

HOUSE BILL NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FINKELSTEIN, Ellis, Kubina, Bruckman, Grussendorf, Carney, B.Davis, Parnell

Introduced: 1/21/91

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a legislative ethics commission and standards of conduct for
2 legislators, candidates for the legislature, legislative employees, former legislators and
3 employees, and lobbyists; requiring financial disclosures by legislators, candidates for the
4 legislature, and certain legislative employees; amending legislators' compensation and
5 allowances; and providing for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1. SHORT TITLE.** This Act may be known as the Legislative Ethics Act of 1991.

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

9 **CHAPTER 61. LEGISLATIVE ETHICS.**

10 **ARTICLE 1. PURPOSE.**

11 **Sec. 24.61.010. PURPOSE.** This chapter is enacted to

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

1 legislative process;

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

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

8 ARTICLE 2. STANDARDS OF CONDUCT.

9 Sec. 24.61.100. IMPROPER BENEFIT FROM PERFORMANCE OF PUBLIC DUTIES.

10 A legislator or legislative employee may not solicit, agree to accept, or accept a benefit other
11 than official compensation for the performance of public duties. This subsection may not be
12 construed to prohibit lawful solicitation for and acceptance of campaign contributions or the
13 acceptance of a lawful gratuity under AS 24.61.210. A person who violates this subsection is
14 guilty of receiving unlawful gratuities under AS 11.56.120 and is subject to civil sanctions under
15 AS 24.61.560(a).

16 Sec. 24.61.110. MISUSE OF STATE PROPERTY AND RESOURCES FOR PRIVATE
17 GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative employee may not use
18 public funds, facilities, equipment, services, or another government asset or resource for a
19 nongovernmental purpose or for the private gain or advantage of either the legislator, legislative
20 employee, or another person. This subsection does not prohibit (1) the occasional or limited use
21 of state property and resources for personal purposes if the use does not interfere with the
22 performance of public duties, the cost or value related to the use is so nominal that
23 reimbursement procedures would not be justified, and the use does not create the appearance of
24 impropriety or improper influence; or (2) the use of mailing lists, computer data, or other
25 information lawfully obtained from a government agency and available to the public for
26 nongovernmental purposes. A person who violates this subsection is subject to civil sanctions
27 under AS 24.61.560(a) and may be prosecuted for theft under AS 11.46.

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

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

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

8 Sec. 24.61.120. MISUSE OF STATE PROPERTY AND RESOURCES FOR POLITICAL
9 PURPOSES. (a) A legislator or legislative employee may not use or authorize the use of public
10 funds, facilities, equipment, services, or another government asset or resource for the purpose of
11 political fund raising or campaigning. This subsection does not prohibit the use of mailing lists,
12 computer data, or other public information lawfully obtained from a government agency and
13 available to the general public for nongovernmental purposes. A person who violates this
14 subsection may be prosecuted for theft under AS 11.46.

15 (b) A legislative employee may not on government time assist in political party activities,
16 campaigning, fund raising, or other partisan or personal political activities. A legislator may not
17 require an employee to perform an act in violation of this subsection.

18 (c) Unless superseded by policies relating to the use of government resources for political
19 purposes developed by the legislative council under AS 24.61.512 and adopted by the
20 commission as regulations under AS 24.61.510, the following prohibitions apply:

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

29 (2) unless approved by the commission, public funds may not be used to print or
30 distribute a mass mailing from or about a legislator who is a candidate for reelection to the
31 legislature or another state office during the period beginning 60 days before the primary election

1 in which the legislator is a candidate, and ending the day after a general or special election in
2 which the legislator is a candidate;

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

12 (4) a legislator, or another person on behalf of the legislator, or a campaign
13 committee of the legislator, may not distribute or post literature, placards, posters, or other
14 communications intended to influence the election of a candidate in an election in a facility or
15 office ordinarily used to conduct state government business.

16 (d) Except for a person whose conduct may be prosecuted as theft under AS 11.46 and
17 who violates (c)(1) of this section or a regulation adopted under AS 24.61.510 that supersedes
18 (c)(1) of this section, a person who violates (b) or (c)(1) - (3) of this section or a regulation
19 adopted under AS 24.61.510 that supersedes (c)(1) - (3) of this section is guilty of a class A
20 misdemeanor.

21 (e) In addition to criminal penalties, a person who violates (a) - (c) of this section or a
22 regulation relating to (a) - (c) of this section is subject to civil sanctions under AS 24.61.560(a).

23 Sec. 24.61.130. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN
24 OR PERSONAL ADVANTAGE. A legislator or legislative employee may not use or aid,
25 induce, cause, or encourage others to use, the authority, title, official letterhead, or prestige of
26 the legislator's or legislative employee's office for the benefit of the legislator or legislative
27 employee. A person who violates this section is subject to civil sanctions under AS 24.61.560(a).

28 Sec. 24.61.140. COERCION. (a) A legislator may not, directly or by authorizing
29 another to act on the legislator's behalf, state or imply that the legislator's consideration of an
30 issue, cause, or piece of legislation, or the legislator's willingness to meet with a person, is
31 dependent on the person making a campaign contribution, donating to a cause favored by the

1 legislator, or providing a thing of value to the legislator.

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

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

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

11 (c) Unless the conduct violates a provision of AS 11 that is a felony and the person is
12 subject to prosecution under that provision, a person who violates (a) or (b) of this section is
13 guilty of a class A misdemeanor.

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

16 Sec. 24.61.150. RESTRICTED RELATIONSHIPS: NEPOTISM. (a) A member of the
17 immediate family of a legislator may not be employed for compensation

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

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

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

21 (4) by the commission, whether for compensation or not.

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

24 (c) In cases where a member of the immediate family of a legislator or legislative
25 employee is uniquely qualified to perform a task, or another extraordinary circumstance exists
26 under which it would be in the state's interest to waive the limitation of this section, a waiver
27 of a provision of this section may be sought under AS 24.61.530.

28 (d) A person who employs or causes the employment of another person in violation of
29 this section is subject to civil sanctions under AS 24.61.560(a).

30 Sec. 24.61.160. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLATORS,
31 LEGISLATIVE CANDIDATES, AND LEGISLATIVE ASSISTANTS. (a) A legislator or a

1 legislative candidate may not solicit or knowingly permit a lobbyist to actively engage in fund-
2 raising activities for a legislative campaign or for a legal expense fund under AS 24.61.350,
3 which activities include (1) serving as a campaign manager or director; (2) serving as a campaign
4 treasurer or deputy campaign treasurer on a finance or fund-raising committee; (3) hosting a
5 fund-raising event. This subsection may not be construed to prohibit a lobbyist from making
6 personal contributions to or personally advocating on behalf of a candidate. A legislator or a
7 legislative candidate may not seek to evade the purposes of this subsection by soliciting or
8 knowingly permitting a member of a business entity retained to lobby, or an employee of a
9 lobbyist to perform similar fund-raising services.

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

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

16 Sec. 24.61.170. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS AND
17 OTHER PUBLIC OFFICES. (a) A legislator may not serve on a governing or advisory board
18 of a nongovernmental organization that regularly has a substantial interest in the legislative,
19 administrative, and political actions of the legislator.

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

26 (c) In extraordinary situations where the criteria for an exemption exists, a legislator or
27 legislative assistant may seek a waiver of a provision of this section under AS 24.61.530.

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

29 Sec. 24.61.180. RESTRICTED FINANCIAL INTERESTS. (a) Unless required by the
30 Uniform Rules of the Alaska State Legislature, a legislator or legislative employee may not
31 participate in legislative, administrative, or political action if the legislator or legislative employee

1 has an equity or ownership interest in a business, investment, real property, lease, or other
2 enterprise if the interest is substantial and the effect of the action on that interest is greater than
3 the effect on a substantial class of persons to which the legislator or legislative employee belongs
4 as a member of a profession, occupation, industry, or region.

5 (b) In extraordinary situations where the criteria for an exemption exists, a legislator or
6 legislative employee may seek a waiver of the provisions of this section under AS 24.61.530.

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

8 Sec. 24.61.190. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REP-
9 RESENTATIVE. (a) A legislator or legislative assistant may not for compensation represent,
10 as an advocate, advisor, or consultant, a person in a matter involving an agency, board, or com-
11 mission of the state, unless the agency, board, or commission is acting quasi-judicially and there
12 is no reasonable basis to conclude that the side represented by the legislator or legislative
13 assistant has an unfair advantage. This provision does not prohibit an attorney from representing
14 a client in a judicial action or prevent a legislator or legislative assistant from representing
15 personal interests in an otherwise proper proceeding. This subsection may not be construed to
16 permit compensated representation for purposes of obtaining or retaining a state or local license,
17 permit, franchise, grant, loan, or other benefit, whether or not other parties contending for the
18 benefit are represented, unless the granting of the benefit is a purely ministerial matter requiring
19 little or no discretion.

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

26 (c) In extraordinary situations where the criteria for an exemption exists, a legislator or
27 legislative assistant may seek a waiver of a provision of this section under AS 24.61.530.

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

30 Sec. 24.61.200. RESTRICTED TRANSACTIONS: INTEREST IN STATE
31 CONTRACTS OR LEASES. (a) A legislator, a legislative assistant, or a member of the

1 immediate family of a legislator may not be a party to, or have a financial interest in, a state
2 contract or lease unless the contract or lease is permitted under (b), (c), or (d) of this section.

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

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

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

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

26 (f) A legislator or legislative assistant may not seek or accept a contract with a person
27 that does a substantial portion of its business with the state for goods or personal services
28 concerning a matter on which the legislator or legislative assistant participated personally and
29 substantially within the preceding year. A former legislator or legislative assistant within one
30 year of leaving legislative service may not seek or accept a contract with a person that does a
31 substantial portion of its business with the state for goods or personal services concerning a

1 matter on which the former legislator or legislative assistant participated personally and
2 substantially within the last year of service.

3 (g) A person who violates this section is subject to civil sanctions under AS 24.61.560(a)
4 and may be subject to criminal penalties under another law.

5 Sec. 24.61.210. RESTRICTED TRANSACTIONS: GRATUITIES. (a) A legislator or
6 legislative employee may not accept or receive, directly or indirectly, a benefit as a gratuity from
7 a person except as provided in this section. Notwithstanding the provisions of (b) and (c) of this
8 section, a legislator or legislative employee may not accept a benefit in any amount if the
9 legislator or employee knows or reasonably should know that it is offered with the intent to
10 influence legislative, administrative, or political action.

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

17 (1) gifts from immediate family members;

18 (2) birthday, wedding, anniversary, and similar ceremonial gifts if the donor does
19 not have a substantial interest in the legislative, administrative, or political action of the recipient;

20 (3) unsolicited tokens or awards of appreciation or recognition with a value of
21 more than \$100 in the form of a plaque, trophy, clock, watch, desk item, wall memento, or
22 similar item if the award has been approved by the commission upon a finding that the gift does
23 not create an impermissible conflict of interest;

24 (4) food or foodstuffs indigenous to the state that are shared generally as a
25 cultural or social norm, and meals and beverages provided and consumed at social or fund-raising
26 events, conferences, or professional meetings, at a restaurant, club, reception hall, or other public
27 gathering place, or as part of personal hospitality at the residence or place of business of the host;
28 gratuities under this paragraph with a value of more than \$100 shall be reported on financial
29 disclosure forms; this paragraph may not be construed to exclude from the \$100 limit gifts of
30 packaged liquor, wine, or foodstuffs, nor does it exclude from the \$100 limit the acceptance of
31 a restaurant meal not consumed with the person providing the gift;

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

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

11 (7) payment of or reimbursement for reasonable and necessary expenses, including
12 expenses related to travel and related food and lodging, incurred in connection with a trip whose
13 primary purpose is to enable the legislator or legislative employee to obtain information on
14 matters of legislative concern; if the expenses exceed \$100, they shall be reported on financial
15 disclosure forms;

16 (8) hospitality including overnight lodging, food, and beverages at the residence
17 or second home of the host provided the host is present, or, if the host is not present, the person
18 is staying as a house-sitter; if the host has a substantial interest in the legislative, administrative,
19 or political actions of the recipient, a stay with a value of more than \$200 shall be reported on
20 financial disclosure forms; this paragraph may not be construed to permit the use, other than as
21 a house-sitter in a residence or a second home, of a summer home, company retreat, resort
22 facility, condominium or apartment, or other lodging where the host is not personally present or,
23 regardless of the presence of the host, the purpose is to provide the legislator or legislative
24 employee with a paid or subsidized vacation or similar benefit; the host may use customary and
25 usual means of transportation to transport the legislator or legislative employee to the host's
26 residence or the place of a social event;

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

28 (10) the portion of a student loan forgiven under former AS 14.43.120(j) or
29 interest paid by the state under AS 14.43.120(l).

30 (c) In extraordinary situations where the criteria for an exemption exists, a legislator or
31 legislative employee may seek a waiver of a provision of this section under AS 24.61.530.

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

3 Sec. 24.61.220. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOYMENT
4 AND HONORARIA. (a) A legislator or legislative assistant may not seek, accept, or retain
5 employment, including as an advisor or consultant, that

6 (1) is likely to involve the disclosure or use of confidential information acquired
7 in the course of legislative service;

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

10 (3) involves payments that by reasonable objective standards, including
11 consideration of the higher rates generally charged by specialists in a profession, are not
12 commensurate with the services rendered and appear to involve a premium as a result of the
13 legislator's or legislative assistant's position in the legislature;

14 (4) is likely to require the legislator or legislative assistant, under conflict of
15 interest and disqualification requirements, to refrain from taking legislative, administrative, or
16 political actions in an undue number of situations;

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

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

20 (b) A legislator or legislative assistant may not receive compensation for personal
21 services from a state entity other than the legislature except as specifically provided in this
22 chapter or approved by the commission. A legislator or legislative assistant is not precluded by
23 this subsection from earning compensation from a position at a state-funded school or university,
24 provided that influence was not used to obtain the position.

25 (c) A legislator or legislative assistant may not seek or accept an honorarium from a
26 person or entity that has a substantial interest in legislative, administrative, or political action.
27 This subsection does not prevent a legislator or legislative assistant from accepting an honorarium
28 from a governmental entity outside of the state, from a university other than the University of
29 Alaska, or from another nonprofit educational or civic institution, provided that the amount paid
30 is reasonable and commensurate with the services performed and that the circumstances under
31 which the services are to be performed do not create a conflict of interest or appearance of

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

4 (d) In extraordinary situations where the criteria for an exemption exists, a legislator or
5 legislative assistant may seek a waiver of a provision of this section under AS 24.61.530.

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

7 Sec. 24.61.230. INTERCESSION ON BEHALF OF CONSTITUENTS. (a) A legislator
8 may not use political influence in a way that is likely to cause a public official to consider
9 inappropriate factors in exercising public authority. A legislator may not directly and improperly
10 interfere with

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

13 (2) a decision regarding the commencement, scope, or termination of an
14 investigatory process of a governmental agency; or

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

17 (b) This section may not be construed to prevent a legislator from

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

20 (2) making inquiries about the status of a matter or helping a constituent get a
21 benefit or service that the legislator believes the constituent is entitled to as a matter of right;

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

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

30 (c) A person who violates (a) of this section is subject to civil sanctions under
31 AS 24.61.560(a) and may be subject to criminal penalties under another law.

1 Sec. 24.61.240. ACCOUNTABILITY: WHISTLE BLOWING, AND PROTECTION OF
2 WHISTLE BLOWERS. (a) A legislator or legislative employee may not, directly or indirectly,
3 subject a person who reports to the commission or another government entity conduct the person
4 reasonably believes is a violation of this chapter or another state law, to reprisal, retaliation,
5 harassment, discrimination, or ridicule. A legislative employee who is discharged, disciplined,
6 involuntarily transferred, or otherwise penalized by a legislator or another legislative employee
7 in violation of this subsection may

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

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

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

13 Sec. 24.61.250. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a) Legislators
14 shall abide by AS 44.62.310 - 44.62.312 (open meetings law) and exercise the authority of their
15 offices openly so that the public is informed about governmental decisions and can hold them
16 accountable for their actions.

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

18 Sec. 24.61.260. DISCRIMINATION PROHIBITED. (a) A legislator or legislative
19 employee may not engage in acts of discrimination in violation of AS 18.80.220.

20 (b) A person who violates this section is subject to civil sanctions under AS 24.61.560(a),
21 and may be subject to liability under another criminal law or civil action arising from the
22 conduct.

23 ARTICLE 3. CAMPAIGN FINANCE RESTRICTIONS.

24 Sec. 24.61.300. PROHIBITED USES OF CAMPAIGN FUNDS. A candidate for the
25 legislature, or another person on behalf of the candidate, including the candidate's campaign
26 committee, may not

27 (1) use funds raised and designated as campaign funds for the personal benefit
28 of the candidate or another person, or for payment of attorney fees and other legal expenses
29 arising from civil, criminal, or administrative actions based on conduct not directly related to the
30 campaign or official duties;

31 (2) convert surplus campaign funds or interest earned on campaign funds to

1 personal income;

2 (3) borrow from campaign funds or loan them to another person or group;

3 (4) knowingly pay more than the fair market value for goods or services
4 purchased for the campaign;

5 (5) knowingly pay campaign funds to a member of the candidate's immediate
6 family for goods or services provided to the campaign unless the amounts paid do not exceed the
7 fair market value of the goods or services provided;

8 (6) use campaign funds to make a contribution to another candidate running for
9 office or to a committee supporting or opposing a candidate for office; or

10 (7) use campaign funds to pay fines or other monetary penalties or costs assessed
11 against a candidate by a court or other body, unless the fine, penalty, or cost is assessed as a
12 result of proscribed actions by a member or employee of a campaign committee or another
13 person acting on behalf of the candidate under circumstances where the candidate did not know
14 of those actions.

15 Sec. 24.61.310. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. If a candidate
16 for the legislature or a candidate's campaign committee has unexpended and unobligated funds
17 after the date of the election, or at the time the candidate ceases to be a candidate, those funds
18 shall, within 60 days after the election or the end of the candidacy, be

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

22 (2) used to pay for a victory or thank-you party;

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

25 (4) donated to the general fund of the state or of a municipality;

26 (5) donated to one or more organizations that qualify as charitable organizations
27 under 26 U.S.C. 501(c)(3) provided that the charity is not one that is controlled by the candidate
28 or a member of the candidate's immediate family; or

29 (6) transferred to an ongoing political account controlled by the candidate, up to
30 a maximum of \$5,000 for a candidate for the house and \$7,500 for a candidate for the senate.

31 Sec. 24.61.320. TIME LIMITATIONS ON FUND RAISING. (a) A legislator or a

1 candidate for the legislature may not, either directly, through a campaign committee, or by other
2 means, solicit or accept a campaign contribution or a promise or pledge to make a contribution
3 relating to candidacy for the legislature in an election other than a special election under
4 AS 15.40 except during the following periods:

5 (1) legislators, and other incumbent elected public officials intending to run for
6 the legislature, may raise funds from June 1 until December 31 in the year before the year of an
7 election in which they intend to be a candidate, and from June 1 through the general election in
8 November in the year of the election; in this paragraph, "public official" means a person required
9 to file a campaign disclosure statement under AS 15.13;

10 (2) except as provided under (1) of this subsection, candidates for the legislature
11 may raise funds from June 1 in the year before the year of an election in which they intend to
12 be a candidate through the general election in November in the year of the election.

13 (b) A legislative candidate in a special election under AS 15.40, and the campaign
14 committee of the legislative candidate, may not solicit or accept a campaign contribution or a
15 promise or pledge to make a campaign contribution after the date of the special election.

16 Sec. 24.61.330. ENFORCEMENT OF CAMPAIGN FUND PROVISIONS. The Alaska
17 Public Offices Commission shall enforce AS 24.61.300 - 24.61.320. A person who believes that
18 AS 24.61.300 - 24.61.320 has been violated may file a complaint under AS 15.13.120(d) with
19 the Alaska Public Offices Commission, which shall handle the complaint in the same manner as
20 a complaint alleging a violation of AS 15.13. The penalties for a violation of AS 24.61.300 -
21 24.61.320 are those set out in AS 15.13.120(a). In addition, if the Alaska Public Offices
22 Commission determines after a hearing under AS 15.13.120(d), or if a legislator admits, that the
23 legislator violated or caused, induced, aided, or encouraged a violation of AS 24.61.300 -
24 24.61.320 the legislator is subject to civil sanctions under AS 24.61.560(a).

25 ARTICLE 4. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS.

26 Sec. 24.61.350. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS. (a) A
27 legislator or legislative employee may establish a fund to assist with the payment of attorney fees
28 and other costs arising from the legislator's or employee's defense of a civil, criminal, or
29 administrative action brought against the legislator or employee, or from the prosecution or
30 defense of an administrative or judicial action concerning a contested election in which the
31 legislator or employee is a candidate. Contributions to a fund under this section are not subject

1 to the restrictions of AS 24.61.210.

2 (b) The commission shall adopt regulations relating to the methods of establishing a fund
3 under this section, the accounting requirements for a fund, the uses for which moneys from the
4 fund may be expended, and the disposition of surplus moneys in the fund. A person who violates
5 these regulations is guilty of a class A misdemeanor and is subject to civil sanctions under
6 AS 24.61.560(a).

7 ARTICLE 5. REQUIRED DISCLOSURE.

8 Sec. 24.61.400. FINANCIAL DISCLOSURE BY LEGISLATORS, LEGISLATIVE
9 DIRECTORS, AND CANDIDATES FOR THE LEGISLATURE; "CATEGORY A" AND
10 "CATEGORY B" INCOME SOURCES DEFINED. (a) A legislator, a candidate for the
11 legislature, and a legislative director shall disclose to the commission the information required
12 under AS 24.61.410 and 24.61.420 and under the guidelines and regulations adopted by the
13 commission under (b) and (c) of this section, on the sources and amounts of outside income
14 received by them, their spouses, and their dependent children, except that disclosure of the
15 amount of income received by a legislator's, candidate's, or legislative director's spouse or
16 dependent children is not required. If the spouse or dependent child of a legislator receives
17 income from a category A source, the legislator shall file a statement with the commission stating
18 that (1) all the funds earned by the spouse or dependent child were reasonable payments for
19 services actually rendered, and (2) employment of the spouse or dependent child was not related
20 to any attempt to influence or do any favor for the legislator. A legislator, candidate for the
21 legislature, and a legislative director shall also report the information relating to income and
22 assets that a public official is required to report under AS 39.50.030.

23 (b) A legislator and a legislative director shall file an annual report with the commission,
24 containing the disclosures required by AS 24.61.400 - 24.61.420, on or before April 15. A
25 candidate for the legislature, including an incumbent legislator, shall file a report containing the
26 required disclosures with the commission at the time required under AS 15.25.030 or 15.25.180,
27 except that a candidate who has filed an annual report under this subsection is not required to
28 file a second report. The commission shall adopt filing guidelines and develop forms that are
29 compatible with financial disclosure forms required to be filed with the Alaska Public Offices
30 Commission under AS 39.50.030.

31 (c) The commission shall adopt regulations relating to the definitions of category A and

1 B sources and the reporting requirements imposed by AS 24.61.400 - 24.61.420. The regulations
2 must include provisions that distinguish between income received for personal services, income
3 received from the ownership of property, income received directly by the legislator, candidate
4 for the legislature, or legislative director, and income received by an entity in which the
5 legislator, candidate for the legislature, or legislative director has an ownership interest. The
6 regulations may exclude from category A income, income from sources such as interest on
7 deposit accounts in regulated financial institutions.

8 (d) In AS 24.61.400 - 24.61.420,

9 (1) "category A source" means a person who is known or reasonably should be
10 known to have a substantial interest in legislative, administrative, or political actions; the
11 legislature or an agency of the legislature is not a category A source;

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

14 (3) "income" means benefits received in the form of monetary compensation or
15 another thing of value;

16 (4) "legislative director" means the director of the legislative finance division, the
17 legislative auditor, the director of the legislative research agency, the ombudsman, the executive
18 director of the Legislative Affairs Agency, and the directors of the divisions within the
19 Legislative Affairs Agency.

20 Sec. 24.61.410. REPORTING INCOME FROM CATEGORY A SOURCES. (a) As to
21 income received from category A sources, a person required under AS 24.61.400 to report shall
22 file with the commission a statement that must include,

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

27 (2) as to each gratuity received and required to be reported under
28 AS 24.61.210(b)(4), (7), and (8), the name and address of the person providing the gratuity, a
29 brief description of its nature, and a good faith statement of its fair market value; if exact values
30 are not known, and cannot be found out without undue hardship or expense, reasonable good
31 faith estimates are acceptable;

1 (3) the name and address of the source and the cash value of reimbursement for
2 expenses aggregating more than \$100 from a single source in the reporting period;

3 (4) as to each loan or loan guarantee from a category A source yielding loan pro-
4 ceeds of \$100 or more in the reporting period, the name and address of the person making the
5 loan or guarantee, the amount of the loan, the terms and conditions under which the loan or
6 guarantee was given, the amount outstanding at the time of filing, and whether or not a written
7 loan agreement exists;

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

10 (6) if the source of a reported benefit is a partnership or association doing
11 business under a name that does not include the names of the principals, the names of the
12 principals; and

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

14 (b) The commission shall review category A statements to determine whether an
15 impermissible conflict of interest exists or would exist if a candidate were elected. If a conflict
16 does or would exist, the commission shall consider appropriate actions.

17 (c) Reports about income from category A sources are public records.

18 (d) In extraordinary situations, a legislator, a candidate for the legislature, or a legislative
19 director may seek a waiver of a provision of this section under AS 24.61.530.

20 Sec. 24.61.420. REPORTING INCOME FROM CATEGORY B SOURCES. (a) A
21 person required under AS 24.61.400 to report shall file a statement listing the items in AS
22 24.61.410(a) that the person has received from a category B source, except that the person shall
23 disclose only those sources providing income of \$1,000 or more. The person is not required to
24 report the amount of income from a reportable source.

25 (b) The commission shall review statements under this section to determine whether an
26 impermissible conflict of income exists, or would exist if a candidate were elected, and whether
27 action by the commission is required.

28 (c) A statement filed under this section will be a public record unless the person submit-
29 ting it requests that it be kept confidential in whole or in part and states the reasons for the re-
30 quest, and the commission finds that no valid public purpose would be advanced by publication.

31 Sec. 24.61.430. DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS. (a) A

1 legislator or a legislative assistant who has a close economic association with a lobbyist shall
2 make a written disclosure of the association in confidence to the commission. The disclosure
3 shall be made during the first week of each session. If a legislator or legislative assistant is not
4 in office or employed during the first week of the session, or if the association did not exist
5 during the first week of the session, the disclosure shall be made within 30 days after taking
6 office or being employed or the creation of the association.

7 (b) The written disclosure must state the name of the persons involved, the nature of the
8 association, and a brief narrative of the matters the legislator or legislative assistant is working
9 on that could create an actual conflict of interest. If the commission requests additional
10 information necessary to determine whether the nature of the association creates a conflict of
11 interest, it shall be promptly provided.

12 (c) The commission shall make a determination as to whether the association creates a
13 conflict of interest that warrants restrictions or disclosure. After making the determination, the
14 commission may elect to

- 15 (1) keep the matter confidential;
- 16 (2) recommend some restriction in the activities; or
- 17 (3) order full or partial disclosure in the journal of the appropriate body.

18 Sec. 24.61.440. PARTICIPATION IN STATE PROGRAMS; REQUIRED
19 DISCLOSURES. (a) A legislator or legislative employee may, without disclosure to the
20 commission, participate in a statewide benefit program or receive a loan from the state if the
21 program or loan is generally available to members of the public, is subject to fixed, objective
22 eligibility standards, and requires minimal discretion in determining qualification.

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

25 (c) A legislator or legislative employee who participates in a program or receives a loan
26 that is not exempt from disclosure under (a) of this section shall file a written report with the
27 commission by the first Monday in February of each year stating the amounts of the loans
28 outstanding or benefits received during the preceding calendar year from nonqualifying programs.
29 If the commission requests additional information necessary to determine the propriety of
30 participating in the program or receiving the loan, it shall be promptly provided. The
31 commission shall promptly compile a list of the statements indicating the loans and programs and

1 amounts and send it to the presiding officer of each house who shall have it published in the
2 supplemental journals within three weeks of the filing date.

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

12 (e) If the commission determines that the nature and circumstances under which the
13 legislator or legislative employee received a state benefit or loan raises an appearance of
14 impropriety or was in fact the result of unfair or improper influence, the commission may initiate
15 a complaint or take other appropriate action. In addition, the commission shall refer the matter
16 to the attorney general for action under other civil or criminal laws.

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

23 (g) In extraordinary situations where the criteria for an exemption exists, a legislator or
24 legislative employee may seek a waiver of the disclosure requirements of this section under
25 AS 24.61.530.

26 Sec. 24.61.450. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a) A
27 person required to make a disclosure under this chapter may not knowingly make a false or
28 deliberately misleading or incomplete disclosure to the commission, or file a disclosure after a
29 deadline set by this chapter or by a regulation adopted by the commission.

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

1 (c) In addition to the sanctions in (b) of this section, if the commission finds that a
2 candidate for the legislature, including an incumbent legislator, has committed a substantial
3 violation of this section, the commission shall notify the lieutenant governor. The lieutenant
4 governor shall return the candidate's filing fee and shall remove the candidate's name from the
5 filing records. In this subsection "substantial violation" includes the refusal or failure to make
6 a filing required under AS 24.61.400 - 24.61.420.

7 ARTICLE 6. LEGISLATIVE ETHICS COMMISSION.

8 Sec. 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. (a) The
9 Legislative Ethics Commission is established in the legislative branch of government. The
10 commission consists of seven members, selected as follows:

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

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

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

16 (4) three members selected by majority vote of the members appointed under (1) -
17 (3) of this subsection.

18 (b) Commissioners serve staggered terms of five years. A commissioner is eligible for
19 reappointment; however, a commissioner may not serve more than two consecutive five-year
20 terms. A commissioner 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 the original
23 appointment to that seat on the commission. A vacancy shall be filled within 30 days after the
24 vacancy occurs.

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

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

31 Sec. 24.61.502. LEGISLATIVE DECERTIFICATION OR REMOVAL FROM OFFICE.

1 (a) Within 45 days after appointment, a commissioner may be decertified by a majority vote of
2 both houses of the legislature, if the legislature is in session, or by a two-thirds vote of the
3 members of the legislative council if the legislature is not in session. If decertified, the
4 commissioner is disqualified and that seat on the commission is vacant.

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

8 Sec. 24.61.504. MEETINGS; COMPENSATION. (a) The commission shall meet at the
9 call of the chair or a majority of the commissioners. The commission shall meet at least once
10 every three months.

11 (b) Five commissioners constitute a quorum. A vote of the majority of the
12 commissioners appointed is required for official action of the commission.

13 (c) The commission may meet by teleconference.

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

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

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

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

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

29 (d) If the commission determines that an investigation is necessary and that the
30 investigation cannot be efficiently, promptly, or adequately handled by commission staff, the
31 executive director shall nominate a special investigator to be appointed upon approval by the

1 commission. The executive director shall maintain a list of individuals qualified to serve as a
2 special investigator by virtue of their experience, reputation, likely availability, willingness to
3 serve, and freedom from conflicts of interest.

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

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

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

15 (c) In addition to the requirements of this chapter, a commissioner, employee of the
16 commission, or person under contract to provide personal services to the commission may not

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

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

21 (A) a candidate for the legislature;

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

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

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

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

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

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

8 Sec. 24.61.510. GENERAL POWERS AND DUTIES OF THE COMMISSION. (a) The
9 commission shall

10 (1) administer the provisions of this chapter, including the adoption of regulations
11 that the commission is required to adopt;

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

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

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

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

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

23 (7) prepare and distribute an ethics education manual for legislators, legislative
24 employees, and registered lobbyists;

25 (8) design and implement voluntary ethics education courses for legislators,
26 legislative employees, and registered lobbyists;

27 (9) mail by certified mail a copy of this chapter to a candidate for the legislature
28 upon the receipt of notice of the candidate's declaration of candidacy under AS 15.25.030 or
29 petition under AS 15.25.180;

30 (10) prepare a biennial report to the legislature summarizing its activities over the
31 previous two years, evaluating the effectiveness of this chapter in accomplishing its stated

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

3 (b) The commission may

4 (1) adopt additional regulations to interpret and implement this chapter;

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

7 (c) In adopting regulations under (a) and (b) of this section, the commission shall follow
8 procedures that are, to the extent practicable, consistent with AS 44.62 (Administrative Procedure
9 Act).

10 Sec. 24.61.512. REGULATIONS CONCERNING USE OF PUBLIC RESOURCES. (a)
11 The legislative council shall develop and recommend for adoption by the commission detailed
12 regulations relating to the use of government property, resources, and personnel. The legislative
13 council shall annually review the regulations and recommend necessary changes to the
14 commission.

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

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

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

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

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

29 Sec. 24.61.525. FORMAL BINDING ADVISORY OPINIONS. (a) The commission
30 may issue a formal written advisory opinion on its own initiative, on the request of a person to
31 whom this chapter applies, or on the request of a person elected to the legislature who at the time

1 of election is not a member of the legislature.

2 (b) Requests for written advisory opinions must be in writing and set out with reasonable
3 specificity the facts and circumstances of a real or hypothetical case.

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

6 (d) An opinion shall be issued by official action of the commission. The vote of each
7 commissioner participating in the opinion shall be indicated on the opinion and it shall be
8 forwarded to the person requesting it and made a part of the public records of the commission.

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

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

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

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

24 (i) Advisory opinions issued by the commission are public records. If the requester of
25 the opinion has not waived confidentiality under (h) of this section, the advisory opinion shall
26 be written so 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 based upon information
29 voluntarily given to the commission by the person in connection with a good faith request for
30 advice under AS 24.61.520 or 24.61.525, and may not use that information against the person
31 in a proceeding under AS 24.61.535 - 24.61.555. This subsection does not preclude the

1 commission from acting on a complaint concerning the subject of a person's request for advice
2 if the complaint is brought by another person, or if the complaint arises out of conduct taking
3 place after the advice is requested, and does not preclude the commission from using information
4 or evidence obtained from an independent source, even if that information or evidence was also
5 submitted with a request for advice.

6 Sec. 24.61.530. EXEMPTIONS PROCESS. (a) In situations in which principles of
7 fundamental fairness are best served by exempting certain individuals or acts from specified
8 provisions of this chapter, the commission may grant full or partial exemptions. The commission
9 shall provide a simple form for petitions for exemptions.

10 (b) The commission may grant an exemption upon a finding that the petitioner has shown
11 that the

12 (1) harm caused by strict application of this chapter substantially outweighs the
13 benefit of its enforcement in the particular situation;

14 (2) application of the regulation or provision under the circumstances presented
15 would be inconsistent with the spirit and purpose of the regulation or provision or of this chapter
16 as a whole; or

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

19 (c) The commission may request or permit the appearance of the petitioner before the
20 commission, in person or by teleconference, and hold hearings regarding the exemption request.

21 (d) Unless a shortened or expanded time is considered necessary or appropriate by the
22 commission, decisions on petitions for exemptions shall be made within 30 days after filing of
23 the petition. Unless the petitioner consents, extensions of time ordered by the commission may
24 not exceed an additional 60 days.

25 Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PROCESSES.

26 (a) A complaint alleging a violation of this chapter may be initiated by any person or by the
27 commission on its own motion. The commission shall provide a simple form for complaints.
28 A complaint must include

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

30 (2) a statement of the facts known or believed to be true that form the basis of
31 the complaint and the sources of the information, including the approximate dates of the acts

1 alleged and names and addresses of persons with personal knowledge of the facts alleged; and

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

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

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

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

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

24 (1) facts that, if true, establish a violation of a provision of this chapter for which
25 civil or administrative sanctions are authorized;

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

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

28 (B) if the person charged with misconduct intentionally concealed or
29 otherwise sought to prevent discovery of the relevant facts, within one year of the
30 discovery of the relevant facts and within eight years of the complaint; and

31 (3) that the person charged with misconduct is a legislator or legislative employee

1 at the time of the filing of the complaint.

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

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

16 (h) If the commission concludes that some or all of the allegations of the complaint, if
17 proven, would constitute a violation of this chapter, or if the commission has initiated the
18 complaint, the complaint shall be certified and a factual investigation shall commence. The
19 record of certification for further consideration is confidential subject to subsequent actions that
20 may make it part of the public record.

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

24 (b) Before commencing an investigation, the commission shall adopt a written resolution
25 defining the scope of the investigation, a copy of which shall be supplied to both the complainant
26 and respondent. If, during the investigation, additional facts are discovered that justify an expan-
27 sion of the investigation and the possibility of additional charges beyond those alleged in the
28 complaint, the resolution shall be amended accordingly with copies sent to respondent. The
29 resolution, and the fact that an investigation has been undertaken, shall be kept confidential by
30 the commission except that, upon inquiry, the commission may verify that it is investigating a
31 complaint along with a statement that no finding of probable cause has been made and that no

1 adverse inference of impropriety or guilt should be drawn from the decision to investigate.
2 Additional facts concerning the nature or results of the investigation may not be revealed except
3 as provided in AS 24.61.545 after a determination of probable cause has been made.

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

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

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

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

26 Sec. 24.61.545. PROBABLE CAUSE DETERMINATION. (a) The commission shall
27 consider the investigator's report in closed session. It shall determine whether there is credible
28 evidence that would give a reasonable person probable cause to believe that a violation of a
29 provision of this chapter for which civil or administrative sanctions are authorized has occurred.

30 (b) If the commission does not find probable cause under (a) of this section, it shall
31 dismiss the complaint and so notify the complainant and respondent with a notice of dismissal,

1 stating in detail the reason for dismissal. If the commission finds that the charges were frivolous,
2 malicious, made in bad faith, or that, in its opinion the respondent should be exonerated of the
3 charges, it shall so state in the notice of dismissal. If the commission finds that the credible
4 evidence, though not giving rise to probable cause, does suggest the violation of other provisions
5 of law, it shall so state and may forward the complaint and its report to the appropriate
6 enforcement body for disposition.

7 (c) The notice of dismissal under (b) of this section and the investigator's report under
8 AS 24.61.540(f), but not the underlying investigatory materials, shall be made public unless the
9 commission determines that this would unfairly prejudice either the respondent or complainant.
10 This subsection may not be construed to prevent either the complainant or respondent from
11 making the notice of dismissal and the report public.

12 (d) If the commission finds probable cause under (a) of this section, it shall serve on the
13 respondent, in a manner consistent with the service of summons under the rules of civil proce-
14 dure, a formal charge stating the specific allegations and containing a proposed date for an
15 adjudicatory hearing under AS 24.61.550.

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

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

27 (g) Upon determining that probable cause exists under (a) of this section, the commission
28 shall make public the investigator's report containing findings and recommendations, but not the
29 underlying investigatory materials.

30 Sec. 24.61.550. ADJUDICATORY HEARING. (a) An adjudicatory hearing shall be
31 before a hearing board composed of the commission chair and four commissioners appointed by

1 the chair. If the chair cannot attend all hearing sessions without undue inconvenience, the vice-
2 chair shall serve in the chair's place. If neither the chair nor the vice-chair is available, the chair
3 shall appoint another commissioner. Appointments to hearing boards shall be rotated among the
4 commissioners.

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

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

13 (d) A hearing board may

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

16 (2) compel the production of documentary or tangible evidence;

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

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

21 (e) The respondent may

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

23 (2) personally, or through counsel, request production of documentary or tangible
24 evidence, subpoena, examine, and cross-examine witnesses, raise objections, and make arguments;

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

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

31 (b) As to each charge on which the evidence was found to be insufficient to establish a

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

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

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

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

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

15 (3) detailed disclosure, with or without additional periodic reporting requirements;

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

17 (5) restitution or reimbursement;

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

19 (7) probationary status;

20 (8) a written reprimand;

21 (9) censure, including a recommendation that a legislator censured may not serve
22 as a chair or co-chair on a legislative committee for the remainder of the legislator's current term
23 in office;

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

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

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

27 (b) If the commission finds that a violation of AS 24.61.100 - 24.61.450 contributed
28 substantially to the enactment of legislation or to other legislative action, the commission may
29 recommend to the presiding officer of each house that the legislation be repealed or amended or
30 that the other legislative action be rescinded or modified.

31 Sec. 24.61.565. RECOMMENDATIONS TO THE LEGISLATURE WHERE VIOLATOR

1 IS A LEGISLATOR. (a) If the person found to have violated this chapter is or was a member
2 of the legislature, the hearing board's recommendations shall be forwarded by the chair of the
3 commission to the presiding officer of the appropriate house of the legislature.

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

7 (c) If the legislature is not in session or is not within 30 days of convening in regular
8 session, the presiding officer may request a special session under AS 24.05.100 to put the matter
9 to a vote. If expulsion is recommended, a special session should be convened.

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

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

19 Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL. The attorney general may
20 independently bring civil or criminal actions relating to violations under this chapter regardless
21 of the outcome or settlement of a charge before the commission, provided that the cumulative
22 civil penalties imposed for a violation may not exceed the amount that could be imposed in an
23 action before the commission. This subsection does not prohibit the attorney general from
24 bringing an action under another civil or criminal law.

25 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may publicly
26 respond to a statement or interpretation made concerning the contents of an advisory opinion or
27 decision it has issued or is purported to have issued. A person who requests an advisory opinion
28 and makes that fact public is considered to have waived the confidentiality of the person's identi-
29 ty.

30 ARTICLE 7. GENERAL PROVISIONS.

31 Sec. 24.61.900. RELATIONSHIP TO COMMON LAW AND OTHER LAWS. (a) The

1 provisions of this chapter specifically replace, supersede, and where necessary repeal provisions
2 of the common law relating to legislative conflict of interest.

3 (b) This chapter does not exempt a person from applicable provisions of another law
4 unless the law is expressly superseded or incompatibly inconsistent with specific provisions of
5 this chapter.

6 Sec. 24.61.910. APPLICABILITY. Unless otherwise specifically stated, the provisions
7 of this chapter apply to legislators and legislative employees.

8 Sec. 24.61.920. MENTAL STATE REQUIRED FOR CRIMINAL ACTIONS. When a
9 provision of this chapter is made subject to criminal penalties, unless the provision specifically
10 provides for another mental state, the defendant in a criminal prosecution must be shown to have
11 acted with criminal negligence, as that term is defined in AS 11.81.900(a). AS 11.81.610(c)
12 applies to this section.

13 Sec. 24.61.930. MAINTENANCE OF DOCUMENTS. Documents filed with or produced
14 by the commission as public records shall be retained for at least six years.

15 Sec. 24.61.940. COOPERATION OF OTHERS. If the commission requests their
16 cooperation, a state agency, official, employee, or a person whose conduct is regulated by this
17 chapter shall cooperate with the commission. An individual shall make information reasonably
18 related to an investigation available to the commission on written request. The commission may
19 request and shall receive from every officer, department, division, board, agency, commission,
20 house of the legislature, or other agency of the state, cooperation and assistance in the
21 performance of its duties.

22 Sec. 24.61.950. CONFIDENTIALITY. A person subject to the provisions of this chapter
23 may not knowingly make an unauthorized disclosure of confidential information acquired in the
24 course of official duties. A person who violates this section is subject to civil sanctions under
25 AS 24.61.560(a) and may be subject to prosecution under AS 11.56.860 or another law.

26 Sec. 24.61.990. DEFINITIONS. (a) In this chapter,

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

31 (2) "anything of value," "benefit," or "thing of value" includes all matters, whether

1 tangible or intangible, that could reasonably be considered to be a material advantage, of material
2 worth, use, or service to the person to whom it is conferred; the terms are intended to be
3 interpreted broadly and encompass all matters that the recipient might find sufficiently desirable
4 to do something in exchange for;

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

- 7 (i) money;
- 8 (ii) products or merchandise;
- 9 (iii) works of art or collectibles;
- 10 (iv) stocks, bonds, notes, or options;
- 11 (v) an interest in real property;
- 12 (vi) contracts or a promise of a future interest in a contract;
- 13 (vii) an interest or a promise of a future interest in a business;
- 14 (viii) meals, beverages, or lodging;
- 15 (ix) transportation;
- 16 (x) services, including loaned employees;
- 17 (xi) loans, loan guarantees, co-signing;
- 18 (xii) forgiveness of a debt;
- 19 (xiii) discounts or rebates not extended to the public generally;
- 20 (xiv) preferential treatment;
- 21 (xv) tickets or admissions;
- 22 (xvi) free or discounted use of office facilities;
- 23 (xvii) loan of office equipment;
- 24 (xviii) radio or television time;
- 25 (xix) promise or offer of present or future employment;
- 26 (xx) use of autos, boats, apartments, or other recreational or
27 lodging facilities;
- 28 (xxi) intangible rights such as a cause of action;
- 29 (xxii) licenses, patents, copyrights, or an interest in them;
- 30 (xxiii) any other item, tangible or intangible, having economic
31 value;

- 1 (B) "anything of value," "benefit," or "thing of value" does not include
2 (i) an item listed in AS 24.61.210(b);
3 (ii) campaign contributions, pledges, political endorsements,
4 support in a political campaign, or a promise of endorsement or support;
5 (iii) contributions to a cause or organization, including a charity,
6 made in response to a direct solicitation from a legislator or a person acting at the
7 legislator's direction;
8 (iv) grants under AS 37.05.316 to named recipients;
9 (3) "business entity retained to lobby" means a firm, corporation, or other business
10 entity that is retained for the primary purpose of influencing legislative or administrative action;
11 (4) "charitable organization" means an organization that qualifies for a federal tax
12 exemption under 26 U.S.C. 501(c)(3);
13 (5) "close economic association" means a financial relationship between two or
14 more persons that creates economic interests in a legislator or legislative employee that either
15 conflict with public duties and the obligation to exercise objective independent judgment, or
16 create the appearance that the person who is not a legislator or legislative employee may have
17 access to confidential information or otherwise receive favored treatment regarding public action;
18 (6) "commission" means the Legislative Ethics Commission;
19 (7) "compensation" means remuneration for personal services rendered, including
20 salary, fees, commissions, bonuses, and similar payments, but does not include reimbursement
21 for actual expenses incurred by a person;
22 (8) "confidential information" means information that has been classified
23 confidential by law;
24 (9) "exonerate" means to free from a charge or the imputation of guilt, or to prove
25 blameless;
26 (10) "honorarium" means anything of value, other than reimbursement of travel
27 expenses, given to a person for making a speech, panel presentation, personal appearance, or
28 similar activity;
29 (11) "immediate family" means the spouse, parents, including parents-in-law,
30 children, including a stepchild and an adoptive child, and siblings of a person;
31 (12) "intent to influence legislative, administrative, or political action" means that

1 an act, including the offering or conferring of a thing of value to a public official, is done with
2 the intent to induce the official to do or refrain from doing an act;

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

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

7 (15) "legislative assistant" means a legislative employee whose assigned duties
8 involve the exercise of substantial discretion and judgment; it does not include employees who
9 perform purely clerical or ministerial functions; the legislative council shall propose policies
10 relating to the interpretation of this definition, and the commission shall consider the adoption
11 of these guidelines as regulations;

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

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

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

28 (19) "political action" means conduct in which public officials, including
29 legislators or legislative employees, use their official position or political contacts to exercise
30 influence on state and local government employees or entities; it includes but is not limited to
31 endorsing and pledging support or actively supporting a legislative matter, a nominee, or a

1 candidate for public office;

2 (20) "reasonably should know" means that, under the circumstances, a reasonable
3 person would know a fact;

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

6 (22) "representation" means action taken on behalf of another, whether for
7 compensation or not, including but not limited to telephone calls and meetings and appearances
8 at proceedings or meetings.

9 (b) A person, including a governmental entity, has a substantial interest in legislative,
10 administrative, or political action if the person

11 (1) is not a natural person and will be directly and substantially affected
12 financially by a legislative, administrative, or political action;

13 (2) is a natural person and will be directly and substantially affected financially
14 by a legislative, administrative, or political action in a way that is greater than the effect on a
15 substantial class of persons to which the person belongs as a member of a profession, occupation,
16 industry, or region;

17 (3) has or seeks contracts in excess of \$10,000 annually for goods or services with
18 the legislature or with an agency of state government;

19 (4) is a lobbyist; or

20 (5) represents, with or without compensation, a person or organization described
21 in (1) - (4) of this section.

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

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

26 * Sec. 4. AS 15.13.120(d) is amended to read:

27 (d) A person who believes a violation of this chapter or of AS 24.61.300 - 24.61.320 has
28 occurred may file a complaint with the commission. If the commission determines there is
29 substantial reason to believe that a violation has occurred, it shall expeditiously make an
30 investigation, which may also include an investigation of reports and statements filed by the
31 complainant if the complainant is a candidate, of the matter complained of. When, in the

1 judgment of the commission, after affording due notice and an opportunity for a hearing, a person
2 has engaged or is about to engage in any acts or practices which constitute or will constitute a
3 violation of a provision of this chapter or AS 24.61.300 - 24.61.320, or a regulation or order
4 issued under those provisions, the commission [IT, IT] shall promptly report the information
5 to the attorney general for appropriate action. The commission shall report its determination and
6 recommendation to the person who filed the complaint with the commission within 60 days of
7 receiving the complaint unless circumstances require additional time to make an adequate
8 investigation. If the commission finds a violation of AS 24.61.300 - 24.61.320, or of a
9 regulation issued under those provisions, the commission shall in addition notify the
10 Legislative Ethics Commission. The finding of the commission may be appealed to the superior
11 court.

12 * Sec. 5. AS 15.25.030(b) is amended to read:

13 (b) A person filing a declaration of candidacy under this section other than for a state
14 legislative office shall simultaneously file with the director a statement of income sources and
15 business interests that complies with the requirements of AS 39.50. A person filing a
16 declaration of candidacy for state legislative office shall simultaneously file with the director
17 a disclosure statement that complies with the requirements of AS 24.61.400 - 24.61.420.

18 * Sec. 6. AS 15.25.030(c) is amended to read:

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

24 * Sec. 7. AS 15.25.180(b) is amended to read:

25 (b) A person filing a nominating petition under this section other than for a state
26 legislative office shall also file with the director a statement of income sources and business
27 interests that complies with the requirements of AS 39.50 within 30 days of filing the
28 petition. A person filing a nominating petition for state legislative office shall file with the
29 director a disclosure statement that complies with the requirements of AS 24.61.400 -
30 24.61.420 within 30 days of filing the petition.

31 * Sec. 8. AS 15.25.180(c) is amended to read:

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

6 * Sec. 9. AS 23.20.526(d)(8) is amended to read:

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

9 (A) as a "public official" as defined in AS 39.50.200(a), [OR] any other
10 elected official, the fiscal analyst of the legislative finance division, the legislative
11 auditor of the legislative audit division, the executive director of the Legislative
12 Affairs Agency, and the directors of the divisions within the Legislative Affairs
13 Agency;

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

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

18 * Sec. 10. AS 24.10.100 is amended to read:

19 Sec. 24.10.100. SALARY OF LEGISLATORS. The annual [MONTHLY] salary for
20 each member of the legislature is \$36,000 [EQUAL TO STEP A, RANGE 10 OF THE SALARY
21 SCHEDULE IN AS 39.27.011(a) FOR JUNEAU]. The president of the senate and the speaker
22 of the house of representatives are each entitled to an additional \$500 a year during tenure of
23 office.

24 * Sec. 11. AS 24.10.105 is repealed and reenacted to read:

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

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

29 (2) while on committee business or other legislative business in a place that is not
30 the legislator's place of permanent residence.

31 (b) A legislator is entitled to receive per diem at the long-term rate during a legislative

1 session if the legislator is living in the legislator's place of permanent residence during the
2 session.

3 (c) In this section,

4 (1) "long-term rate" means the long-term per diem rate for a state employee
5 established in regulations adopted by the commissioner of administration under AS 39.20.160;

6 (2) "short-term rate" means the short-term per diem rate for a state employee
7 established in regulations adopted by the commissioner of administration under AS 39.20.160.

8 * Sec. 12. AS 24.10.110 is repealed and reenacted to read:

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

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

16 (c) A representative from a single-representative district may voucher up to \$7,000 a year
17 under this section. A representative from a two-representative district and a senator from a
18 single-senator district may voucher up to \$9,000 a year under this section. A senator from a two-
19 senator district may voucher up to \$13,000 a year under this section. Vouchers shall be
20 processed under AS 24.10.120 and policies adopted by the legislative council consistent with 26
21 U.S.C. 162.

22 (d) Expenses relating to newsletters may be reimbursed under this section only if the
23 newsletter complies with guidelines on newsletters that the legislative council shall adopt and
24 with the provisions of AS 24.61.

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

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

31 * Sec. 14. AS 24.45.121(a) is amended to read:

1 (a) A lobbyist may not

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

3 (2) do anything with the intent of placing a public official under personal
4 obligation to the lobbyist or to the lobbyist's employer;

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

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

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

11 (6) accept or agree to accept any payment in any way contingent upon the defeat,
12 enactment, or outcome of any proposed legislative or administrative action;

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

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

16 (9) serve as a campaign manager or director, serve as a campaign treasurer
17 or deputy campaign treasurer on a finance or fund-raising committee, host a fundraising
18 event, or otherwise engage actively in the fund-raising activity of a legislative campaign or
19 for a legal defense fund under AS 24.61.350 if the lobbyist has registered during the
20 calendar year; this paragraph does not apply to a representational lobbyist as defined in
21 the regulations of the Alaska Public Offices Commission, and does not prohibit a lobbyist
22 from making personal contributions to or personally advocating on behalf of a candidate.

23 * Sec. 15. AS 24.45.121 is amended by adding a new subsection to read:

24 (c) A former legislator may not act as a lobbyist until the conclusion of the next full
25 regular legislative session following the legislator's departure from office.

26 * Sec. 16. AS 24.45.171(12) is amended to read:

27 (12) "public official" or "public officer" means a public official as defined in AS
28 39.50.200(a), a member of the legislature, or a legislative director as defined in
29 AS 24.61.400(d); however, it does not include a judicial officer or an elected or appointed
30 municipal officer.

31 * Sec. 17. AS 39.25.110 is amended by adding a new paragraph to read:

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

2 * Sec. 18. AS 39.50.020 is amended to read:

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

21 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLATURE,] judicial
22 officers, each commissioner, head or deputy head of, or director of a division within, a
23 department in the executive branch, assistant to the governor or chair [CHAIRMAN] or member
24 of a commission or board required to report under this chapter, shall file the statement with the
25 Alaska Public Offices Commission. Candidates for the office of governor and [,] lieutenant
26 governor [, AND THE LEGISLATURE] shall file the statement under AS 15.25.030 or
27 15.25.180. Municipal officers, and candidates for elective municipal office, shall file with the
28 municipal clerk or other municipal official designated to receive their filing for office. All
29 statements required to be filed under this chapter are public records.

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

31 (8) "public official" means a judicial officer, [A MEMBER OF THE

1 LEGISLATURE, THE FISCAL ANALYST OF THE LEGISLATIVE FINANCE DIVISION,
2 THE LEGISLATIVE AUDITOR OF THE LEGISLATIVE AUDIT DIVISION, THE
3 EXECUTIVE DIRECTOR OF THE LEGISLATIVE AFFAIRS AGENCY AND THE
4 DIRECTORS OF THE DIVISIONS WITHIN THE LEGISLATIVE AFFAIRS AGENCY,] the
5 governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or
6 director of a division, a department in the executive branch, an assistant to the governor, chair
7 [CHAIRMAN] or member of a state commission or board, the executive director of the Alaska
8 Tourism Marketing Council, and each appointed or elected municipal officer;

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

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

15 * Sec. 21. AS 24.55.310, AS 24.60, AS 39.50.025, and 39.50.120 are repealed.

16 * Sec. 22. INITIAL COMMISSION APPOINTMENTS. Notwithstanding AS 24.61.500(b), as added
17 by sec. 2 of this Act, the terms of the members initially appointed to the Legislative Ethics Commission
18 are as follows:

19 (1) the members appointed by the senate and the house of representatives and one of the
20 members appointed by the Legislative Ethics Commission, determined by lot, serve terms of five years;

21 (2) one of the members appointed by the supreme court and one of the members
22 appointed by the Legislative Ethics Commission, determined by lot, serve terms of four years;

23 (3) the second member appointed by the supreme court and the third member appointed
24 by the Legislative Ethics Commission serve terms of three years.

25 * Sec. 23. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER AS 24.60.
26 Notwithstanding the repeal of AS 24.60 by sec. 21 of this Act, in addition to the provisions of AS 24.61,
27 as added by sec. 2 of this Act, the Legislative Ethics Commission may consider complaints alleging
28 violations of AS 24.60 that occurred prior to January 1, 1992, and for which proceedings have not been
29 commenced or concluded prior to January 1, 1992. For the purpose of this section, the Legislative
30 Ethics Commission shall follow the procedures established under AS 24.61, but may not recommend a
31 sanction or penalty not authorized under former AS 24.60.

1 * **Sec. 24. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTHERS.**

2 Notwithstanding AS 24.61.190, as added by sec. 2 of this Act, a legislator or legislative assistant who
3 is subject to AS 24.61.190 may, until July 1, 1992, represent a person in a proceeding that would other-
4 wise be prohibited under AS 24.61.190 if the legislator or legislative assistant promptly files a statement
5 with the Legislative Ethics Commission that includes the name of the client, an identifying name or
6 number of the action, a brief description of the nature of the action, and the amount of compensation
7 received or anticipated relating to the representation. The statement shall be published in the journal of
8 the appropriate house. If information contained in the statement changes, a supplemental statement shall
9 be filed every 90 days until the matter is completed or July 1, 1992, at which time the representation
10 must be terminated. The representation may continue beyond July 1, 1992, if the legislator or legislative
11 assistant applies for, and the Legislative Ethics Commission grants, an exemption to the termination date
12 under AS 24.61.530, as added by sec. 2 of this Act. In this section, "legislative assistant" has the
13 meaning given in AS 24.61.990, as added by sec. 2 of this Act.

14 * **Sec. 25.** AS 24.61.300 - 24.61.330, as added by sec. 2 of this Act, take effect immediately under
15 AS 01.10.070(c).

16 * **Sec. 26.** AS 24.61.400(c), 24.61.500 - 24.61.580, and 24.61.990, as added by sec. 2 of this Act, and
17 sec. 21 of this Act take effect July 1, 1991.

18 * **Sec. 27.** Except as provided in secs. 25 and 26 of this Act, this Act takes effect January 1, 1992.