages at the residence or second home of the host provided the
14 host is present, or, if the host is not present, the person is staying
15 as a house-sitter; if the host has a substantial interest in the
16 legislative, administrative, or political actions of the recipient, a
17 stay with a value of more than \$100 shall be reported on financial
18 disclosure forms; this paragraph may not be construed to permit the
19 use, other than as a house-sitter in a residence or a second home, of
20 a summer home, company retreat, resort facility, condominium or apart-
21 ment, or other lodging where the host is not personally present or,
22 regardless of the presence of the host, the purpose is to provide the
23 legislator or legislative employee with a paid or subsidized vacation
24 or similar benefit; the host may use customary and usual means of
25 transportation to transport the legislator or legislative employee to
26 the host's residence or the place of a social event;

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

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

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

4 (e) A person who violates this section is subject to civil
5 sanctions under AS 24.61.560(a) and may be subject to prosecution
6 under AS 11.56.120 (receiving unlawful gratuities).

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

16 (b) A legislator or legislative assistant may not seek, accept,
17 or retain employment, including as an advisor or consultant, that

18 (1) will preclude the fulfillment of legislative obliga-
19 tions;

20 (2) is likely to involve the disclosure or use of nonpublic
21 or confidential information acquired in the course of legislative
22 service;

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

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

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

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

7 (7) will require the legislator or legislative assistant to
8 compromise another ethical or legal duty.

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

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

25 (e) A legislator or legislative assistant may not seek or accept
26 an honorarium from a person or entity that has a substantial interest
27 in legislative, administrative, or political action. This subsection
28 does not prevent a legislator or legislative assistant from accepting
29 an honorarium from a governmental entity outside of the state, from a

1 university other than the University of Alaska, or from another non-
2 profit educational or civic institution, provided that the amount paid
3 is reasonable and commensurate with the services performed and that
4 the circumstances under which the services are to be performed do not
5 create a conflict of interest or appearance of impropriety. Honoraria
6 shall be reported on required disclosure forms. Under other pro-
7 visions of this chapter, a legislator or legislative assistant is
8 permitted to accept travel and related expenses incurred as the result
9 of an otherwise permissible activity.

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

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

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

1 protect the interests of constituents.

2 (b) A legislator, either directly or indirectly, should not
3 interfere with the ability or willingness of a state or municipal
4 government body, official, or employee to make official decisions or
5 take appropriate actions on the merits, based on independent objective
6 judgment.

7 (c) A legislator may not directly use or appear to use political
8 influence in a way that is likely to cause a public official to con-
9 sider inappropriate factors in exercising public authority. Acts
10 either intended to or likely to be construed as enticement, trade-
11 offs, ingratiation, threats, intimidation, or coercion are improper.
12 A legislator may not directly and improperly interfere with or seek to
13 influence

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

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

18 (3) an action of a governmental agency concerning the
19 granting or revocation of a license, permit, franchise, or similar
20 entitlement.

21 (d) This section may not be construed to prevent a legislator
22 from

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

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

28 (3) openly advocating the position of constituents on the
29 merits, provided that no effort is made to influence the decision

1 making process by express or implied political pressure in matters
2 involving discretionary decisions of administrative bodies that will
3 have direct and significant economic or social effect on the legisla-
4 tor's district; or

5 (4) exercising vigilant oversight with respect to the
6 policies, regulations, procedures, and implementation practices of an
7 agency, provided that the oversight activities are conducted through
8 the normal committee processes of the legislature and that the focus
9 is on the policies, procedures, and practices of the agency and not
10 the handling of a particular matter.

11 (e) A person who violates (c) of this section is subject to
12 civil sanctions under AS 24.61.560(a) in addition to appropriate
13 criminal penalties under another law.

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

17 (1) discourage legislators and legislative assistants from
18 acting on a private or business interest in the performance of a
19 public duty;

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

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

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

29 (5) provide the public the financial disclosure required to

1 meet the purposes listed in (1) - (4) of this section while preserving
2 the maximum amount of privacy to legislators, candidates for the
3 legislature, and legislative assistants.

4 Sec. 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS
5 AND LEGISLATIVE ASSISTANTS; "CATEGORY A" AND "CATEGORY B" INCOME
6 DEFINED. (a) A legislator, a candidate for the legislature, and a
7 legislative assistant shall disclose financial interests that would
8 cause a reasonable person to believe that the legislator's, candi-
9 date's, or legislative assistant's objectivity and ability to exercise
10 independent judgment in the public interest have been adversely af-
11 fected by those interests.

12 (b) A legislator, a candidate for the legislature, and a legis-
13 lative assistant shall file with the commission the reports required
14 under AS 24.61.400 - 24.61.410. A candidate for the legislature,
15 including an incumbent legislator, shall file the reports at the time
16 required under AS 15.25.030 or 15.25.180. In addition, legislators
17 and legislative assistants shall file annual reports on or before
18 April 15. The commission shall adopt filing guidelines and develop
19 forms that are compatible with financial disclosure forms required to
20 be filed with the Alaska Public Offices Commission under AS 39.50.030.

21 (c) A legislator, a candidate for the legislature, and a legis-
22 lative assistant shall disclose to the commission detailed information
23 as required under AS 24.61.405 and 24.61.410 on the sources and
24 amounts of outside income received by them, their spouses, and their
25 dependent children, except that disclosure of the amount of income
26 received by a legislator's or assistant's spouse or dependent children
27 is not required. If the spouse or dependent child receives income
28 from a person with a substantial interest in legislative, administra-
29 tive, or political actions of the legislator or legislative assistant,

1 the legislator or legislative assistant shall file a statement with
2 the commission stating that (1) all the funds earned by the spouse or
3 dependent child were reasonable payments for services actually ren-
4 dered, and (2) employment of the spouse or dependent child was not
5 related to any attempt to influence or do any favor for the legislator
6 or legislative assistant. The information shall be divided into two
7 categories, category A income and category B income. The legislator,
8 candidate, or legislative assistant shall also report information
9 relating to income and assets that a public official would be required
10 to report under AS 39.50.030.

11 (d) The commission shall adopt regulations relating to the
12 definitions of category A and B income and the reporting requirements
13 imposed by AS 24.61.400 - 24.61.410. The regulations must include
14 provisions that distinguish between income received for personal
15 services, income received from the ownership of property, income
16 received directly by the legislator, candidate for the legislature, or
17 legislative assistant, and income received by an entity in which the
18 legislator, candidate, or legislative assistant has an ownership
19 interest. The regulations may exclude from category A income, income
20 from sources such as interest on deposit accounts in regulated finan-
21 cial institutions.

22 (e) In AS 24.61.400 - 24.61.410,

23 (1) "category A income" refers to all benefits received, in
24 the form of monetary compensation or another thing of value, from
25 persons who are known or reasonably should be known to have a substan-
26 tial interest in legislative, administrative, or political actions;
27 income received from the legislature or an agency of the legislature
28 is not category A income;

29 (2) "category B income" refers to all benefits received, in

1 the form of monetary compensation or another thing of value, from
2 persons who do not, or are not known to fall within category A.

3 Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to all
4 benefits received from category A sources, a person required under
5 AS 24.61.400 to report shall file with the commission a statement that
6 must include,

7 (1) as to all income received as compensation for services,
8 regardless of the amount, the name and address of the source, a brief
9 statement describing the nature of the services performed including
10 sufficient detail to permit the commission to determine whether the
11 nature of the work created or would create a conflict of interest (for
12 example: "consultant re: expansion of operations;" "engineer, quality
13 control."), and the amount paid;

14 (2) as to each gratuity received and required to be re-
15 ported under AS 24.61.350(c)(4) and (7), the name and address of the
16 person providing the gratuity, a brief description of its nature, and
17 a good faith statement of its fair market value; if exact values are
18 not known, and cannot be found out without undue hardship or expense,
19 reasonable good faith estimates are acceptable;

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

23 (4) as to each loan or loan guarantee yielding loan pro-
24 ceeds of \$100 or more in the reporting period and the lender or guar-
25 antor is a person with a substantial interest in legislative, adminis-
26 trative, or political actions, the name and address of the person
27 making the loan or guarantee, the amount of the loan, the terms and
28 conditions under which the loan or guarantee was given, the amount
29 outstanding at the time of filing, and whether or not a written loan

1 agreement exists;

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

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

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

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

13 (d) In extraordinary situations, a legislator, a candidate for
14 the legislature, or a legislative assistant may seek a waiver of this
15 provision under AS 24.61.530.

16 Sec. 24.61.410. REPORTING CATEGORY B INCOME. (a) A person
17 required under AS 24.61.400 to report shall file a statement listing
18 the items in AS 24.61.405(a)(1) - (6) that the person has received
19 from a category B source, except that the person shall disclose only
20 those income sources providing benefits worth \$1,000 or more. The
21 person is not required to report the amount of income from a report-
22 able source. As to gratuities, the requirements of AS 24.61.350(c)(4)
23 and (7) control, but apply to the candidates for the legislature as to
24 disclosure requirements only.

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

1 (c) If the person filing a statement under this section is a
2 legislator, or a candidate for the legislature, the statement is
3 presumptively public, which means that it will be made part of the
4 public record unless the legislator or candidate submitting it re-
5 quests that it be kept confidential, states the reasons for the re-
6 quest, and the commission finds that no valid public purpose would be
7 advanced by publication.

8 (d) If the person filing a statement under this section is a
9 legislative assistant, the statement is presumptively confidential,
10 which means that it shall be kept confidential unless the commission
11 determines that the public benefit in disclosure substantially out-
12 weighs the individual's interest in privacy.

13 Sec. 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS OF LEGISLA-
14 TORS AND LEGISLATIVE ASSISTANTS. (a) A person who has provided
15 compensation for personal services to a legislator or legislative
16 assistant and who qualifies as a category A source under AS 24.61.-
17 400(e) shall file a report to the commission concerning the compen-
18 sation paid. The report must contain all information required by the
19 commission.

20 (b) The commission shall adopt regulations prescribing the times
21 at which a report under (a) of this section must be filed, and the
22 information that the report must contain. The regulations must pro-
23 vide that the report include a brief narrative of the nature of the
24 employment relationship with the legislator or legislative assistant,
25 the terms of compensation, and the amount paid during the reporting
26 period.

27 (c) Legislators and legislative assistants shall ensure that
28 persons who have provided compensation to them for personal services
29 have the necessary forms and are informed of the obligation to file a

1 report under this section. At the time of filing the report the
2 person filing shall provide a copy to the legislator or legislative
3 assistant.

4 Sec. 24.61.420. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a)
5 A person required to make a disclosure under AS 24.61.100 - 24.61.420
6 may not knowingly make a false or deliberately misleading or incom-
7 plete disclosure to the commission, or file a disclosure after a
8 deadline set by this chapter or by a regulation adopted by the commis-
9 sion under AS 24.61.160.

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

12 (c) In addition to the sanctions in (b) of this section, if the
13 commission finds that a candidate for the legislature, including an
14 incumbent legislator, has committed a substantial violation of this
15 section, the commission shall notify the lieutenant governor. The
16 lieutenant governor shall return the candidate's filing fee and shall
17 remove the candidate's name from the filing records. In this sub-
18 section "substantial violation" includes the refusal or failure to
19 make a filing required under AS 24.61.400 - 24.61.410.

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

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

28 Sec. 24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING,
29 AND PROTECTION OF WHISTLE BLOWERS. (a) Legislators and legislative

1 employees shall maintain the integrity and trustworthiness of govern-
2 ment by taking whatever steps are necessary to prevent unethical
3 practices, unlawful conduct, corruption, mismanagement, improper use
4 of public funds, danger to public safety, or another abuse of public
5 position, authority, or resources.

6 (b) Legislators and legislative employees who have a good faith
7 belief that the public interest requires the disclosure of govern-
8 mental policies or actions thought to be unlawful or improper should
9 reveal their information to appropriate authorities.

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

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

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

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

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

1 ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.

2 Sec. 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. (a)

3 The Legislative Ethics Commission is established in the legislative
4 branch of government. The commission consists of nine members, se-
5 lected as follows:

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

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

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

11 (4) one member appointed by the governor;

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

13 (6) one member appointed by the Alaska Public Offices
14 Commission; and

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

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

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

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

29 (e) A commissioner may not be a legislator, a legislative

1 employee, an elected or appointed official required to make conflict-
2 of-interest disclosures under AS 39.50, an officer of a political
3 party, a candidate for public office, or a registered lobbyist.

4 Sec. 24.61.502. CERTIFICATION; LEGISLATIVE DECERTIFICATION OR
5 REMOVAL FROM OFFICE. (a) Upon appointment, a person appointed to the
6 commission shall execute a written oath that includes the following
7 undertaking:

8 I will solemnly perform the duties of this office in a
9 manner that is consistent with both the letter and
10 spirit of the Alaska Legislative Ethics Act and I shall
11 conform my own conduct to the provisions therein. I
12 acknowledge the obligation and need to interpret and
13 apply all its provisions, and the ethical principles
14 that underlie them, vigorously, promptly, fairly, and
15 in good faith. All my actions, decisions, and votes on
16 matters relating to my duties will be made purely on
17 the merits, objectively, independently, and without
18 political, regional, or ideological partisanship.

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

22 (b) Within 45 days after certification, a commissioner may be
23 decertified by a majority vote of both houses of the legislature, if
24 the legislature is in session, or by a two-thirds vote of the members
25 of the legislative council if the legislature is not in session. If
26 decertified, the commissioner is disqualified and that seat on the
27 commission is vacant.

28 (c) A commissioner may be removed from office by a vote of
29 two-thirds of both houses of the legislature for good cause, including

1 substantial neglect of duty, inability to discharge the powers and
2 duties of office, violation of this chapter, gross misconduct, or
3 conviction of a felony.

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

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

10 (c) The commission may meet by teleconference.

11 (d) Commissioners shall receive compensation of \$175 for each
12 day in which they attend or participate in a commission meeting of at
13 least one hour in length, either in person or by teleconference. The
14 chair shall receive an additional stipend of \$500 a year. The commis-
15 sion shall develop and implement policies consistent with those em-
16 ployed by other state commissions for the reimbursement of travel
17 costs and the payment of per diem under AS 39.20.180.

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

20 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The commis-
21 sion shall hire an executive director and determine the director's
22 salary. The executive director serves at the pleasure of the commis-
23 sion.

24 (b) The executive director may employ and determine the compen-
25 sation of necessary employees, subject to the budget approved by the
26 commission. The executive director may, subject to the approval of
27 the commission, contract for services when those services are tempo-
28 rary or specialized in nature, or it is in the best interest of the
29 state.

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

4 (d) If the commission determines that an investigation is neces-
5 sary and that the investigation cannot be efficiently, promptly, or
6 adequately handled by commission staff, the executive director shall
7 nominate a special investigator to be appointed upon approval by the
8 commission. The executive director shall maintain a list of individu-
9 als qualified to serve as a special investigator by virtue of their
10 experience, reputation, likely availability, willingness to serve, and
11 freedom from conflicts of interest.

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

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

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

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

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

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

3 (A) a candidate for the legislature;

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

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

8 (3) participate in lobbying activities that would require
9 the person to register as a lobbyist except as required to inform the
10 legislature concerning legislation requested by the commission or
11 other matters related to the commission; or

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

16 (d) A violation or alleged violation of (b) or (c) of this
17 section shall be treated as any other violation of this chapter and
18 shall be dealt with by the commission accordingly. During the pend-
19 ency of a complaint against a commissioner, commission employee, or
20 commission contractor, the person complained against may not partici-
21 pate in official action of the commission.

22 (e) Commissioners and the executive director are subject to
23 AS 39.50.

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

25 (a) The commission shall

26 (1) administer the provisions of this chapter;

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

29 (3) on request or its own initiative, issue formal written

1 advisory opinions on specific situations or clarify a provision of
2 this chapter;

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

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

7 (6) authorize research in the field of legislative ethics
8 and carry out the educational programs that are required by this
9 chapter and additional programs it considers necessary to effectuate
10 the policy and purposes of this chapter;

11 (7) prepare and distribute an ethics manual to legislators,
12 legislative employees, and registered lobbyists as provided in this
13 chapter;

14 (8) mail by certified mail a copy of this chapter to a
15 candidate for the legislature upon the receipt of notice of the candi-
16 date's declaration of candidacy under AS 15.25.030 or petition under
17 AS 15.25.150;

18 (9) prepare a biennial report to the legislature summariz-
19 ing its activities over the previous two years, evaluating the effec-
20 tiveness of this chapter in accomplishing its stated purposes, and
21 recommending legislative reforms it thinks necessary to improve the
22 administration of this chapter and to better advance its goals.

23 (b) The commission may

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

28 (2) perform the other acts, duties, and functions necessary
29 to properly administer this chapter, consistent with law and the

1 purpose of this chapter.

2 Sec. 24.61.515. OFFICES; BUDGET. The legislative council shall
3 provide suitable office space and equipment for the commission. The
4 commission shall submit a budget for each fiscal year to the finance
5 committees of the legislature and shall annually submit an estimated
6 budget to the governor for information purposes in preparation of the
7 state operating budget.

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

13 (1) the opinions given are not necessarily those of the
14 commission; and

15 (2) although the advice is given in good faith, the person
16 seeking the advice relies on it at the person's own risk because it is
17 not binding upon the commission.

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

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

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

28 (d) An opinion shall be issued by official action of the commis-
29 sion. The vote of each commissioner participating in the opinion

1 shall be indicated on the opinion and it shall be forwarded to the
2 person requesting it and made a part of the public records of the
3 commission.

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

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

11 (g) Under normal circumstances, the commission shall issue its
12 opinion within 30 days of receiving the request, if the request is
13 received during the first 100 days of the legislative session, or
14 within 60 days of the request if the request is received at another
15 time. The period for issuing an opinion may be shortened or extended
16 by the chair when that action is considered necessary or appropriate
17 to meet the goals of this chapter.

18 (h) The commission and all commission employees shall keep
19 confidential the identity of the requester and all information con-
20 veyed orally or in writing relating to the request, unless the re-
21 quester authorizes the commission to make public the requester's
22 identity or the information conveyed.

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

27 Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR
28 ADVICE. The commission may not bring a complaint against a person
29 based upon information voluntarily given to the commission by the

1 person in connection with a request for advice under AS 24.61.520 or
2 24.61.525, and may not use that information against the person in a
3 proceeding under AS 24.61.545 or 24.61.550. This subsection does not
4 preclude the commission from acting on a complaint concerning the
5 subject of a person's good faith request for advice if the complaint
6 is brought by another person, or if the complaint arises out of con-
7 duct taking place after the advice is requested, and does not preclude
8 the commission from using information or evidence obtained from an
9 independent source, even if that information or evidence was also
10 submitted with a request for advice.

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

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

- 17 (1) the name and address of the petitioner;
- 18 (2) relevant provisions involved in the exemption request;
- 19 (3) essential facts on which an exemption is requested;
- 20 (4) specific nature of the exemption sought;
- 21 (5) anticipated unfair or unreasonable consequences that
22 would result from a failure to grant the petition; and
- 23 (6) a certification that the petitioner verifies under
24 penalty of unsworn falsification that the facts stated are true to the
25 best of the petitioner's knowledge.

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

- 29 (1) harm caused by strict application of this chapter

1 substantially outweighs the benefit of its enforcement in the partic-
2 ular situation;

3 (2) application of the regulation or provision under the
4 circumstances presented would be inconsistent with the spirit and
5 purpose of the regulation or provision or of this chapter as a whole;
6 or

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

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

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

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

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

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

- 28 (1) the name and address of the complainant;
29 (2) a statement of the facts known or believed to be true

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

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

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

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

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

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

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

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

7 (2) that the conduct providing the basis of the complaint
8 has occurred

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

10 (B) if the person charged with misconduct intention-
11 ally concealed or otherwise sought to prevent discovery of the
12 relevant facts within one year of the discovery of the relevant
13 facts and within eight years of the complaint; and

14 (3) that the person charged with misconduct is either a
15 legislator or legislative employee at the time of the filing of the
16 complaint or was a legislator or legislative employee within one year
17 of the filing.

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

27 (i) If a complaint is dismissed because of invalidity, it shall
28 be returned to the complainant with a notice of dismissal stating in
29 detail the reason for dismissal. If the commission finds that the

1 complaint was frivolous, malicious, or was filed in bad faith, it
2 shall so state in the notice of dismissal. If the commission finds
3 that the complaint alleges violations outside the scope of this chap-
4 ter, it shall so state and forward the complaint to the appropriate
5 enforcement body for disposition. A copy of the notice of dismissal
6 shall be sent to the respondent. The notice of dismissal is a public
7 record.

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

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

19 (b) Before commencing an investigation, the commission shall
20 adopt a written resolution defining the scope of the investigation, a
21 copy of which shall be supplied to both the complainant and the re-
22 spondent. If, during the investigation, additional facts are dis-
23 covered that justify an expansion of the investigation and the pos-
24 sibility of additional charges beyond those alleged in the complaint,
25 the resolution shall be amended accordingly with copies sent to the
26 complainant and the respondent. The resolution, and the fact that an
27 investigation has been undertaken, shall be kept confidential by the
28 commission except that, upon inquiry, the commission may verify that
29 it is investigating a complaint along with a statement that no finding

1 of probable cause has been made and that no adverse inference of
2 impropriety or guilt should be drawn from the decision to investigate.
3 Additional facts concerning the nature or results of the investigation
4 may not be revealed except as provided in AS 24.61.545 after a deter-
5 mination of probable cause has been made.

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

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

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

27 (f) Upon completion of the investigation, a confidential report
28 summarizing the evidence, evaluating its credibility, and detailing
29 findings on each of the allegations investigated shall be submitted to

1 the commission along with recommendations as to whether the complaint,
2 or a portion of it, should be dismissed or whether the matter should
3 proceed to the full hearing stage. The report shall be prepared so as
4 to exclude unreliable information and uncorroborated and irresponsible
5 allegations. The investigator's notes, records of interviews, and
6 other investigatory matter considered unreliable or unduly prejudicial
7 by the commission shall remain confidential.

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

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

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

1 the report public.

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

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

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

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

28 Sec. 24.61.550. ADJUDICATORY HEARING. (a) A formal hearing on
29 ethics charges against a respondent shall be conducted in a manner

1 that inspires confidence in the integrity and objectivity of the
2 process and demonstrates full consideration for the rights and reputa-
3 tion of the respondent.

4 (b) An adjudicatory hearing shall be before a hearing board
5 composed of the commission chair and four commissioners appointed by
6 the chair. If the chair cannot attend all hearing sessions without
7 undue inconvenience, the vice-chair shall serve in the chair's place.
8 If neither the chair nor the vice-chair is available, the chair shall
9 appoint another commissioner. Appointments to hearing boards shall be
10 rotated among the commissioners.

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

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

22 (e) A hearing board may

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

26 (2) compel the production of documentary or tangible evi-
27 dence;

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

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

3 (f) The respondent may

4 (1) appear before the hearing board and submit testimony or
5 other evidence;

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

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

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

16 (b) As to each charge on which the evidence was found to be
17 insufficient to establish a violation, the hearing board shall include
18 its findings in its written opinion. If the board finds that the
19 charges were frivolous, malicious, made in bad faith, or that, in its
20 opinion the respondent should be exonerated of the charges, it shall
21 so state in its opinion. The respondent's reasonable legal fees
22 should be paid in full or in part from public funds if the respondent
23 is exonerated.

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

28 Sec. 24.61.560. CIVIL SANCTIONS. (a) When a hearing board
29 considers the appropriate recommended sanctions to be included in its

1 opinion, it shall give due consideration to the purposes of this
2 chapter, the nature of the violation, and other circumstances that are
3 included in the hearing record. The board may recommend, either
4 singly or in combination,

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

8 (2) divestiture of specified assets or withdrawal from
9 specified associations;

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

12 (4) suspension from legislative employment, with or without
13 pay;

14 (5) restitution or reimbursement;

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

16 (7) probationary status;

17 (8) a written reprimand;

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

21 (10) expulsion of a legislator or dismissal of a legislative
22 employee;

23 (11) payment of costs related to the investigation and
24 adjudication of the charge;

25 (12) another sanction fashioned to achieve the purposes of
26 this chapter.

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

1 except sanctions under (a)(1) and (10).

2 (c) If the commission finds that a violation of AS 24.61.100 -
3 24.61.450 contributed substantially to the enactment of legislation or
4 to other legislative action, the commission may recommend to the
5 presiding officer of each house that the legislation be repealed or
6 amended or that the other legislative action be rescinded or modified.

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

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

16 (c) If the legislature is not in session or is not within 30
17 days of convening in regular session, the presiding officer may re-
18 quest a special session under AS 24.05.100 to put the matter to a
19 vote. If expulsion is recommended, a special session should be con-
20 vened.

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

24 (e) In determining the sanctions, if any, to impose, the legis-
25 lature should scrupulously observe the rule of nonpartisanship. It
26 should not retry the basic facts nor question the hearing board's
27 findings of fact. The only issue before it should be the determina-
28 tion of the appropriate sanction assuming the validity of the board's
29 findings.

1 Sec. 24.61.570. RECOMMENDATIONS AND ORDER WHERE VIOLATOR IS A
2 LEGISLATIVE EMPLOYEE. (a) If the person found to have violated this
3 chapter is or was a legislative employee, the hearing board's recom-
4 mendations shall be forwarded to the full commission, which shall, as
5 soon as is reasonably possible, determine the sanctions, if any, to be
6 imposed. The commission may not retry the basic facts nor question
7 the hearing board's findings of fact. The only issue before it shall
8 be the determination of the appropriate sanction assuming the validity
9 of the board's findings. After determining the appropriate sanctions,
10 the commission shall issue a written order imposing the sanctions on
11 the employee.

12 (b) The commission shall order the employee's supervisor or
13 appointing authority, as appropriate, to impose sanctions in accor-
14 dance with the commission's order. Failure of the supervisor or
15 appointing authority to implement the commission's order is a viola-
16 tion of this chapter subject to civil sanctions under AS 24.61.560(a).

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

28 (b) A citizen may make a written request that the attorney
29 general commence a civil action authorized under (a) of this section

1 against a person for a violation of this chapter.

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

8 ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

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

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

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

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

1 answers regarding common problems and situations.

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

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

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

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

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

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

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

1 The course shall also cover the underlying purposes and ethical prin-
2 ciples of all ethics laws, internal rules and policies, and other
3 related regulations. The course shall highlight the principles of
4 public service ethics and the intent of ethics laws, including their
5 application to practical situations.

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

10 Sec. 24.61.740. CURRENT ISSUES AND APPLICATIONS SEMINAR. (a)

11 The commission shall conduct a current issues and applications seminar
12 in January of each odd-numbered year. The seminar is mandatory for
13 all legislators and legislative employees who have previously complet-
14 ed the legislative ethics orientation training course.

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

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

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 (d) of this section.

17 (d) Lobbyists shall repeat the training course at least once
18 every three years and the commission shall update the course accord-
19 ingly.

20 (e) At the commission's discretion, lobbyists may be charged
21 reasonable fees to attend the training course.

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

27 (b) The commission shall assure the attendance of legislative
28 employees who are not in and cannot travel to Juneau by offering the
29 programs by teleconference. When a teleconference connection is

1 unavailable, the commission shall distribute video tapes to the em-
2 ployees or arrange to have them travel to a site where a live or
3 teleconference course is available.

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

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

13 (e) The commission shall offer all of the education programs at
14 appropriate times and locations and shall provide adequate notice of
15 them.

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

19 ARTICLE 5. GENERAL PROVISIONS.

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

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

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

1 (b) Certain specified provisions apply to former members of the
2 legislature, candidates for the legislature, former legislative em-
3 ployees, persons who have transactions with legislators or legislative
4 employees, and lobbyists.

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

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

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

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

29 Sec. 24.61.960. CONFIDENTIALITY. A person subject to the

1 provisions of this chapter may not knowingly make an unauthorized
2 disclosure of confidential information acquired in the course of
3 official duties. A person who violates this section is subject to
4 civil sanctions under AS 24.61.560(a) and may be subject to prose-
5 cution under AS 11.56.860 or another law.

6 Sec. 24.61.970. GUIDELINES AND COMMENTARY. The commission shall
7 interpret the provisions of this chapter consistent with the Guide-
8 lines and Commentary.

9 Sec. 24.61.990. DEFINITIONS. In this chapter,

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

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

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

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

- 1 (vii) an interest or a promise of a future interest
2 in a business;
- 3 (viii) meals, beverages, or lodging;
4 (ix) transportation;
5 (x) services, including loaned employees;
6 (xi) loans, loan guarantees, co-signing;
7 (xii) forgiveness of a debt;
8 (xiii) discounts or rebates not extended to the
9 public generally;
- 10 (xiv) preferential treatment;
11 (xv) tickets or admissions;
12 (xvi) free or discounted use of office facilities;
13 (xvii) loan of office equipment;
14 (xviii) radio or television time;
15 (xix) promise or offer of present or future employ-
16 ment;
- 17 (xx) use of autos, boats, apartments, or other
18 recreational or lodging facilities;
19 (xxi) intangible rights such as a cause of action;
20 (xxii) licenses, patents, copyrights, or an interest
21 in them;
22 (xxiii) any other item, tangible or intangible,
23 having economic value;
- 24 (B) "anything of value," "benefit," or "thing of
25 value" does not include
- 26 (i) an item listed in AS 24.61.350(c);
27 (ii) campaign contributions, pledges, political
28 endorsements, support in a political campaign, or a promise
29 of endorsement or support;

1 (iii) contributions to a cause or organization,
2 including a charity, made in response to a direct sollicita-
3 tion from a legislator or a person acting at the legisla-
4 tor's direction;

5 (iv) grants under AS 37.05.316 to named recipients;

6 (3) "charitable organization" means an organization that
7 qualifies for a federal tax exemption under 26 U.S.C. 501(c)(3);

8 (4) "close economic association" has the meaning given in
9 AS 24.61.265;

10 (5) "close personal relationship" is a special relationship
11 between a legislator or legislative employee and another person that
12 creates strong bonds of loyalty, friendship, or love that could poten-
13 tially conflict with public duties and the obligation to exercise
14 objective independent judgment, or could create the appearance that
15 the other person may have access to confidential information or other-
16 wise receive favored treatment regarding public actions; it includes
17 relationships with immediate family members, long-term personal
18 friends, former business associates, and persons with whom the legis-
19 lator or legislative employee has a significant and continuous roman-
20 tic relationship;

21 (6) "commission" means the Legislative Ethics Commission;

22 (7) "compensation" means remuneration for personal services
23 rendered, including salary, fees, commissions, bonuses, and similar
24 payments, but excluding reimbursement for actual expenses incurred by
25 a person;

26 (8) "confidential information" means information that has
27 been classified confidential by law;

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

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

3 (11) "honorarium" means anything of value, other than reim-
4 bursement of travel expenses, given to a person for making a speech,
5 panel presentation, personal appearance, or similar activity;

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

9 (13) "intent to influence legislative, administrative, or
10 political action" means that an act, including the offering or confer-
11 ring of a thing of value to a public official, is done with the intent
12 to induce the official to do or refrain from doing an act;

13 (14) "knowingly" has the meaning given in AS 11.81.900;

14 (15) "legislative action" means conduct relating to the
15 development, drafting, consideration, sponsorship, enactment or de-
16 feat, support or opposition to or of a law, amendment, resolution,
17 report, nomination, or other matter affected by legislative action or
18 inaction;

19 (16) "legislative assistant" means a legislative employee
20 whose assigned duties involve the exercise of substantial discretion
21 and judgment; it does not include employees who perform purely cler-
22 ical or ministerial functions; the legislative council shall propose
23 policies relating to the interpretation of this definition, and the
24 commission shall consider the adoption of these guidelines as regula-
25 tions under AS 24.61.160;

26 (17) "legislative employee" means a person, other than a
27 legislator, who is compensated by the legislative branch in return for
28 regular or substantial personal services, regardless of the person's
29 pay level or technical status as a full-time or part-time employee,

1 independent contractor, or consultant; it includes members and staff
2 of the commission; it does not include individuals who perform func-
3 tions that are incidental to legislative functions, such as security,
4 messengers, maintenance, and print shop employees; for purposes of
5 this paragraph, "regular or substantial" means work that is expected
6 to involve, or does involve, at least 400 hours in a calendar year or
7 300 hours during a regular legislative session; the legislative coun-
8 cil shall propose policies relating to the interpretation of this
9 definition, and the commission shall consider the adoption of these
10 guidelines as regulations under AS 24.61.160;

11 (18) "lobbyist" means a person who is required to register
12 under AS 24.45.041 and is described under AS 24.45.171(8)(A), but does
13 not include a volunteer lobbyist described in AS 24.45.161(a)(1) or a
14 representational lobbyist as defined under regulations of the Alaska
15 Public Offices Commission;

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

18 (20) "nonpublic information" means information that

19 (A) is obtained in the course of a person's legisla-
20 tive duties and that is subject to public inspection under
21 AS 09.25.110 - 09.25.120, but that, because of its nature, is not
22 readily accessible to the public or the profession, occupation,
23 or group to which the person belongs; and

24 (B) if used or disclosed, a personal benefit or advan-
25 tage is likely to result;

26 (21) "political action" means conduct in which public offi-
27 cials, including legislators or legislative employees, use their
28 official position or political contacts to exercise influence on state
29 and local government employees or entities; it includes but is not

1 independent contractor, or consultant; it includes members and staff
2 of the commission; it does not include individuals who perform func-
3 tions that are incidental to legislative functions, such as security,
4 messengers, maintenance, and print shop employees; for purposes of
5 this paragraph, "regular or substantial" means work that is expected
6 to involve, or does involve, at least 400 hours in a calendar year or
7 300 hours during a regular legislative session; the legislative coun-
8 cil shall propose policies relating to the interpretation of this
9 definition, and the commission shall consider the adoption of these
10 guidelines as regulations under AS 24.61.160;

11 (18) "lobbyist" means a person who is required to register
12 under AS 24.45.041 and is described under AS 24.45.171(8)(A), but does
13 not include a volunteer lobbyist described in AS 24.45.161(a)(1) or a
14 representational lobbyist as defined under regulations of the Alaska
15 Public Offices Commission;

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

18 (20) "nonpublic information" means information that

19 (A) is obtained in the course of a person's legisla-
20 tive duties and that is subject to public inspection under
21 AS 09.25.110 - 09.25.120, but that, because of its nature, is not
22 readily accessible to the public or the profession, occupation,
23 or group to which the person belongs; and

24 (B) if used or disclosed, a personal benefit or advan-
25 tage is likely to result;

26 (21) "political action" means conduct in which public offi-
27 cials, including legislators or legislative employees, use their
28 official position or political contacts to exercise influence on state
29 and local government employees or entities; it includes but is not

1 limited to intervening on behalf of constituents with a government
2 agency, endorsing, and pledging support or actively supporting a
3 legislative matter, a nominee, or a candidate for public office;

4 (22) "reasonably should know" means that, under the circum-
5 stances, a reasonable person would know a fact;

6 (23) "registered lobbyist" means a person who is required to
7 register under AS 24.45.041;

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

12 (25) "substantial interest in legislative, administrative,
13 or political action" has the meaning given in AS 24.61.260.

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

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

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

20 (b) A person filing a declaration of candidacy under this sec-
21 tion other than for a state legislative office shall simultaneously
22 file with the director a statement of income sources and business
23 interests that complies with the requirements of AS 39.50. A person
24 filing a declaration of candidacy for state legislative office shall
25 simultaneously file with the director a disclosure statement that
26 complies with the requirements of AS 24.61.400 - 24.61.410.

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

28 (c) An incumbent public official other than a legislator who has
29 a current statement of income sources and business interests on file

1 with the Alaska Public Offices Commission, or an incumbent legislator
2 who has a current disclosure statement on file with the Legislative
3 Ethics Commission, is not required to file a statement of income
4 sources and business interests or a disclosure statement with the
5 declaration of candidacy under (b) of this section.

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

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

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

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

23 * Sec. 8. AS 24.10.100 is amended to read:

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

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

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

4 (1) during a legislative session if the legislator is not
5 living in the legislator's place of permanent residence during the
6 session; or

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

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

13 (c) In this section,

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

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

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

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

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

29 (c) A representative from a single-representative district may

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

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

15 * Sec. 11. AS 24.10.130 is amended by adding a new subsection to read:

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

23 * Sec. 12. AS 24.40.020 is amended to read:

24 Sec. 24.40.020. CONTINUANCE IN A CRIMINAL PROCEEDING WHERE
25 DEFENDANT [, DEFENSE ATTORNEY] OR WITNESS IS A MEMBER OF THE LEGISLA-
26 TURE. Upon a showing that [THE ATTORNEY OF RECORD AT THE TIME OF THE
27 DEFENDANT'S FIRST APPEARANCE IN THE COURT OF RECORD OR] a principal
28 witness or a party in a criminal proceeding is a member of the legis-
29 lature and that the legislature is in session or that a legislative

1 interim committee of which the legislator is a member is meeting or is
2 to meet within the next seven days, the defendant is entitled to a
3 reasonable continuance of the date of trial until at least 15 days
4 after the legislative session or interim committee meeting. However,
5 a continuance for this reason may [SHALL] not exceed 30 days after
6 recess of the legislature or interim committee. A continuance may not
7 be granted for any longer time than it is affirmatively proved the
8 ends of justice require.

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

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

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

29 (a) Before engaging in lobbying, a lobbyist shall file a

1 registration statement on a form prescribed by the commission. The
2 commission may not accept the form for filing unless the lobbyist's
3 name has been certified to the commission by the Legislative Ethics
4 Commission under AS 24.61.750(c).

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

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

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

16 (g) Notwithstanding (a) and (f) of this section, a lobbyist
17 whose name has not been certified to the commission under AS 24.61.-
18 750(c) may conditionally register or renew a registration under this
19 section if authorized by the Legislative Ethics Commission under
20 AS 24.61.750(a).

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

22 (a) A lobbyist may not

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

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

28 (3) intentionally deceive or attempt to deceive any public
29 official with regard to any material fact pertinent to pending or

1 proposed legislative or administrative action;

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

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

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

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

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

16 (9) serve as a campaign manager or director, serve as a
17 campaign treasurer or deputy campaign treasurer on a finance or fund-
18 raising committee, host a fundraising event, or otherwise engage
19 actively in the fundraising activity of a legislative campaign or for
20 a legal defense fund under AS 24.61.220; this paragraph does not apply
21 to a representational lobbyist as defined in the regulations of the
22 Alaska Public Offices Commission, and does not prohibit a lobbyist
23 from making personal contributions to or personally advocating on
24 behalf of a candidate.

25 * Sec. 18. AS 39.25.110 is amended by adding a new paragraph to read:

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

28 * Sec. 19. AS 39.50.020 is amended to read:

29 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a)

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

25 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLA-
26 TURE,] judicial officers, each commissioner, head or deputy head of,
27 or director of a division within, a department in the executive
28 branch, assistant to the governor or chair [CHAIRMAN] or member of a
29 commission or board required to report under this chapter, shall file

1 the statement with the Alaska Public Offices Commission. Candidates
2 for the office of governor and [,] lieutenant governor [, AND THE
3 LEGISLATURE] shall file the statement under AS 15.25.030 or 15.25.180.
4 Municipal officers, and candidates for elective municipal office,
5 shall file with the municipal clerk or other municipal official des-
6 ignated to receive their filing for office. All statements required
7 to be filed under this chapter are public records.

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

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

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

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

27 * Sec. 22. AS 24.55.310, AS 24.60, AS 39.50.025, and 39.50.120 are
28 repealed.

29 * Sec. 23. INITIAL COMMISSION APPOINTMENTS. Notwithstanding

1 AS 24.61.500(b), as added by sec. 2 of this Act, the terms of the members
2 initially appointed to the Legislative Ethics Commission are as follows:

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

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

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

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

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

14 * Sec. 24. INITIAL TRAINING COURSES. The initial courses and seminars
15 required under AS 24.61.730 - 24.61.750, as added by sec. 2 of this Act,
16 shall be offered during January and February 1991. Notwithstanding AS 24.-
17 61.730(a), as enacted by sec. 2 of this Act, all legislators and legisla-
18 tive employees required to attend a legislative ethics orientation training
19 course shall attend a course in 1991.

20 * Sec. 25. INITIAL RECOMMENDED REGULATIONS. The Alaska Legislative
21 Council shall make its initial recommendations to the Legislative Ethics
22 Commission under AS 24.61.160, as added by sec. 2 of this Act, by
23 January 21, 1991. If the legislative council does not comply with the
24 deadline under this section, the Legislative Ethics Commission shall pro-
25 ceed to adopt regulations under AS 24.61.160 on its own initiative.

26 * Sec. 26. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER
27 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 22 of this Act,
28 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,
29 the Legislative Ethics Commission may consider complaints alleging

1 AS 24.61.500(b), as added by sec. 2 of this Act, the terms of the members
2 initially appointed to the Legislative Ethics Commission are as follows:

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

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

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

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

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

14 * Sec. 24. INITIAL TRAINING COURSES. The initial courses and seminars
15 required under AS 24.61.730 - 24.61.750, as added by sec. 2 of this Act,
16 shall be offered during January and February 1991. Notwithstanding AS 24.-
17 61.730(a), as enacted by sec. 2 of this Act, all legislators and legisla-
18 tive employees required to attend a legislative ethics orientation training
19 course shall attend a course in 1991.

20 * Sec. 25. INITIAL RECOMMENDED REGULATIONS. The Alaska Legislative
21 Council shall make its initial recommendations to the Legislative Ethics
22 Commission under AS 24.61.160, as added by sec. 2 of this Act, by
23 January 21, 1991. If the legislative council does not comply with the
24 deadline under this section, the Legislative Ethics Commission shall pro-
25 ceed to adopt regulations under AS 24.61.160 on its own initiative.

26 * Sec. 26. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER
27 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 22 of this Act,
28 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,
29 the Legislative Ethics Commission may consider complaints alleging

1 violations of AS 24.60 that occurred prior to January 21, 1991, and for
2 which proceedings have not been commenced or concluded prior to January 21,
3 1991. For the purpose of this section, the Legislative Ethics Commission
4 shall follow the procedures established under AS 24.61, but may not recom-
5 mend a sanction or penalty not authorized under former AS 24.60.

6 * Sec. 27. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTH-
7 ERS. Notwithstanding AS 24.61.330, as added by sec. 2 of this Act, a
8 legislator or legislative assistant who is subject to AS 24.61.330 may,
9 until January 1, 1992, represent a person in a proceeding that would other-
10 wise be prohibited under AS 24.61.330 if the legislator or legislative
11 assistant promptly files a statement with the Legislative Ethics Commission
12 that includes the name of the client, an identifying name or number of the
13 action, a brief description of the nature of the action, and the amount of
14 compensation received or anticipated relating to the representation. The
15 statement shall be published in the journal of the appropriate house. If
16 information contained in the statement changes, a supplemental statement
17 shall be filed every 90 days until the matter is completed or January 1,
18 1992, at which time the representation must be terminated. The representa-
19 tion may continue beyond January 1, 1992, if the legislator or legislative
20 assistant applies for, and the Legislative Ethics Commission grants, an
21 exemption to the termination date under AS 24.61.530, as added by sec. 2 of
22 this Act. In this section, "legislative assistant" has the meaning given
23 in AS 24.61.990, as added by sec. 2 of this Act.

24 * Sec. 28. AS 24.61.160, 24.61.400(d), 24.61.500 - 24.61.720 and 24.-
25 61.990, as added by sec. 2 of this Act, and secs. 23 - 25 of this Act, take
26 effect July 1, 1990.

27 * Sec. 29. AS 24.61.200 - 24.61.240, as added by sec. 2 of this Act,
28 take effect November 6, 1990.

29 * Sec. 30. Except as provided in secs. 28 and 29 of this Act, this Act

1 takes effect January 21, 1991.