

**CS FOR HOUSE BILL NO. 4 (STATE AFFAIRS)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 3/11/91**

**Referred: Judiciary, Finance**

**Sponsor(s): REPRESENTATIVES FINKELSTEIN, Ellis, Kubina, Bruckman, Grussendorf, Carney, B.Davis, Parnell**

**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 general 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 (1) the occasional or  
12 limited use of state property and resources for personal purposes if the use does not interfere with  
13 the performance of public duties, the cost or value related to the use is so nominal that  
14 reimbursement procedures would not be justified, and the use does not create the appearance of  
15 impropriety or improper influence; or (2) the use of mailing lists, computer data, or other public  
16 information lawfully obtained from a government agency and available to the general public for  
17 nongovernmental purposes. A person who violates this subsection may be prosecuted for theft  
18 under AS 11.46.

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

22 (c) Unless superseded by policies relating to the use of government resources for political  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

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

1 votes, legislative proposals, or other legislative action;

2 (2) unless approved by the commission, public funds may not be used to print or  
3 distribute a mass mailing from or about a legislator who is a candidate for reelection to the  
4 legislature or another state office during the period beginning 60 days before the primary election  
5 in which the legislator is a candidate, and ending the day after a general or special election in  
6 which the legislator is a candidate;

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

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

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

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

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

1           Sec. 24.61.140. COERCION. (a) A legislator may not, directly or by authorizing  
2 another to act on the legislator's behalf, state or imply that the legislator's consideration of an  
3 issue, cause, or piece of legislation, or the legislator's willingness to meet with a person, is  
4 dependent on the person making a campaign contribution, donating to a cause favored by the  
5 legislator, or providing a thing of value to the legislator.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (e) In this section, "interim between legislative sessions" means the period beginning on  
4 the eighth day after the legislature adjourns from a regular session and ending eight days before  
5 the date that the legislature shall convene under AS 24.05.090.

6 Sec. 24.61.160. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLATORS,  
7 LEGISLATIVE CANDIDATES, AND LEGISLATIVE ASSISTANTS. (a) A legislator or a  
8 legislative candidate may not solicit or knowingly permit a lobbyist to actively engage in fund-  
9 raising activities for a legislative campaign or for a legal expense fund under AS 24.61.350,  
10 which activities include (1) serving as a campaign manager or director; (2) serving as a campaign  
11 treasurer or deputy campaign treasurer on a finance or fund-raising committee; (3) hosting a  
12 fund-raising event. This subsection may not be construed to prohibit a lobbyist from making  
13 personal contributions to or personally advocating on behalf of a candidate. A legislator or a  
14 legislative candidate may not seek to evade the purposes of this subsection by soliciting or  
15 knowingly permitting a member of a business entity retained to lobby, or an employee of a  
16 lobbyist to perform similar fund-raising services.

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

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

23 Sec. 24.61.170. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS AND  
24 OTHER PUBLIC OFFICES. (a) A legislative assistant may not serve in a position that requires  
25 confirmation by the legislature. A legislator or legislative assistant may serve on a board of an  
26 organization, including a governmental entity, that regularly has a substantial interest in the  
27 legislative activities of the assistant, if the legislator or assistant discloses the board membership  
28 to the commission. A legislator or legislative assistant may not, as part of the legislator's service  
29 or the assistant's employment, be personally involved in an issue or take a specific action that  
30 directly relates to an organization of which the legislator or assistant is a board member, unless  
31 required to do so by the Uniform Rules of the Alaska State Legislature.

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

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

4 Sec. 24.61.180. RESTRICTED FINANCIAL INTERESTS. (a) Unless required by the  
5 Uniform Rules of the Alaska State Legislature, a legislator or legislative employee may not  
6 participate in legislative, administrative, or political action if the legislator or legislative employee  
7 has an equity or ownership interest in a business, investment, real property, lease, or other  
8 enterprise if the interest is substantial and the effect of the action on that interest is greater than  
9 the effect on a substantial class of persons to which the legislator or legislative employee belongs  
10 as a member of a profession, occupation, industry, or region.

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

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

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

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

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

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

5 Sec. 24.61.200. RESTRICTED TRANSACTIONS: INTEREST IN STATE  
6 CONTRACTS OR LEASES. (a) A legislator, a legislative assistant, or a member of the  
7 immediate family of a legislator may not be a party to, or have a financial interest in, a state  
8 contract or lease unless the contract or lease is permitted under (b), (c), or (d) of this section.

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

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

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

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

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

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

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

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

23 (1) gifts from immediate family members;

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

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

30 (4) food or foodstuffs indigenous to the state that are shared generally as a  
31 cultural or social norm, and meals and beverages provided and consumed at social or fund-raising

1 events, conferences, or professional meetings, at a restaurant, club, reception hall, or other public  
2 gathering place, or as part of personal hospitality at the residence or place of business of the host;  
3 gratuities under this paragraph with a value of more than \$100 shall be reported on financial  
4 disclosure forms; this paragraph may not be construed to exclude from the \$100 limit gifts of  
5 packaged liquor, wine, or foodstuffs, nor does it exclude from the \$100 limit the acceptance of  
6 a restaurant meal not consumed with the person providing the gift;

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

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

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

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

1 residence or the place of a social event;  
2 (9) leave donated under AS 39.20.245(b);  
3 (10) the portion of a student loan forgiven under former AS 14.43.120(j) or  
4 interest paid by the state under AS 14.43.120(l).  
5 (c) In extraordinary situations where the criteria for an exemption exists, a legislator or  
6 legislative employee may seek a waiver of a provision of this section under AS 24.61.530.  
7 (d) A person who violates this section is subject to civil sanctions under AS 24.61.560(a)  
8 and may be subject to prosecution for receiving unlawful gratuities under AS 11.56.120.  
9 Sec. 24.61.220. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOYMENT  
10 AND HONORARIA. (a) A legislator or legislative assistant may not seek, accept, or retain  
11 employment, including as an advisor or consultant, that  
12 (1) is likely to involve the disclosure or use of confidential information acquired  
13 in the course of legislative service;  
14 (2) is likely to involve the legislator or assistant acting as a representative in a  
15 matter that makes use of the authority, prestige, or title associated with legislative office;  
16 (3) involves payments that by reasonable objective standards, including  
17 consideration of the higher rates generally charged by specialists in a profession, are not  
18 commensurate with the services rendered and appear to involve a premium as a result of the  
19 legislator's or legislative assistant's position in the legislature;  
20 (4) is likely to require the legislator or legislative assistant, under conflict of  
21 interest and disqualification requirements, to refrain from taking legislative, administrative, or  
22 political actions in an undue number of situations;  
23 (5) will require the legislator or legislative assistant to act as a lobbyist; or  
24 (6) will require the legislator or legislative assistant to compromise another ethical  
25 or legal duty.  
26 (b) A legislator or legislative assistant may not receive compensation for personal  
27 services from a state entity other than the legislature except as specifically provided in this  
28 chapter or approved by the commission. A legislator or legislative assistant is not precluded by  
29 this subsection from earning compensation from a position at a state-funded school or university,  
30 provided that influence was not used to obtain the position.  
31 (c) A legislator or legislative assistant may not seek or accept an honorarium from a

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

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

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

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

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

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

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

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

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

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

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

1 (4) exercising vigilant oversight with respect to the policies, regulations,  
2 procedures, and implementation practices of an agency, provided that the oversight activities are  
3 conducted through the normal committee processes of the legislature and that the focus is on the  
4 policies, procedures, and practices of the agency.

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

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

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

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

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

19 Sec. 24.61.250. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a) Legislators  
20 shall abide by AS 44.62.310 - 44.62.312 (open meetings law).

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

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

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

27 ARTICLE 3. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS.

28 Sec. 24.61.350. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS. (a) A  
29 legislator or legislative employee may establish a fund to assist with the payment of attorney fees  
30 and other costs arising from the legislator's or employee's defense of a civil, criminal, or  
31 administrative action brought against the legislator or employee and directly related to acts or

1 omissions of the legislator or employee while acting as a legislator or employee or while  
2 campaigning for elective office, or from the prosecution or defense of an administrative or  
3 judicial action concerning a contested election in which the legislator or employee is a candidate.  
4 Contributions to a fund under this section are not subject to the restrictions of AS 24.61.210.

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

#### 11 ARTICLE 4. REQUIRED DISCLOSURE.

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

28 (b) A legislator and a legislative director shall file an annual report with the Alaska  
29 Public Offices Commission, containing the disclosures required by AS 24.61.400 - 24.61.420, on  
30 or before April 15. A candidate for the legislature, including an incumbent legislator, shall file  
31 a report containing the required disclosures with the Alaska Public Offices Commission at the

1 time required under AS 15.25.030 or 15.25.180, except that a candidate who has filed an annual  
2 report under this subsection is not required to file a second report. The Alaska Public Offices  
3 Commission shall adopt filing guidelines and develop forms that are compatible with financial  
4 disclosure forms required to be filed under AS 39.50.030.

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

13 (d) In AS 24.61.400 - 24.61.420,

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

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

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

21 (4) "legislative director" means the director of the legislative finance division, the  
22 legislative auditor, the director of the legislative research agency, the ombudsman, the executive  
23 director of the Legislative Affairs Agency, and the directors of the divisions within the  
24 Legislative Affairs Agency.

25 Sec. 24.61.410. REPORTING INCOME FROM CATEGORY A SOURCES. (a) As to  
26 income received from category A sources, a person required under AS 24.61.400 to report shall  
27 file with the Alaska Public Offices Commission a statement that must include,

28 (1) as to all income received as compensation for services in excess of \$1,000,  
29 the name and address of the source, a brief statement describing the nature of the services  
30 performed including sufficient detail to permit the commission to determine whether the nature  
31 of the work created or would create a conflict of interest, and the amount paid;

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

6 (3) the name and address of the source and the cash value of reimbursement for  
7 expenses aggregating more than \$1,000 from a single source in the reporting period;

8 (4) as to each loan or loan guarantee from a category A source yielding loan pro-  
9 ceeds of \$1,000 or more in the reporting period, the name and address of the person making the  
10 loan or guarantee, the amount of the loan, the terms and conditions under which the loan or  
11 guarantee was given, the amount outstanding at the time of filing, and whether or not a written  
12 loan agreement exists;

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

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

18 (7) other information required under regulations of the Alaska Public Offices  
19 Commission.

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

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

27 Sec. 24.61.422. REVIEW OF STATEMENTS. The commission shall obtain the  
28 statements filed with the Alaska Public Offices Commission under AS 24.61.400 - 24.61.420  
29 and shall review them to determine whether an impermissible conflict of interest exists or would  
30 exist if a nonincumbent candidate were elected. If a conflict does or would exist, the commission  
31 shall consider appropriate actions.

1           Sec. 24.61.424. STATEMENTS AS PUBLIC RECORDS. A statement filed with the  
2 Alaska Public Offices Commission under AS 24.61.400 - 24.61.420 is a public record unless the  
3 person submitting it requests that it be kept confidential in whole or in part and states the reasons  
4 for the request, and the Alaska Public Offices Commission finds that no valid public purpose  
5 would be advanced by publication. In ruling on a request under this section, the Alaska Public  
6 Offices Commission shall consider the potential adverse effect on the reputation of a client of  
7 a person required to report under AS 24.61.400 - 24.61.420 if the information contained in the  
8 report were made public. The Alaska Public Offices Commission shall adopt regulations  
9 exempting psychiatrists, psychologists, and similar professionals from having to disclose the  
10 identities of their clients.

11           Sec. 24.61.426. REMOVAL FROM BALLOT FOR FAILURE TO FILE. In addition to  
12 the sanctions described in AS 24.61.450, if the Alaska Public Offices Commission finds that a  
13 candidate for the legislature, including an incumbent legislator, has failed to file a report under  
14 AS 24.61.400 - 24.61.420, or has filed a report that is substantially incomplete or misleading, it  
15 shall notify the lieutenant governor. The lieutenant governor shall return the candidate's filing  
16 fee and shall remove the candidate's name from the filing records.

17           Sec. 24.61.430. DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS. (a) A  
18 legislator or a legislative assistant who has a close economic association with a lobbyist shall  
19 make a written disclosure of the association in confidence to the commission. The disclosure  
20 shall be made during the first week of each regular session. If a legislator or legislative assistant  
21 is not in office or employed during the first week of the session, or if the association did not  
22 exist during the first week of the session, the disclosure shall be made within 30 days after taking  
23 office or being employed or the creation of the association.

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

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

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

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

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

11 (c) A legislator or legislative employee who participates in a program or receives a loan  
12 that is not exempt from disclosure under (a) of this section shall file a written report with the  
13 commission by the first Monday in February of each year stating the amounts of the loans  
14 outstanding or benefits received during the preceding calendar year from nonqualifying programs.  
15 If the commission requests additional information necessary to determine the propriety of  
16 participating in the program or receiving the loan, it shall be promptly provided. The  
17 commission shall promptly compile a list of the statements indicating the loans and programs and  
18 amounts and send it to the presiding officer of each house who shall have it published in the  
19 supplemental journals within three weeks of the filing date.

20 (d) If loan proceeds or other program benefits are received from nonqualifying programs  
21 or loans after January 15, the legislator or legislative employee shall file a statement with the  
22 commission within 30 days after the beginning of participation in the state program or receipt  
23 of proceeds from the state loan. If the commission receives the statement while the legislature  
24 is in session, it shall promptly forward the statement to the chief clerk of the house or the  
25 secretary of the senate, as appropriate, who shall cause it to be published in the supplemental  
26 journal. If the commission receives a statement while the legislature is not in session, it shall  
27 forward the statement to the chief clerk of the house or the secretary of the senate for publication  
28 when the legislature next convenes.

29 (e) If the commission determines that the nature and circumstances under which the  
30 legislator or legislative employee received a state benefit or loan raises an appearance of  
31 impropriety or was in fact the result of unfair or improper influence, the commission may initiate

1 a complaint or take other appropriate action. In addition, the commission shall refer the matter  
2 to the attorney general for action under other civil or criminal laws.

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

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

12 Sec. 24.61.450. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a) A  
13 person required to make a disclosure under this chapter may not knowingly make a false or  
14 deliberately misleading or incomplete disclosure to the commission or to the Alaska Public  
15 Offices Commission, or file a disclosure after a deadline set by this chapter or by a regulation  
16 adopted by the commission or by the Alaska Public Offices Commission.

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

19 ARTICLE 5. LEGISLATIVE ETHICS COMMISSION.

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

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

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

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

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

30 (b) Commissioners serve staggered terms of four years. A commissioner is eligible for  
31 reappointment; however, a commissioner may not serve more than two consecutive four-year

1 terms. A commissioner whose term has expired continues in office until a successor has been  
2 appointed and certified.

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

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

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

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

13 (a) Within 45 days after appointment, a commissioner may be decertified by a majority vote of  
14 each house of the legislature, by concurrent resolution, if the legislature is in session, or by a  
15 two-thirds vote of the members of the legislative council if the legislature is not in session. If  
16 decertified, the commissioner is disqualified and that seat on the commission is vacant.

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

21 Sec. 24.61.504. MEETINGS; COMPENSATION. (a) The commission shall meet at the  
22 call of the chair or a majority of the commissioners.

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

25 (c) The commission may meet by teleconference.

26 (d) Commissioners shall serve without compensation but are entitled to per diem and  
27 travel expenses authorized for boards and commissions under AS 39.20.180.

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

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

1 (b) The executive director may employ and determine the compensation of necessary  
2 employees, subject to the budget approved by the commission. The executive director may,  
3 subject to the approval of the commission, contract for services when those services are  
4 temporary or specialized in nature, or it is in the best interest of the state.

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

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

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

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

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

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

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

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

30 (A) a candidate for the legislature;

31 (B) an incumbent legislator or legislative employee who is a candidate for

1 another public office; or

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

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

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

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

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

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

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

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

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

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

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

29 (6) carry out the educational programs that are required by this chapter and  
30 additional programs it considers necessary to effectuate the policy and purposes of this chapter.

31 (7) prepare and distribute an ethics education manual for legislators, legislative

1 employees, and registered lobbyists;

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

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

7 (10) prepare a biennial report to the legislature summarizing its activities over the  
8 previous two years, evaluating the effectiveness of this chapter in accomplishing its stated  
9 purposes, and recommending legislative reforms it thinks necessary to improve the administration  
10 of this chapter and to better advance its goals.

11 (b) The commission may

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

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

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

18 Sec. 24.61.512. REGULATIONS CONCERNING USE OF PUBLIC RESOURCES. The  
19 legislative council shall develop and recommend for adoption by the commission detailed  
20 regulations relating to the use of government property, resources, and personnel. If the legislative  
21 council fails to make recommendations for the adoption of regulations under this section, the  
22 commission may develop and adopt the regulations on its own initiative.

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) Advisory opinions issued by the commission are public records. If the requester of  
30 the opinion has not waived confidentiality under (h) of this section, the advisory opinion shall  
31 be written so that the identity of the requester cannot be ascertained.

1           Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR  
2           ADVICE. The commission may not bring a complaint against a person based upon information  
3           voluntarily given to the commission by the person in connection with a good faith request for  
4           advice under AS 24.61.520 or 24.61.525, and may not use that information against the person  
5           in a proceeding under AS 24.61.535 - 24.61.555. This subsection does not preclude the  
6           commission from acting on a complaint concerning the subject of a person's request for advice  
7           if the complaint is brought by another person, or if the complaint arises out of conduct taking  
8           place after the advice is requested, and does not preclude the commission from using information  
9           or evidence obtained from an independent source, even if that information or evidence was also  
10          submitted with a request for advice.

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

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

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

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

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

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

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

30          Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PROCESSES.

31          (a) A complaint alleging a violation of this chapter may be initiated by any person or by the

1 commission on its own motion. The commission shall provide a simple form for complaints.

2 A complaint must include

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

4 (2) a statement of the facts known or believed to be true that form the basis of  
5 the complaint and the sources of the information, including the approximate dates of the acts  
6 alleged and names and addresses of persons with personal knowledge of the facts alleged; and

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

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

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

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

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

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

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

1 (A) within five years of the complaint; or  
2 (B) if the person charged with misconduct intentionally concealed or  
3 otherwise sought to prevent discovery of the relevant facts, within one year of the  
4 discovery of the relevant facts and within eight years of the complaint; and  
5 (3) that the person charged with misconduct is a legislator or legislative employee  
6 at the time of the filing of the complaint.  
7 (f) Within 20 days after the filing of the complaint, or within 45 days if the chair of the  
8 commission certifies additional time is required, a determination shall be made on the facial  
9 validity of the complaint. If the chair concludes that there is no substantial reason to question  
10 the opinion of staff as to the facial validity of a complaint, the complaint shall either be  
11 dismissed or certified for further consideration in accordance with the opinion. The chair or a  
12 commissioner, however, may request a hearing on the facial validity of the complaint at a  
13 meeting of the commission.  
14 (g) If a complaint is dismissed because of facial invalidity, it shall be returned to the  
15 complainant with a notice of dismissal stating in detail the reason for dismissal. If the  
16 commission finds that the complaint was frivolous, malicious, or was filed in bad faith, it shall  
17 so state in the notice of dismissal. If the commission finds that the complaint alleges violations  
18 outside the scope of this chapter, it shall so state and may forward the complaint to the  
19 appropriate enforcement body for disposition. A copy of the notice of dismissal shall be sent to  
20 the respondent. The notice of dismissal is a public record.  
21 (h) If the commission concludes that some or all of the allegations of the complaint, if  
22 proven, would constitute a violation of this chapter, or if the commission has initiated the  
23 complaint, the complaint shall be certified and a factual investigation shall commence. The  
24 record of certification for further consideration is confidential subject to subsequent actions that  
25 may make it part of the public record.  
26 Sec. 24.61.540. INVESTIGATIONS. (a) Investigation into ethics charges shall be  
27 undertaken in a manner that assures the public of an impartial and comprehensive review, is fair  
28 to the respondent, and that elicits the information the commission needs to make a decision.  
29 (b) Before commencing an investigation, the commission shall adopt a written resolution  
30 defining the scope of the investigation, a copy of which shall be supplied to both the complainant  
31 and respondent. If, during the investigation, additional facts are discovered that justify an

1 expansion of the investigation and the possibility of additional charges beyond those alleged in  
2 the complaint, the resolution shall be amended accordingly with copies sent to respondent. The  
3 resolution, and the fact that an investigation has been undertaken, shall be kept confidential by  
4 the commission except that, upon inquiry, the commission may verify that it is investigating a  
5 complaint along with a statement that no finding of probable cause has been made and that no  
6 adverse inference of impropriety or guilt should be drawn from the decision to investigate.  
7 Additional facts concerning the nature or results of the investigation may not be revealed except  
8 as provided in AS 24.61.545 after a determination of probable cause has been made.

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

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

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

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

31 Sec. 24.61.545. PROBABLE CAUSE DETERMINATION. (a) The commission shall

1 consider the investigator's report in closed session. It shall determine whether there is credible  
2 evidence that would give a reasonable person probable cause to believe that a violation of a  
3 provision of this chapter for which civil or administrative sanctions are authorized has occurred.

4 (b) If the commission does not find probable cause under (a) of this section, it shall  
5 dismiss the complaint and so notify the complainant and respondent with a notice of dismissal,  
6 stating in detail the reason for dismissal. If the commission finds that the charges were frivolous,  
7 malicious, made in bad faith, or that, in its opinion the respondent should be exonerated of the  
8 charges, it shall so state in the notice of dismissal. If the commission finds that the credible  
9 evidence, though not giving rise to probable cause, does suggest the violation of other provisions  
10 of law, it shall so state and may forward the complaint and its report to the appropriate  
11 enforcement body for disposition.

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

17 (d) If the commission finds probable cause under (a) of this section, it shall serve on the  
18 respondent, in a manner consistent with the service of summons under the rules of civil  
19 procedure, a formal charge stating the specific allegations and containing a proposed date for an  
20 adjudicatory hearing under AS 24.61.550.

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

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

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

4 Sec. 24.61.550. ADJUDICATORY HEARING. (a) An adjudicatory hearing shall be  
5 before a hearing board composed of the commission chair and four commissioners appointed by  
6 the chair. If the chair cannot attend all hearing sessions without undue inconvenience, the vice-  
7 chair shall serve in the chair's place. If neither the chair nor the vice-chair is available, the chair  
8 shall appoint another commissioner. Appointments to hearing boards shall be rotated among the  
9 commissioners.

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

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

18 (d) A hearing board may

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

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

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

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

26 (e) The respondent may

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

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

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

31 Sec. 24.61.555. FINDINGS AND RECOMMENDATIONS. (a) Within 10 days after

1 the completion of a hearing, the hearing board shall vote on each charge to determine whether  
2 it was established by clear and convincing evidence, and shall prepare a written opinion along  
3 with recommendations, if any. A vote of three commissioners is required to find a violation and  
4 approve an opinion.

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

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

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

- 17 (1) a civil penalty of not more than \$5,000 for each offense, or twice the amount  
18 improperly gained by the misconduct, whichever is greater;
- 19 (2) divestiture of specified assets or withdrawal from specified associations;
- 20 (3) detailed disclosure, with or without additional periodic reporting requirements;
- 21 (4) suspension from legislative employment, with or without pay;
- 22 (5) restitution or reimbursement;
- 23 (6) suspension of pay until orders are complied with;
- 24 (7) probationary status;
- 25 (8) a written reprimand;
- 26 (9) censure, including a recommendation that a legislator censured may not serve  
27 as a chair or co-chair on a legislative committee for the remainder of the legislator's current term  
28 in office;
- 29 (10) expulsion of a legislator or dismissal of a legislative employee;
- 30 (11) payment of costs related to the investigation and adjudication of the charge;
- 31 (12) another sanction fashioned to achieve the purposes of this chapter.

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

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

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

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

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

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

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

30 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may publicly  
31 respond to a statement or interpretation made concerning the contents of an advisory opinion or

1 decision it has issued or is purported to have issued. A person who requests an advisory opinion  
2 and makes that fact public is considered to have waived the confidentiality of the person's  
3 identity.

4 ARTICLE 6. GENERAL PROVISIONS.

5 Sec. 24.61.900. RELATIONSHIP TO COMMON LAW AND OTHER LAWS. (a) The  
6 provisions of this chapter specifically replace, supersede, and where necessary repeal provisions  
7 of the common law relating to legislative conflict of interest.

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

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

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

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

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

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

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



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

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

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

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

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

1 expenses, given to a person for making a speech, panel presentation, personal appearance, or  
2 similar activity;

3 (11) "immediate family" means the spouse, parents, including parents-in-law,  
4 children, including a stepchild and an adoptive child, and siblings of a person;

5 (12) "intent to influence legislative, administrative, or political action" means that  
6 an act, including the offering or conferring of a thing of value to a public official, is done with  
7 the intent to induce the official to do or refrain from doing an act;

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

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

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

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

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

31 (18) "local government" means a municipality, a municipal school district, or a

1 regional educational attendance area;

2 (19) "political action" means conduct in which public officials, including  
3 legislators or legislative employees, use their official position or political contacts to exercise  
4 influence on state and local government employees or entities; it includes but is not limited to  
5 endorsing and pledging support or actively supporting a legislative matter, a nominee, or a  
6 candidate for public office;

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

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

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

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

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

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

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

24 (4) is a lobbyist; or

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

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

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

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

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

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

7 (c) An incumbent public official, other than a legislator, who has a current statement  
8 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices  
9 Commission, or an incumbent legislator who has a current disclosure statement under  
10 AS 24.61.400 - 24.61.420 on file with the Alaska Public Offices Commission, is not required  
11 to file a statement of income sources and business interests or a disclosure statement with the  
12 declaration of candidacy under (b) of this section.

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

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

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

21 (c) An incumbent public official, other than a legislator, who has a current statement  
22 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices  
23 Commission, or an incumbent legislator who has a current disclosure statement under  
24 AS 24.61.400 - 24.61.420 on file with the Alaska Public Offices Commission, is not required  
25 to file a statement of income sources and business interests or a disclosure statement with the  
26 declaration of candidacy under (b) of this section.

27 \* Sec. 8. AS 23.20.526(d)(8) is amended to read:

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

30 (A) as a "public official" as defined in AS 39.50.200(a), [OR] any other  
31 elected official, the fiscal analyst of the legislative finance division, the legislative

1                    auditor of the legislative audit division, the executive director of the Legislative  
2                    Affairs Agency, and the directors of the divisions within the Legislative Affairs  
3                    Agency:

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

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

8                    \* **Sec. 9.** AS 24.10 is amended by adding a new section to read:

9                    Sec. 24.10.111. 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) The legislative council shall, within 10 days of the beginning of a regular session of  
17                    the legislature in an odd-numbered year, set a maximum amount that may be reimbursed under  
18                    (a) of this section. If the council does not set a maximum amount under this section, the  
19                    previously established maximum amount remains in effect. The council may vary the maximum  
20                    amount according to the number of constituents a legislator represents.

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

24                    \* **Sec. 10.** AS 24.10.130 is amended by adding a new subsection to read:

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

29                    \* **Sec. 11.** AS 24.10 is amended by adding a new section to read:

30                    Sec. 24.10.140. APPROVAL OF CERTAIN TRAVEL REQUIRED. A legislator in a  
31                    final term may not travel out of state at legislative expense unless the travel is approved by a

majority of the legislative council, either at a meeting or by a poll of the members, regardless of which legislative entity or legislative account will be paying for the travel. In this section, "legislator in a final term" means a legislator who

(1) fails to file for reelection or for election to another seat in the legislature before the filing deadline; or

(2) is defeated for reelection or for election to another seat in a primary or general election.

\* Sec. 12. AS 24.45.121(a) is amended to read:

(a) A lobbyist may not

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

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

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

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

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

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

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

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

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

\* Sec. 13. AS 24.45.121 is amended by adding a new subsection to read:

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

3 \* Sec. 14. AS 24.45.171(12) is amended to read:

4 (12) "public official" or "public officer" means a public official as defined in AS  
5 39.50.200(a), a member of the legislature, or a legislative director as defined in  
6 AS 24.61.400(d); however, it does not include a judicial officer or an elected or appointed  
7 municipal officer.

8 \* Sec. 15. AS 39.25.110 is amended by adding a new paragraph to read:

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

10 \* Sec. 16. AS 39.50.020 is amended to read:

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

29 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLATURE,] judicial  
30 officers, each commissioner, head or deputy head of, or director of a division within, a  
31 department in the executive branch, assistant to the governor or chair [CHAIRMAN] or member

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

7 \* **Sec. 17.** AS 39.50.200(a)(8) is amended to read:

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

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

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

23 \* **Sec. 19.** AS 24.55.310, AS 24.60, AS 39.50.025, and 39.50.120 are repealed.

24 \* **Sec. 20.** AS 24.10.110 is repealed.

25 \* **Sec. 21. INITIAL COMMISSION APPOINTMENTS.** (a) Notwithstanding AS 24.61.500(b), as  
26 added by sec. 2 of this Act, the terms of the members initially appointed to the Legislative Ethics  
27 Commission are as follows:

28 (1) the member appointed by the senate and one of the members appointed by the  
29 Legislative Ethics Commission, determined by lot, serve terms of four years;

30 (2) one of the members appointed by the supreme court and one of the members  
31 appointed by the Legislative Ethics Commission, determined by lot, serve terms of three years;

1 (3) the member appointed by the house of representatives and the third member appointed  
2 by the Legislative Ethics Commission serve terms of two years.

3 (4) the second member appointed by the supreme court serves a term of one year.

4 (b) A member serving a one-year or two-year term under this section is eligible for  
5 reappointment to two consecutive four-year terms. A member serving a three-year term under this  
6 section may not be reappointed to two consecutive four-year terms.

7 \* Sec. 22. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER AS 24.60.  
8 Notwithstanding the repeal of AS 24.60 by sec. 19 of this Act, in addition to the provisions of AS 24.61,  
9 as added by sec. 2 of this Act, the Legislative Ethics Commission may consider complaints alleging  
10 violations of AS 24.60 that occurred prior to January 1, 1992, and for which proceedings have not been  
11 commenced or concluded prior to January 1, 1992. For the purpose of this section, the Legislative  
12 Ethics Commission shall follow the procedures established under AS 24.61, but may not recommend a  
13 sanction or penalty not authorized under former AS 24.60.

14 \* Sec. 23. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTHERS.  
15 Notwithstanding AS 24.61.190, as added by sec. 2 of this Act, a legislator or legislative assistant who  
16 is subject to AS 24.61.190 may, until July 1, 1992, represent a person in a proceeding that would other-  
17 wise be prohibited under AS 24.61.190 if the legislator or legislative assistant promptly files a statement  
18 with the Legislative Ethics Commission that includes the name of the client, an identifying name or  
19 number of the action, a brief description of the nature of the action, and the amount of compensation  
20 received or anticipated relating to the representation. The statement shall be published in the journal of  
21 the appropriate house. If information contained in the statement changes, a supplemental statement shall  
22 be filed every 90 days until the matter is completed or July 1, 1992, at which time the representation  
23 must be terminated. The representation may continue beyond July 1, 1992, if the legislator or legislative  
24 assistant applies for, and the Legislative Ethics Commission grants, an exemption to the termination date  
25 under AS 24.61.530, as added by sec. 2 of this Act. In this section, "legislative assistant" has the  
26 meaning given in AS 24.61.990, as added by sec. 2 of this Act.

27 \* Sec. 24. AS 24.61.400(c), 24.61.500 - 24.61.580, and 24.61.990, as added by sec. 2 of this Act, and  
28 sec. 21 of this Act take effect July 1, 1991.

29 \* Sec. 25. Section 20 of this Act takes effect on the effective date of a maximum amount adopted  
30 by the Alaska Legislative Council under AS 24.10.111(c), added by sec. 9 of this Act.

31 \* Sec. 26. Except as provided in secs. 24 and 25 of this Act, this Act takes effect January 1, 1992.