

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

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/26/91
Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to current and former legislators and legislative employees, and candidates
2 for the legislature; establishing a legislative ethics commission; and providing for an
3 effective date."

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

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

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

7 CHAPTER 61. LEGISLATIVE ETHICS.

8 ARTICLE 1. PURPOSE.

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

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

13 (2) provide a comprehensive and unified statement of the ethical principles,
14 considerations, and obligations inherent in the public trust theory of government service and

1 establish specific standards of conduct to ensure that those entrusted with public authority avoid
2 conduct that might undermine the people's respect for the legislature; and

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

5 ARTICLE 2. STANDARDS OF CONDUCT.

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

7 A legislator or legislative employee may not solicit, agree to accept, or accept a benefit other
8 than official compensation for the performance of public duties. This subsection may not be
9 construed to prohibit lawful solicitation for and acceptance of campaign contributions or the
10 acceptance of a lawful gratuity under AS 24.61.210.

11 Sec. 24.61.110. MISUSE OF STATE PROPERTY AND RESOURCES FOR PRIVATE
12 BENEFIT. (a) A legislator or legislative employee may not use public funds, facilities,
13 equipment, services, or another government asset or resource for a nongovernmental purpose or
14 for the private benefit of either the legislator, legislative employee, or another person. This
15 subsection does not prohibit

16 (1) limited use of state property and resources for personal purposes if the use
17 does not interfere with the performance of public duties, the cost or value related to the use is
18 nominal, and the use does not create the appearance of impropriety;

19 (2) the use of mailing lists, computer data, or other information lawfully obtained
20 from a government agency and available to the general public for nongovernmental purposes; or

21 (3) telephone or other communications that do not carry a special charge.

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

26 (c) A legislator or legislative employee may not require at any time or authorize on
27 government time a legislative employee to perform personal services or assist in a private activity
28 on government time except in unusual or infrequent situations where the person's service is
29 reasonably necessary to permit the legislator or legislative employee to perform official duties.

30 Sec. 24.61.120. MISUSE OF STATE PROPERTY AND RESOURCES FOR POLITICAL
31 PURPOSES. (a) A legislator or legislative employee may not use or authorize the use of public

1 funds, facilities, equipment, services, or another government asset or resource for the purpose of
2 political fund raising or campaigning. This subsection does not prohibit

3 (1) limited use of state property and resources for personal purposes if the use
4 does not interfere with the performance of public duties, the cost or value related to the use is
5 nominal, and the use does not create the appearance of impropriety;

6 (2) the use of mailing lists, computer data, or other public information lawfully
7 obtained from a government agency and available to the general public for nongovernmental
8 purposes; or

9 (3) telephone or other communications that do not carry a special charge.

10 (b) A legislative employee may not on government time assist in political party or
11 candidate activities, campaigning, or fund raising. A legislator may not require an employee to
12 perform an act in violation of this subsection.

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

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

25 (2) unless approved by the commission, public funds, other than funds to which
26 a legislator is entitled as an office allowance, may not be used to print or distribute a mass
27 mailing from or about a legislator who is a candidate for reelection to the legislature or another
28 state office during the period beginning 30 days before the primary election in which the
29 legislator is a candidate, and ending the day after a general or special election in which the
30 legislator is a candidate; and

31 (3) a legislator, or another person on behalf of the legislator, or a campaign

1 committee of the legislator, may not distribute or post literature, placards, posters, or other
2 communications intended to influence the election of a candidate in an election in public areas
3 in a facility ordinarily used to conduct state government business.

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

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

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

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

18 Sec. 24.61.150. NEPOTISM. (a) A member of the immediate family of a legislator may
19 not be employed for compensation

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

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

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

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

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

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

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

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

4 Sec. 24.61.170. BOARD MEMBERSHIPS AND OTHER PUBLIC OFFICES. (a) A
5 legislative assistant may not serve in a position that requires confirmation by the legislature. A
6 legislator or legislative assistant may serve on a board of an organization, including a
7 governmental entity, that regularly has a substantial interest in the legislative activities of the
8 assistant, if the legislator or assistant discloses the board membership to the commission.

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

11 Sec. 24.61.180. RESTRICTIONS ON ACTIONS. (a) Unless required by the Uniform
12 Rules of the Alaska State Legislature, a legislator or legislative employee may not participate in
13 legislative, administrative, or political action if the legislator or legislative employee has an equity
14 or ownership interest in a business, investment, real property, lease, or other enterprise if the
15 interest is substantial and the effect of the action on that interest is greater than the effect on a
16 substantial class of persons to which the legislator or legislative employee belongs as a member
17 of a profession, occupation, industry, or region.

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

20 Sec. 24.61.190. RESTRICTED ACTIVITIES AS AN ATTORNEY OR
21 REPRESENTATIVE. (a) A legislator or legislative assistant may not for compensation
22 represent, as an advocate, advisor, or consultant, a person before an agency, board, or
23 commission of the state, unless the agency, board, or commission is acting quasi-judicially. This
24 provision does not prohibit an attorney from representing a client in a judicial action or prevent
25 a legislator or legislative assistant from representing personal interests. This subsection may not
26 be construed to permit compensated representation for purposes of obtaining or retaining a state
27 or local license, permit, franchise, grant, loan, or other benefit, unless the granting of the benefit
28 requires little discretion.

29 (b) This section may not be construed to prohibit a legislator or legislative assistant from
30 advising a constituent about the procedures or appropriateness of bringing an action against the
31 state or a local government. If a legislator or legislative assistant in an otherwise proper manner

1 advises a constituent or another in an action against the state or a local government or before a
2 state or local government agency, the legislator or legislative assistant may not reveal confidential
3 information.

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

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

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

24 (c) A contract or lease is permissible if the total amount of the contract or lease over the
25 course of a year is less than \$1,000, the legislator, legislative assistant, or family member does
26 not have contracts of less than \$1,000 that cumulatively total more than \$1,000, and the contract
27 or lease was let under circumstances that do not raise a substantial question of improper
28 influence.

29 (d) A contract or lease is permissible if it is a standardized contract or lease that was
30 developed under publicly adopted regulations or procedures and is generally available to the
31 public at large or to members of a profession, occupation, or group to which the legislator,

1 legislative assistant, or member of the legislator's or assistant's immediate family belongs.

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

4 Sec. 24.61.210. GIFTS. (a) A legislator or legislative employee may not solicit, accept,
5 or receive, directly or indirectly, a gift of a benefit in any amount if the legislator or legislative
6 employee knows or should reasonably know that it is offered with the intent to influence
7 legislative, administrative, or political action.

8 (b) Except as provided in this subsection, a legislator or legislative employee may not
9 solicit, accept, or receive, directly or indirectly, a gift of a benefit worth over \$50, or gifts of any
10 value from a lobbyist during a legislative session. The following benefits may be accepted as
11 gifts without regard to the restrictions of this subsection and need not be reported except as
12 specifically provided:

13 (1) hospitality with incidental transportation

14 (A) at the residence of a person; or

15 (B) at a social event or meal;

16 (2) discounts that are available generally to the public or to a large class of
17 persons to which the recipient belongs;

18 (3) food or foodstuffs indigenous to the state that are shared generally as a
19 cultural or social norm;

20 (4) travel and related food and lodging, primarily for the purpose of obtaining
21 information on matters of legislative concern; gifts under this paragraph with a value of more
22 than \$100 shall be reported to the commission;

23 (5) gifts from family members;

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

27 (7) gifts of property, other than money, presented by a representative of a foreign
28 government if the recipient accepts the gift on behalf of the legislature; the recipient of a gift
29 under this paragraph with a value of more than \$100 shall, within 60 days of receipt, deliver the
30 gift to the legislative council for the purpose of displaying the gift in a public facility or selling
31 it at auction with the proceeds to go to the general fund;

1 (8) benefits received through state programs that are permissible under
2 AS 24.61.440.

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

5 Sec. 24.61.220. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOYMENT
6 AND HONORARIA; FORMER LEGISLATORS AND LEGISLATIVE ASSISTANTS. (a) A
7 legislator or legislative assistant may not

8 (1) seek or accept compensation for personal services that involves payments that
9 are not commensurate with the services rendered taking into account the higher rates generally
10 charged by specialists in a profession; or

11 (2) accept a payment of anything of value, except for actual and necessary travel
12 and lodging expenses, for an appearance or speech connected with the legislator's or legislative
13 assistant's legislative status; any payment for an appearance or speech not connected with the
14 legislator's or legislative assistant's legislative status must be disclosed to the commission.

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

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

22 Sec. 24.61.230. INTERCESSION ON BEHALF OF OTHERS. (a) A legislator may not
23 directly and improperly interfere with

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

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

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

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

31 (1) ensuring that a person is being treated fairly according to established rules and

1 procedures;

2 (2) making inquiries about the status of a matter or helping a person get a benefit

3 or service that the legislator believes the person is entitled to as a matter of right;

4 (3) openly advocating a position on an issue;

5 (4) exercising oversight with respect to the policies, regulations, procedures, and

6 implementation practices of an agency; or

7 (5) exercising oversight of the interpretation or implementation of statutory law.

8 Sec. 24.61.235. RESTRICTIONS ON FUND RAISING. (a) A candidate for the

9 legislature, including an incumbent legislator, may not accept money from an event held within

10 the capital city during a session of the legislature if a substantial purpose of the event is to raise

11 money on behalf of the member for state campaign purposes or for other state legislative political

12 purposes.

13 (b) This section does not apply to a candidate, including an incumbent legislator, seeking

14 to represent the capital city.

15 Sec. 24.61.240. ACCOUNTABILITY: WHISTLE BLOWING, AND PROTECTION OF

16 WHISTLE BLOWERS. A legislator or legislative employee may not, directly or indirectly,

17 subject a person who reports to the commission or another government entity conduct the person

18 reasonably believes is a violation of this chapter or another state law, to reprisal, harassment, or

19 discrimination. A legislative employee who is discharged, disciplined, involuntarily transferred,

20 or otherwise penalized by a legislator or another legislative employee in violation of this

21 subsection may

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

23 (2) bring a separate civil action in the courts seeking damages, payment of back

24 wages, reinstatement, or other relief.

25 Sec. 24.61.250. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. Legislators

26 shall abide by AS 44.62.310 - 44.62.312 (open meetings law).

27 Sec. 24.61.260. DISCRIMINATION PROHIBITED. A legislator or legislative employee

28 may not engage in acts of discrimination in violation of AS 18.80.220.

29 Sec. 24.61.270. PENALTIES. (a) A person who violates a provision of AS 24.61.100 -

30 24.61.260, or a regulation adopted under AS 24.61.100 - 24.61.260, is subject to civil sanctions

31 under AS 24.61.560(a).

1 (b) A person covered by this chapter who violates another law of the state with criminal
2 penalties is subject to prosecution under that law in addition to civil or criminal penalties
3 provided in this chapter.

4 ARTICLE 3. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS.

5 Sec. 24.61.350. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS. (a) A
6 legislator or legislative employee may establish a fund to assist with the payment of attorney fees
7 and other costs arising from the legislator's or employee's defense of a civil, criminal, or
8 administrative action brought against the legislator or employee and directly related to acts or
9 omissions of the legislator or employee while acting as a legislator or employee or while
10 campaigning for elective office, or from the prosecution or defense of an administrative or
11 judicial action concerning a contested election in which the legislator or employee is a candidate.
12 Contributions to a fund under this section are not subject to the restrictions of AS 24.61.210.

13 (b) A legislator or legislative employee may establish a fund under this section before
14 litigation is actually commenced by or against the legislator or employee.

15 (c) The commission shall adopt regulations relating to the methods of establishing a fund
16 under this section, the accounting requirements for a fund, the uses for which moneys from the
17 fund may be expended, the disposition of surplus moneys in the fund, and establishing a
18 maximum amount that a person may contribute to a fund. A person who violates these
19 regulations is subject to civil sanctions under AS 24.61.560(a).

20 ARTICLE 4. REQUIRED DISCLOSURE.

21 Sec. 24.61.400. FINANCIAL DISCLOSURE BY LEGISLATORS, LEGISLATIVE
22 DIRECTORS, AND CANDIDATES FOR THE LEGISLATURE. A legislator, a candidate for
23 the legislature, and a legislative director shall file a disclosure statement, under oath and on
24 penalty of perjury, with the Alaska Public Offices Commission giving the following information
25 about the income received by them, their spouses, their dependent children, and their
26 nondependent children who are living with them:

27 (1) the information that a public official is required to report under AS 39.50.030,
28 except that sources of income of \$1,000 or less and loans of \$1,000 or less need not be reported;

29 (2) as to income in excess of \$1,000 received as compensation for personal
30 services, the name and address of the source of the income, and a statement describing the nature
31 of the services performed; if the source of income is known or reasonably should be known to

1 have a substantial interest in legislative, administrative, or political action and the recipient of
2 the income is a legislator, a candidate for the legislature, or a legislative director, the amount of
3 income received from the source shall be disclosed;

4 (3) as to each loan or loan guarantee over \$1,000 from a source with a substantial
5 interest in legislative, administrative, or political action, the name and address of the person
6 making the loan or guarantee, the amount of the loan, the terms and conditions under which the
7 loan or guarantee was given, the amount outstanding at the time of filing, and whether or not a
8 written loan agreement exists.

9 Sec. 24.61.410. DEADLINES FOR FILING OF DISCLOSURE STATEMENTS. A
10 legislator and a legislative director shall file an annual report with the Alaska Public Offices
11 Commission, covering the previous calendar year, containing the disclosures required by
12 AS 24.61.400, on or before April 15 of each year. A candidate for the legislature, including an
13 incumbent legislator, shall file a report with the Alaska Public Offices Commission containing
14 the disclosures required by AS 24.61.400 at the time required under AS 15.25.030 or 15.25.180,
15 except that a candidate who has filed an annual report under this section is not required to file
16 a second report during the same calendar year.

17 Sec. 24.61.420. ADMINISTRATION OF AS 24.61.400 - 24.61.426. The Alaska Public
18 Offices Commission shall adopt regulations to implement and interpret the provisions of
19 AS 24.61.400 - 24.61.426 and shall prepare standardized forms on which the statements required
20 by this section shall be filed.

21 Sec. 24.61.422. STATEMENTS AS PUBLIC RECORDS. A statement filed with the
22 Alaska Public Offices Commission under AS 24.61.400 is a public record. A person is not
23 required to comply with AS 24.61.400 to the extent that a court of competent jurisdiction of the
24 state determines that legally privileged professional relationships or constitutional privacy
25 considerations would be violated by compliance.

26 Sec. 24.61.424. CIVIL PENALTY FOR LATE FILING. A legislator, a candidate for
27 the legislature, or a legislative director who fails to file a properly completed report under
28 AS 24.61.400 is subject to a civil penalty of not more than \$10 a day for each day the
29 delinquency continues as the Alaska Public Offices Commission determines, subject to appeal
30 to the superior court. An affidavit stating facts in mitigation may be submitted to the Alaska
31 Public Offices Commission by the person against whom the civil penalty is assessed. However,

1 the imposition of the penalties prescribed in this section does not excuse the person from filing
2 reports required by AS 24.61.400.

3 Sec. 24.61.426. REMOVAL FROM BALLOT. In addition to the sanctions described in
4 AS 24.61.450, if the Alaska Public Offices Commission finds that a candidate for the legislature,
5 including an incumbent legislator, has failed to file a report under AS 24.61.400 by a deadline
6 established in AS 24.61.410, or has filed a report that is substantially incomplete or misleading,
7 it shall notify the lieutenant governor. The lieutenant governor shall return the candidate's filing
8 fee, shall remove the candidate's name from the filing records, and may not place the candidate's
9 name on the ballot.

10 Sec. 24.61.430. DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS. (a) A
11 legislator or a legislative assistant who has a close economic association with a lobbyist shall
12 make a written disclosure of the association in confidence to the commission. The disclosure
13 shall be made by February 15 of each year. If a legislator or legislative assistant is not in office
14 or employed before February 15, or if the association did not exist before February 15, the
15 disclosure shall be made within 30 days after taking office or being employed or after the
16 creation of the association.

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

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

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

28 Sec. 24.61.440. PARTICIPATION IN STATE PROGRAMS; REQUIRED
29 DISCLOSURES. (a) A legislator or legislative employee may, without disclosure to the
30 commission, participate in a statewide benefit program or receive a loan from the state if the
31 program or loan is generally available to members of the public, is subject to fixed, objective

1 eligibility standards, and requires minimal discretion in determining qualification.

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

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

13 (d) If loan proceeds or other program benefits are received from nonqualifying programs
14 or loans after the end of a calendar year, the legislator or legislative employee shall file a
15 statement with the commission within 30 days after the beginning of participation in the state
16 program or receipt of proceeds from the state loan or by February 15, whichever is later. If the
17 commission receives the statement while the legislature is in session, it shall promptly forward
18 the statement to the chief clerk of the house or the secretary of the senate, as appropriate, who
19 shall cause it to be published in the supplemental journal. If the commission receives a statement
20 while the legislature is not in session, it shall forward the statement to the chief clerk of the
21 house or the secretary of the senate for publication when the legislature next convenes.

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

27 (f) The commission shall annually recommend to the Legislative Budget and Audit
28 Committee the programs and loans to be audited by the division of legislative audit during the
29 following year, including the scope of the audit. The records of the relevant state agencies shall
30 be made available to the division of legislative audit. The division of legislative audit shall
31 prepare a report to the Legislative Budget and Audit Committee on its findings. The report is

1 confidential until it is released by the committee.

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

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

10 (b) A person who violates this section is subject to civil sanctions under AS 24.61.560(a),
11 in addition to penalties that may be imposed by the Alaska Public Offices Commission under
12 AS 24.61.424 and to removal from the ballot under AS 24.61.426.

13 ARTICLE 5. LEGISLATIVE ETHICS COMMISSION.

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

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

19 (2) one member of the house of representatives appointed jointly by the speaker
20 of the house and the house minority leader;

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

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

24 (b) No more than one member appointed under (a)(3) and (4) of this section may be a
25 former legislator. No more than three members of the commission may be members of the same
26 political party.

27 (c) Commissioners described in (a)(1) and (2) of this section shall be appointed within
28 15 days of the commencement of the first regular session of each legislature and shall serve until
29 the commencement of the next legislature.

30 (d) Commissioners who are not legislators serve staggered terms of four years. A
31 nonlegislator commissioner is eligible for reappointment; however, a nonlegislator commissioner

1 may not serve more than two consecutive four-year terms. A nonlegislator commissioner whose
2 term has expired continues in office until a successor has been appointed and certified.

3 (e) 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 (f) The commission shall elect a chair and a vice-chair, who serve a term of two years.
7 Neither the chair nor the vice-chair may be a legislator. An officer may not hold the same office
8 for more than two consecutive terms. The vice-chair shall act as chair in the absence of the
9 chair.

10 (g) Except as provided in (a)(1) or (2) of this section, a commissioner may not be a
11 legislator, a legislative employee, an elected or appointed official required to make conflict-of-
12 interest disclosures under AS 39.50, an officer of a political party, a candidate for public office,
13 or a registered lobbyist.

14 Sec. 24.61.502. LEGISLATIVE DECERTIFICATION OR REMOVAL FROM
15 COMMISSION. (a) Within 45 legislative days after appointment, a commissioner appointed
16 under AS 24.61.500(a)(3) or (4) may be decertified by a majority vote of each house of the
17 legislature, by concurrent resolution. If the legislature adjourns from a regular session less than
18 45 days after the appointment, the running of the 45-day period is tolled until the commencement
19 of the next regular session. If decertified, the commissioner is disqualified and that seat on the
20 commission is vacant.

21 (b) A commissioner may be removed from office by a vote of two-thirds of each house
22 of the legislature, by concurrent resolution, for good cause.

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

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

27 (c) The commission may meet by teleconference.

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

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

31 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The commission shall hire

1 an executive director and determine the director's salary. The executive director serves at the
2 pleasure of the commission.

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

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

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

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

17 Sec. 24.61.508. APPLICABILITY OF CHAPTER TO COMMISSIONERS AND
18 EMPLOYEES; OTHER RESTRICTIONS. (a) Commissioners who are not legislators, and
19 employees of the commission, including persons employed or under contract as legal counsel or
20 special investigators, are subject to this chapter and shall be held accountable to the same
21 standards and requirements, including disclosure, as legislative assistants.

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

26 (c) In addition to the requirements of this chapter, a commissioner who is not a legislator,
27 an employee of the commission, or a person under contract to provide personal services to the
28 commission may not

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

31 (2) participate in the campaign of, attend campaign fund raising events for, or

1 **make a financial contribution to**
2 (A) a candidate for the legislature;
3 (B) an incumbent legislator or legislative employee who is a candidate for
4 another public office; or
5 (C) a person running for another office against an incumbent legislator or
6 legislative employee;
7 (3) participate in lobbying activities that would require the person to register as
8 a lobbyist except as required to inform the legislature concerning legislation requested by the
9 commission or other matters related to the commission; or
10 (4) take an action or make a statement that is likely to cause a reasonable person
11 to believe that the commissioner, employee, or other person is not impartial or independent or
12 is otherwise unable to properly perform public duties.
13 (d) A violation or alleged violation of (b) or (c) of this section shall be treated as any
14 other violation of this chapter and shall be dealt with by the commission accordingly. During
15 the pendency of a complaint against a commissioner, commission employee, or commission
16 contractor, the person complained against may not participate in official action of the
17 commission.
18 (e) Commissioners and the executive director are subject to the disclosure requirements
19 of this chapter.
20 Sec. 24.61.510. GENERAL POWERS AND DUTIES OF THE COMMISSION. (a) The
21 commission shall
22 (1) administer the provisions of this chapter, including the adoption of regulations
23 that the commission is required to adopt;
24 (2) authorize and train its staff to give informal or written advice regarding the
25 spirit and requirements of this chapter;
26 (3) on request or its own initiative, issue formal written advisory opinions on
27 specific situations or clarify a provision of this chapter;
28 (4) consider requests for, and grant or deny, exemptions from the provisions of
29 this chapter;
30 (5) investigate and adjudicate complaints and recommend disciplinary actions to
31 the legislature;

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

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

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

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

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

14 (b) The commission may

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

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

18 (c) In adopting regulations under (a) and (b) of this section, the commission shall follow
19 procedures that are, to the extent practicable, consistent with AS 44.62 (Administrative Procedure
20 Act). The commission shall submit its adopted regulations to the legislative council. Regulations
21 adopted by the commission do not take effect until 60 days after submission.

22 Sec. 24.61.512. REGULATIONS CONCERNING USE OF PUBLIC RESOURCES. The
23 legislative council shall develop and recommend for adoption by the commission detailed
24 regulations relating to the use of government property, resources, and personnel.

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

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

1 is given with the express stipulations that

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

3 (2) although the advice is given in good faith, the person seeking the advice relies
4 on it at the person's own risk; and

5 (3) the advice is not binding upon the commission.

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

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

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

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

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

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

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

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

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25 session, or within 60 days of the request if the request is received at another time. The period
26 for issuing an opinion may be shortened or extended by the chair when that action is considered
27 necessary or appropriate to meet the goals of this chapter.
28 (h) The commission and all commission employees shall keep confidential the identity
29 of the requester and all information conveyed orally or in writing relating to the request, unless
30 the requester authorizes the commission to make public the requester's identity or the information
31 conveyed.

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

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

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

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

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

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

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

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

29 (d) Unless a shortened or expanded time is considered necessary or appropriate by the
30 commission, decisions on petitions for exemptions shall be made within 30 days after filing of
31 the petition. Unless the petitioner consents, extensions of time ordered by the commission may

1 not exceed an additional 60 days.

2 Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PROCESSES.

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

5 A complaint must include

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

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

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

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

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

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

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

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

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

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

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

8 (3) that the person charged with misconduct is a legislator or legislative employee
9 at the time of the filing of the complaint.

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

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

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

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

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

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

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

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

27 (f) Upon completion of the investigation, a confidential report summarizing the evidence,
28 evaluating its credibility, and detailing findings on each of the allegations investigated shall be
29 submitted to the commission, along with recommendations as to whether the complaint, or a
30 portion of it, should be dismissed or whether the matter should proceed to the full hearing stage.
31 The report shall be prepared so as to exclude unreliable information and uncorroborated and

1 irresponsible allegations. The investigator's notes, records of interviews, and other investigatory
2 matter considered unreliable or unduly prejudicial by the commission shall remain confidential.

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

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

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

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

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

29 (f) The commission may suspend further proceedings if the respondent acknowledges the
30 violation and agrees to corrective actions and sanctions considered appropriate by the
31 commission. If the commission suspends the proceedings or dismisses the charges as a result

1 of a negotiated settlement, the terms and conditions of the settlement and the reasons for entering
2 into the agreement shall be stated in a written report that shall be sent to the complainant and
3 made part of the public record.

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

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

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

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

21 (d) A hearing board may

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

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

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

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

29 (e) The respondent may

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

31 (2) personally, or through counsel, request production of documentary or tangible

1 evidence, subpoena, examine, and cross-examine witnesses, raise objections, and make arguments;

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

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

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

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

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

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

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

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

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

25 (5) restitution or reimbursement;

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

27 (7) probationary status;

28 (8) a written reprimand;

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

- 1 (10) expulsion of a legislator or dismissal of a legislative employee;
2 (11) payment of costs related to the investigation and adjudication of the charge;
3 (12) another sanction fashioned to achieve the purposes of this chapter.

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

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

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

15 (c) If the legislature is not in session, the presiding officer of the appropriate house may
16 request the legislature to consider convening itself into special session under AS 24.05.100(a)(2)
17 to consider the hearing board's recommendations. If expulsion is recommended, the presiding
18 officer shall so request. If the legislature does not convene itself into special session, the
19 appropriate house shall consider the recommendations during the first 10 days of the next regular
20 session.

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

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

30 Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL. The attorney general may
31 independently bring civil actions relating to violations under this chapter regardless of the

1 outcome or settlement of a charge before the commission, provided that the cumulative civil
2 penalties imposed for a violation may not exceed the amount that could be imposed in an action
3 before the commission. This subsection does not prohibit the attorney general from bringing an
4 action under another civil or criminal law.

5 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. (a) The subject of a complaint
6 may waive any provision of AS 24.61.535 - 24.61.550 relating to the confidentiality of the
7 proceedings. However, the commission or the hearing board may vote to deliberate in closed
8 session, notwithstanding a request by the complainant under this subsection.

9 (b) The commission may publicly respond to a statement or interpretation made
10 concerning the contents of an advisory opinion or decision it has issued or is purported to have
11 issued. A person who requests an advisory opinion and makes that fact public is considered to
12 have waived the confidentiality of the person's identity.

13 ARTICLE 6. GENERAL PROVISIONS.

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

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

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

22 Sec. 24.61.920. MAINTENANCE OF DOCUMENTS. Documents filed with or produced
23 by the commission as public records shall be retained for at least six years.

24 Sec. 24.61.930. COOPERATION OF OTHERS. If the commission requests their
25 cooperation, a state agency, official, employee, or a person whose conduct is regulated by this
26 chapter shall cooperate with the commission. An individual shall make information reasonably
27 related to an investigation available to the commission on written request. The commission may
28 request and shall receive from every officer, department, division, board, agency, commission,
29 house of the legislature, or other agency of the state, cooperation and assistance in the
30 performance of its duties.

31 Sec. 24.61.940. CONFIDENTIALITY. A person subject to the provisions of this chapter

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

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

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

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

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

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

- 1 (xvii) radio or television time;
- 2 (xiii) promise or offer of present or future employment;
- 3 (xix) use of autos, boats, apartments, or other recreational or
- 4 lodging facilities;
- 5 (xx) intangible rights such as a cause of action;
- 6 (xxi) licenses, patents, copyrights, or an interest in them;
- 7 (xxii) any other item having economic value;
- 8 (B) "anything of value," "benefit," or "thing of value" does not include
- 9 (i) an item listed in AS 24.61.210(b);
- 10 (ii) campaign contributions, pledges, political endorsements,
- 11 support in a political campaign, or a promise of endorsement or support;
- 12 (iii) contributions to a cause or organization, including a charity,
- 13 made in response to a direct solicitation from a legislator or a person acting at the
- 14 legislator's direction;
- 15 (iv) grants under AS 37.05.316 to named recipients;
- 16 (3) "charitable organization" means an organization that qualifies for a federal tax
- 17 exemption under 26 U.S.C. 501(c)(3);
- 18 (4) "close economic association" means a financial relationship that exists between
- 19 a person covered by this chapter and some other person or entity, including but not limited to
- 20 relationships where the person covered by this chapter serves as a consultant or advisor to, is a
- 21 member or representative of, or has a financial interest in, any association, partnership, business,
- 22 or corporation;
- 23 (5) "commission" means the Legislative Ethics Commission;
- 24 (6) "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 (7) "confidential information" means information that has been classified
- 28 confidential by law;
- 29 (8) "exonerate" means to free from a charge or the imputation of guilt, or to prove
- 30 blameless;
- 31 (9) "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 (10) "immediate family" means the spouse, parents, children, including a stepchild
4 and an adoptive child, and siblings of a person;

5 (11) "income" means gross income as defined in 26 U.S.C. 61 in effect on
6 January 1, 1990, and all gifts, awards, and inheritances;

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

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

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

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

19 (16) "legislative director" means the director of the legislative finance division,
20 the legislative auditor, the director of the legislative research agency, the ombudsman, the
21 executive director of the Legislative Affairs Agency, and the directors of the divisions within the
22 Legislative Affairs Agency;

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

1 consider the adoption of these guidelines as regulations;

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

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

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

13 (21) "reasonably should know" means that, under the circumstances, a reasonable
14 person would know a fact;

15 (22) "registered lobbyist" means a person who is required to register under
16 AS 24.45.041;

17 (23) "representation" means action taken on behalf of another, whether for
18 compensation or not, including but not limited to telephone calls and meetings and appearances
19 at proceedings or meetings.

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

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

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

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

30 (4) is a lobbyist;

31 (5) represents, with or without compensation, a person or organization described

1 in (1) - (4) of this section; or

2 (6) is not the state or federal government or an agency of the state or federal
3 government.

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

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

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

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

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

15 (c) An incumbent public official, other than a legislator, who has a current statement
16 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
17 Commission, or an incumbent legislator who has a current disclosure statement under
18 AS 24.61.400 on file with the Alaska Public Offices Commission, is not required to file a
19 statement of income sources and business interests or a disclosure statement with the
20 declaration of candidacy under (b) of this section.

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

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

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

29 (c) An incumbent public official, other than a legislator, who has a current statement
30 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
31 Commission, or an incumbent legislator who has a current disclosure statement under

1 AS 24.61.400 on file with the Alaska Public Offices Commission, is not required to file a
2 statement of income sources and business interests or a disclosure statement with the
3 declaration of candidacy under (b) of this section.

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

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

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

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

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

16 * Sec. 9. AS 24.10.110 is amended to read:

17 Sec. 24.10.110. LEGISLATIVE OFFICE ALLOWANCE [ADDITIONAL
18 ALLOWANCES]. In addition, each member of the legislature is entitled to an annual allowance
19 of \$6,000 [PRESCRIBED IN ACCORDANCE WITH AS 39.23] for postage, stationery,
20 stenographic services, and other expenses.

21 * Sec. 10. AS 24.10 is amended by adding a new section to read:

22 Sec. 24.10.111. SUPPLEMENTAL OFFICE EXPENSES. (a) A legislator may be
23 reimbursed for the lawful expenses of maintaining a legislative office to supplement the
24 allowance prescribed by AS 24.10.110 and the resources generally provided to legislators by the
25 legislature and its agencies. Expenses eligible for reimbursement under this section include those
26 incurred in a district office or an office in the capital city.

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

29 (c) The legislative council shall, within 10 days of the beginning of a regular session of
30 the legislature in an odd-numbered year, set a maximum amount that may be reimbursed under
31 (a) of this section. If the council does not set a maximum amount under this section, the

1 previously established maximum amount remains in effect. The council may vary the maximum
2 amount according to the number of constituents a legislator represents.

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

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

7 (b) During each regular session of the legislature, a member of the legislature shall be
8 reimbursed for at least two round trip tickets from Juneau to a city in the district from which the
9 legislator was elected. This section does not apply to travel as a part of a legislative committee
10 or subcommittee or for other official business of the legislature.

11 * Sec. 12. AS 24.10 is amended by adding a new section to read:

12 Sec. 24.10.140. APPROVAL OF CERTAIN TRAVEL REQUIRED. A legislator in a
13 final term may not travel out of state at legislative expense unless the specific out-of-state trip
14 is approved by a majority of the legislative council, either at a meeting or by a poll of the
15 members with a written record of the vote, regardless of which legislative entity or legislative
16 account will be paying for the travel. In this section, "legislator in a final term" means a
17 legislator who

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

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

22 * Sec. 13. AS 24.10 is amended by adding new sections to read:

23 ARTICLE 5. DEFENSE OF LEGISLATORS AND LEGISLATIVE EMPLOYEES.

24 Sec. 24.10.300. DEFENSE OF LEGISLATORS AND LEGISLATIVE EMPLOYEES.

25 (a) Except as otherwise provided in AS 24.10.300 - 24.10.400 and after written request of a
26 legislator or legislative employee, the Legislative Affairs Agency shall represent the legislator
27 or legislative employee

28 (1) in a civil or criminal action brought against the legislator or employee because
29 of an act or omission that occurred within the scope of the legislator's service with or the
30 employee's employment by the legislature;

31 (2) before a civil or criminal action is filed if the filing of a civil or criminal

1 action against the legislator or employee is threatened or likely because of an act or omission that
2 occurred within the scope of the legislator's service with or the employee's employment by the
3 legislature.

4 (b) The Legislative Affairs Agency may not represent a legislator or a legislative
5 employee under (a) of this section if the executive director of the Legislative Affairs Agency
6 determines that

7 (1) the act or omission was not within the scope of the legislator's service or
8 employee's employment, unless an arbitrator determines under AS 24.10.310 that the act or
9 omission was within the scope of service or employment;

10 (2) the agency's defending the action would create a conflict of interest between
11 the legislature and the individual legislator or employee; or

12 (3) the legislator or employee is covered by insurance that requires the carrier to
13 provide an attorney to defend the action.

14 (c) The Legislative Affairs Agency may refuse to represent a legislator or legislative
15 employee under (a) of this section if the legislator or employee fails to deliver to the executive
16 director of the Legislative Affairs Agency a legible copy of the pleading that states the claim
17 against the legislator or employee within 10 days after the legislator or employee receives it.

18 (d) The Legislative Affairs Agency shall provide representation under this section by its
19 own staff or by private counsel who is under contract with the agency.

20 Sec. 24.10.310. SCOPE OF EMPLOYMENT; ARBITRATION. If the Legislative Affairs
21 Agency denies representation under AS 24.10.300(b)(1), the legislator or legislative employee
22 may request arbitration under AS 09.43 on the issue of whether the act or omission was within
23 the scope of the legislator's service with or employee's employment by the legislature. The
24 arbitrator's decision under this subsection does not affect the Legislative Affairs Agency's duty
25 of reimbursement under AS 24.10.330, legislator's or employee's duty of reimbursement under
26 AS 24.10.340, or the rights or duties of any other person. The method of appointment of the
27 arbitrator is governed by the rules of the American Arbitration Association.

28 Sec. 24.10.320. CONFLICT; PAYMENT OF FEES BY THE LEGISLATIVE AFFAIRS
29 AGENCY. If the executive director of the Legislative Affairs Agency determines that there is
30 a conflict of interest between the legislature and the individual legislator or legislative employee
31 and that representation would otherwise be authorized by AS 24.10.300, the Legislative Affairs

1 Agency shall pay for reasonable attorney fees and costs necessary for the defense of the legislator
2 or employee. However, the agency shall consult in advance with the prospective attorney for the
3 legislator or employee about the amount of payment and shall inform the legislator or employee
4 in writing of the maximum amount agreed to by the agency. Within 30 days after receiving the
5 agency's written notification of the maximum payable, the legislator or employee may request
6 arbitration under AS 09.43 for the purpose of determining a reasonable maximum amount of
7 payment. The amount payable by the agency is the amount decided by the arbitrator or the
8 amount originally set by the agency after consultation, whichever is greater. If arbitration is
9 requested, the method of appointment of the arbitrator is governed by the rules of the American
10 Arbitration Association.

11 Sec. 24.10.330. REIMBURSEMENT BY LEGISLATIVE AFFAIRS AGENCY. The
12 Legislative Affairs Agency shall reimburse a legislator or legislative employee for reasonable
13 attorney fees and costs incurred in defense of an action to the extent the agency failed to
14 represent the legislator or employee in that action

15 (1) under AS 24.10.300(b)(1), and it is judicially determined that the act or
16 omission was within the scope of legislative service or employment; or

17 (2) under AS 24.10.300(b)(3), and it is judicially determined that the legislator
18 or employee was not covered by insurance that required the carrier to provide an attorney to
19 defend the action.

20 Sec. 24.10.340. REIMBURSEMENT BY LEGISLATOR OR EMPLOYEE. If the
21 Legislative Affairs Agency represents a legislator or legislative employee in a civil action under
22 AS 24.10.300, and it is judicially determined that the legislator's or employee's act or omission
23 involved actual fraud, wilful misconduct, or actual malice, or if the agency represents a legislator
24 or employee in a criminal action under AS 24.10.300 and the legislator or employee is found
25 guilty, the legislator or employee is liable to the agency for the reasonable attorney fees and costs
26 incurred or paid by the agency for the defense of the legislator or employee in that action.

27 Sec. 24.10.350. RESERVATION OF RIGHTS BY THE LEGISLATIVE AFFAIRS
28 AGENCY. The Legislative Affairs Agency reserves the right to determine whether it will
29 indemnify a legislator or legislative employee who is defended under AS 24.10.300 - 24.10.400
30 if a judgment is rendered against the legislator or employee.

31 Sec. 24.10.360. INADMISSIBILITY OF DECISION. The Legislative Affairs Agency's

1 decision not to represent a legislator or legislative employee and an arbitrator's decision under
2 AS 24.10.310 are inadmissible in the action for which representation was denied.

3 Sec. 24.10.400. DEFINITIONS. In AS 24.10.300 - 24.10.400,

4 (1) "action" includes a civil action and a criminal action;

5 (2) "civil action" includes a claim against a legislator made by cross-claim,
6 counterclaim, or third-party claim;

7 (3) "legislator" means a present or former legislator;

8 (4) "legislative employee" means a present or former employee of a legislator or
9 of any agency in the legislative branch of government.

10 * Sec. 14. AS 24.40.010 is amended to read:

11 AS 24.40.010. IMMUNITIES. A legislator may not be held to answer before another
12 [ANY OTHER] tribunal for a [ANY] statement made at any time regarding the meaning of
13 or legislative intent behind a statute or resolution that was enacted by a legislature of which
14 the legislator was a member or made in the exercise of legislative duties while the legislature
15 is in session. A member attending, going to, or returning from legislative sessions is not subject
16 to civil process and is privileged from arrest except for felony or breach of the peace. The
17 immunities provided in this section extend to a legislator attending, going to, or returning from
18 a meeting of an interim standing or special committee of the legislature of which the legislator
19 is a member. For the purposes of going to and returning from a session or meeting, the
20 immunities provided extend to a legislator for a period of five days immediately preceding and
21 following the legislator's attendance at the session or meeting.

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

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

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

26 (12) "public official" or "public officer" means a public official as defined in
27 AS 39.50.200(a), a member of the legislature, or a legislative director as defined in
28 AS 24.61.990(a); however, it does not include a judicial officer or an elected or appointed
29 municipal officer.

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

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

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

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

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

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

30 (8) "public official" means a judicial officer, [A MEMBER OF THE
31 LEGISLATURE, THE FISCAL ANALYST OF THE LEGISLATIVE FINANCE DIVISION,

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

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

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

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

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

18 (1) one of the members appointed by the supreme court and one of the members
19 appointed by the Legislative Ethics Commission, determined by lot, serve terms of four years;

20 (2) the other member appointed by the supreme court serves a term of three years;

21 (3) one of the members appointed by the Legislative Ethics Commission, determined by
22 lot, serves a term of two years;

23 (4) the third member appointed by the Legislative Ethics Commission serves a term of
24 one year.

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

28 * Sec. 23. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER AS 24.60.
29 Notwithstanding the repeal of AS 24.60 by sec. 21 of this Act, in addition to the provisions of AS 24.61,
30 as added by sec. 2 of this Act, the Legislative Ethics Commission may consider complaints alleging
31 violations of AS 24.60 that occurred prior to January 1, 1992, and for which proceedings have not been

1 commenced or concluded prior to January 1, 1992. For the purpose of this section, the Legislative
2 Ethics Commission shall follow the procedures established under AS 24.61, but may not recommend a
3 sanction or penalty not authorized under former AS 24.60.

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

17 * **Sec. 25. APPLICABILITY OF AS 24.10.300 - 24.10.400.** Nothing in AS 24.10.300 - 24.10.400,
18 as enacted by sec. 13 of this Act, impairs a right under a contract in effect on the effective date of
19 sec. 13 of this Act.

20 * **Sec. 26.** AS 24.61.420, 24.61.500 - 24.61.580, and 24.61.990, as added by sec. 2 of this Act, and
21 secs. 13, 14, 22, and 25 of this Act take effect July 1, 1991.

22 * **Sec. 27.** Except as provided in sec. 26 of this Act, this Act takes effect January 1, 1992.