

2d HOUSE CS FOR CS FOR SENATE BILL NO. 185 (STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/23/92

Referred: Rules

Sponsor(s): SENATE SPECIAL COMMITTEE ON ETHICS REFORM

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to conduct of legislators, legislative employees, former legislators, former
2 legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics; and
3 providing for an effective date."

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

5 * Section 1. AS 24.60.010 is repealed and reenacted to read:

6 Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that

7 (1) high moral and ethical standards among public servants in the legislative
8 branch of government are essential to assure the trust, respect, and confidence of the people of
9 this state;

10 (2) a fair and open government requires that legislators and legislative employees
11 conduct the public's business in a manner that preserves the integrity of the legislative process
12 and avoids conflicts of interest or even appearances of conflicts of interest;

13 (3) the public's commitment to a part-time citizen legislature requires legislators
14 be drawn from all parts of society and the best way to attract competent people is to

1 acknowledge that they provide their time and energy to the state, often at substantial personal and
2 financial sacrifice;

3 (4) a part-time citizen legislature implies that legislators are expected and
4 permitted to earn outside income and that the rules governing legislators' conduct during and
5 after leaving public service must be clear, fair, and as complete as possible; the rules, however,
6 should not impose unreasonable or unnecessary burdens that will discourage citizens from
7 entering or staying in government service;

8 (5) in order for the rules governing conduct to be respected both during and after
9 leaving public service, the code must be administered fairly without bias or favoritism;

10 (6) no code of conduct, however comprehensive, can anticipate all situations in
11 which violations may occur nor can it prescribe behaviors that are appropriate to every situation;
12 in addition, laws and regulations regarding ethical responsibilities cannot legislate morality,
13 eradicate corruption, or eliminate bad judgment;

14 (7) compliance with a code of ethics is an individual responsibility; thus all who
15 serve the legislature have a solemn responsibility to avoid improper conduct and prevent
16 improper behavior by colleagues and subordinates;

17 (8) the purpose of this chapter is to establish standards of conduct for state
18 legislators and legislative employees and to establish the Select Committee on Legislative Ethics
19 to consider alleged violations of this chapter and to render advisory opinions to persons affected
20 by this chapter.

21 * Sec. 2. AS 24.60.020 is amended to read:

22 Sec. 24.60.020. APPLICABILITY; RELATIONSHIP TO COMMON LAW AND
23 OTHER LAWS. (a) Except as otherwise provided in this subsection, this chapter applies to
24 a member of the legislature, [AND] to a [PERSON EMPLOYED BY THE] legislative employee,
25 and to public members of the committee [BRANCH OF GOVERNMENT]. This chapter does
26 not apply to

27 (1) a former member of the legislature or to a person formerly employed by the
28 legislative branch of government unless the provision specifically states that it [SO] applies;

29 (2) a person elected to the legislature who at the time of election is not a member
30 of the legislature[;

31 (3) A PERSON EMPLOYED BY THE LEGISLATIVE BRANCH OF

1 GOVERNMENT WHOSE POSITION IS ESTABLISHED BELOW RANGE 18 OF THE STATE
2 SALARY SCHEDULE ESTABLISHED IN AS 39.27.011(a)].

3 (b) The provisions of this chapter specifically supersede the provisions of the common
4 law relating to legislative conflict of interest that may apply to a member of the legislature or
5 a [PERSON EMPLOYED BY THE] legislative employee. This chapter does [BRANCH OF
6 GOVERNMENT. THEY DO] not supersede or repeal provisions of the criminal laws of the state.
7 This chapter does not exempt a person from applicable provisions of another law unless the
8 law is expressly superseded or incompatibly inconsistent with the specific provisions of this
9 chapter.

10 * Sec. 3. AS 24.60.030 is repealed and reenacted to read:

11 Sec. 24.60.030. PROHIBITIONS RELATED TO CONFLICTS OF INTEREST. (a) A
12 legislator or legislative employee may not

13 (1) solicit, agree to accept, or accept a benefit other than official compensation
14 for the performance of public duties; this paragraph may not be construed to prohibit lawful
15 solicitation for and acceptance of campaign contributions or the acceptance of a lawful gratuity
16 under AS 24.60.080;

17 (2) use public funds, facilities, equipment, services, or another government asset
18 or resource for a nongovernmental purpose or for the private benefit of either the legislator, legis-
19 lative employee, or another person; this paragraph does not prohibit

20 (A) limited use of state property and resources for personal purposes if the
21 use does not interfere with the performance of public duties and the cost or value related
22 to the use is nominal;

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

26 (C) telephone use that does not carry a special charge;

27 (3) knowingly seek, accept, use, allocate, grant, or award public funds for a
28 purpose other than that approved by law, or make a false statement in connection with a claim,
29 request, or application for compensation, reimbursement, or travel allowances from public funds;

30 (4) require a legislative employee to perform services for the private benefit of
31 the legislator or employee at any time, or allow a legislative employee to perform services for

1 the private benefit of a legislator or employee on government time; it is not a violation of this
2 paragraph if the services were performed in an unusual or infrequent situation and the person's
3 services were reasonably necessary to permit the legislator or legislative employee to perform
4 official duties;

5 (5) use or authorize the use of state funds, facilities, equipment, services, or
6 another government asset or resource for the purpose of political fund raising or campaigning;
7 this paragraph does not prohibit

8 (A) limited use of state property and resources for personal purposes if the
9 use does not interfere with the performance of public duties and the cost or value related
10 to the use is nominal;

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

14 (C) telephone use that does not carry a special charge.

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

18 (c) Unless approved by the committee, state funds, other than funds to which a legislator
19 is entitled as an office allowance, may not be used to print or distribute a mass mailing from or
20 about a legislator who is a candidate for reelection to the legislature of another state office during
21 the period beginning 30 days before the primary election in which the legislator is a candidate,
22 and ending the day after a general or special election in which the legislator is a candidate.

23 (d) A legislator, or another person on behalf of the legislator, or a campaign committee
24 of the legislator, may not distribute or post literature, placards, posters, or other communications
25 intended to influence the election of a candidate in an election in public areas in a facility
26 ordinarily used to conduct state government business.

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

29 (1) agree to, threaten to, or state or imply that the legislator will take or withhold
30 a legislative, administrative, or political action, including support or opposition to a bill,
31 employment, nominations, and appointments, as a result of a person's decision to provide or not

1 provide a political contribution, donate or not donate to a cause favored by the legislator, or
2 provide or not provide a thing of value;

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

7 (3) take or withhold official action or exert official influence that could
8 substantially benefit or harm the financial interest of another person with whom the legislator is
9 negotiating for employment.

10 (f) A legislative employee may not serve in a position that requires confirmation by the
11 legislature. A legislator or legislative employee may serve on a board of an organization,
12 including a governmental entity, that regularly has a substantial interest in the legislative
13 activities of the legislator or employee, if the legislator or employee discloses the board
14 membership to the committee.

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

21 * Sec. 4. AS 24.60 is amended by adding new sections to read:

22 Sec. 24.60.031. RESTRICTIONS ON FUND RAISING. (a) A legislator may not

23 (1) while the legislature is in regular session, solicit or accept a contribution or
24 a promise or pledge to make a contribution for a state legislative campaign;

25 (2) accept money from an event held during a legislative session if a substantial
26 purpose of the event is either to raise money on behalf of the member for campaign purposes or
27 to raise money for state legislative political purposes; or

28 (3) expend money in a state legislative campaign that was raised by or on behalf
29 of a legislator during a legislative session under a general letter of intent to become a candidate
30 for public office.

31 (b) In this section, "contribution" has the meaning given in AS 15.13.130.

1 Sec. 24.60.033. RESTRICTIONS ON EMPLOYEE CANDIDACIES. A legislative
2 employee may not file a letter of intent to become a candidate or file a declaration of candidacy
3 for the legislature.

4 Sec. 24.60.035. PROTECTION OF WHISTLE BLOWERS. A legislator or legislative
5 employee may not, directly or indirectly, subject a person who reports to the committee or
6 another government entity conduct the person reasonably believes is a violation of this chapter
7 or another state law, to reprisal, harassment, or discrimination. A legislative employee who is
8 discharged, disciplined, involuntarily transferred, or otherwise penalized by a legislator or another
9 legislative employee in violation of this subsection may

10 (1) bring a complaint before the committee; and

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

13 Sec. 24.60.037. OPEN MEETINGS LAW. Legislators shall abide by AS 44.62.310 -
14 44.62.312 (open meetings law).

15 Sec. 24.60.039. DISCRIMINATION PROHIBITED. A legislator or legislative employee
16 may not engage in acts of discrimination in violation of AS 18.80.220.

17 * Sec. 5. AS 24.60.040(a) is amended to read:

18 (a) A legislator or legislative employee, or a member of the immediate family of a
19 legislator or legislative employee [PERSON TO WHOM THIS CHAPTER APPLIES] may not
20 be a party to or have an interest in a state contract or lease unless the contract or lease is let
21 through competitive sealed bidding under AS 36.30 (State Procurement Code) or the total annual
22 amount of the state contract or lease is \$1,000 or less, or is a standardized contract or lease that
23 [WHICH] was developed under publicly established guidelines and is generally available to the
24 public at large, members of a profession, occupation, or group. A person has an interest in a
25 state contract or lease under this section if the person receives direct or indirect financial benefits.

26 * Sec. 6. AS 24.60.050 is repealed and reenacted to read:

27 Sec. 24.60.050. STATE PROGRAMS AND LOANS. (a) A legislator or legislative
28 employee may, without disclosure to the committee, participate in a statewide benefit program
29 or receive a loan from the state if the program or loan is generally available to members of the
30 public, is subject to fixed, objective eligibility standards, and requires minimal discretion in
31 determining qualification.

1 (b) The committee shall review annually state programs and state loans and publish a list
2 of programs and loans, designating which ones meet the standards of (a) of this section and
3 which ones do not meet those standards.

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 committee 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 committee
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 committee 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 committee 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 committee receives the statement while the legislature is in session, it shall promptly forward the
18 statement to the chief clerk of the house or the secretary of the senate, as appropriate, who shall
19 cause it to be published in the supplemental journal. If the committee receives a statement while
20 the legislature is not in session, it shall forward the statement to the chief clerk of the house or
21 the secretary of the senate for publication when the legislature next convenes.

22 (e) If the committee determines that a legislator or legislative employee received a state
23 benefit or loan as a result of unfair or improper influence, the committee may initiate a complaint
24 or take other appropriate action. In addition, the committee shall refer the matter to the attorney
25 general for action under other civil or criminal laws.

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

1 * Sec. 7. AS 24.60.060 is amended to read:

2 Sec. 24.60.060. **CONFIDENTIAL INFORMATION.** A legislator or legislative
3 employee may not knowingly make an unauthorized disclosure of [IT IS A CONFLICT OF
4 INTEREST IF A PERSON TO WHOM THIS CHAPTER APPLIES WILLFULLY DISCLOSES,
5 OR KNOWINGLY USES, FOR PERSONAL GAIN OR FOR THE PERSONAL GAIN OF
6 ANOTHER,] information that is made confidential by law [IS NOT AVAILABLE TO THE
7 PUBLIC] and that the person acquired in the course of official duties. A person who violates
8 this section is subject to a proceeding under AS 24.60.170 and may be subject to prosecution
9 under AS 11.56.860 or another law.

10 * Sec. 8. AS 24.60.070 is amended to read:

11 Sec. 24.60.070. **DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS**
12 [INTERESTS BETWEEN PUBLIC OFFICIALS]. A legislator or legislative employee
13 [PERSON TO WHOM THIS CHAPTER APPLIES] shall disclose [IN THE JOURNAL OF THE
14 APPROPRIATE BODY OR IF THE LEGISLATURE IS NOT IN SESSION] to the committee,
15 which shall maintain a public record of the disclosure and forward the disclosure to the respective
16 house for inclusion in the journal [BY THE FIFTH DAY OF THE SESSION], the formation or
17 maintenance of a close economic association involving a substantial financial matter with

18 (1) a supervisor who is not a member of the legislature who has responsibility or
19 authority, either directly or indirectly, over the person's employment, including preparing or
20 reviewing performance evaluations, or granting or approving pay raises or promotions;

21 (2) legislators;

22 (3) a public official who is required to file a financial disclosure statement under
23 AS 39.50 and is not an appointed municipal officer;

24 (4) a registered lobbyist; or

25 (5) a legislative employee [PERSON TO WHOM THIS CHAPTER APPLIES
26 WHO IS EMPLOYED BY THE LEGISLATIVE BRANCH OF GOVERNMENT] if the person
27 required to make the disclosure [CLOSE ECONOMIC ASSOCIATION] is [WITH] a legislator.

28 * Sec. 9. AS 24.60.070 is amended by adding new subsections to read:

29 (b) A disclosure under this section must be sufficiently detailed that a reader of the
30 disclosure can ascertain the nature of the association.

31 (c) In this section, "close economic association" means a financial relationship that exists

1 between a person covered by this chapter and some other person or entity, including but not
2 limited to relationships where the person covered by this chapter serves as a consultant or advisor
3 to, is a member or representative of, or has a financial interest in, any association, partnership,
4 business, or corporation.

5 * Sec. 10. AS 24.60.080(a) is amended to read:

6 (a) A legislator or legislative employee [PERSON TO WHOM THIS CHAPTER
7 APPLIES] may not solicit, accept, or receive, directly or indirectly, a gift worth \$100 or more
8 [IN ANY AMOUNT], whether in the form of money, services, a loan, travel, entertainment,
9 hospitality, promise, or other form, or gifts from the same person worth less than \$100 that
10 in a calendar year aggregate to \$100 or more in value, and may not solicit, accept, or
11 receive a gift with any monetary value from a lobbyist, the client of a lobbyist, or a person
12 acting on behalf of a lobbyist or the client of a lobbyist during a legislative session [UNDER
13 CIRCUMSTANCES IN WHICH IT COULD REASONABLY BE INFERRED THAT THE GIFT
14 IS INTENDED TO INFLUENCE THE PERFORMANCE OF OFFICIAL DUTIES, ACTIONS,
15 OR JUDGMENT].

16 * Sec. 11. AS 24.60.080(c) is amended to read:

17 (c) Notwithstanding (a) [(b)] of this section, it is not a violation of this section for a
18 legislator or legislative employee [PERSON TO WHOM THIS CHAPTER APPLIES] to accept

19 (1) hospitality, other than hospitality described in (4) of this subsection

20 (A) with incidental transportation at the residence of a person; or

21 (B) at a social event or meal;

22 (2) discounts that are available generally to the public or to a large class of
23 persons to which the person belongs;

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

26 (4) travel and hospitality primarily for the purpose of obtaining information on
27 matters of legislative concern;

28 (5) gifts from the immediate family of the person; or

29 (6) gifts that are not connected with the recipient's legislative status.

30 * Sec. 12. AS 24.60.080(d) is amended to read:

31 (d) A legislator or legislative employee [PERSON TO WHOM THIS CHAPTER

1 APPLIES] who accepts a gift under (c)(4) or (6) of this section [OF TRAVEL AND
2 HOSPITALITY PRIMARILY FOR THE PURPOSE OF OBTAINING INFORMATION ON
3 MATTERS OF LEGISLATIVE CONCERN] shall disclose the gift if it has a value of \$100 or
4 more. The disclosure must include the name and occupation of the person making the gift and
5 the approximate value of the gift. Each gift required to be disclosed under this subsection shall
6 be disclosed within 30 days of the receipt of the gift [IN THE JOURNAL OF THE APPRO-
7 PRIATE BODY OR, IF THE LEGISLATURE IS NOT IN SESSION,] to the committee. The
8 committee shall maintain a public record of the disclosure it receives and shall forward the
9 disclosure to the appropriate house for inclusion in the journal [BY THE FIFTH DAY OF THE
10 NEXT REGULAR SESSION].

11 * Sec. 13. AS 24.60.080 is amended by adding a new subsection to read:

12 (f) Notwithstanding (a) of this section, a legislator or legislative employee may accept
13 a gift of property worth \$100 or more, other than money, from a foreign government or from an
14 official of a foreign government if the person accepts the gift on behalf of the legislature. The
15 person shall, within 60 days of receiving the gift, deliver the gift to the legislative council, which
16 shall determine the appropriate disposition of the gift.

17 * Sec. 14. AS 24.60 is amended by adding a new section to read:

18 Sec. 24.60.085. RESTRICTIONS ON EARNED INCOME AND HONORARIA. (a) A
19 legislator or legislative employee may not

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

23 (2) accept a payment of anything of value, except for actual and necessarily
24 incurred travel expenses, for an appearance or speech by the legislator or legislative employee;
25 this paragraph does not apply to the salary paid to a legislator or legislative employee for making
26 an appearance or speech as part of the legislator's or legislative employee's normal course of
27 employment.

28 (b) Notwithstanding (a) of this section, a legislator or legislative employee may accept
29 a payment for an appearance or speech if the appearance or speech is not connected with the
30 person's legislative status, and for teaching at a state-funded school or university, provided that
31 influence was not used to obtain the position.

1 * Sec. 15. AS 24.60.090(a) is amended to read:

2 (a) An [A SPOUSE OR AN] individual [OTHER THAN A SPOUSE] who is related to
3 a member of the legislature may not be employed for compensation (1) during the legislative
4 session in the house in which the legislator is a member, (2) by an agency of the legislature
5 established under AS 24.20, (3) [OR] in either house during the interim between sessions, or (4),
6 whether for compensation or not, by the committee. An individual who is related to a legislative
7 employee [AN EMPLOYEE OF THE LEGISLATURE] may not be employed in a
8 position over which the employee has supervisory authority. In this subsection, "an individual
9 who is related to" means a member of the legislator's or legislative employee's immediate
10 family or a person who is a legislator's or legislative employee's spousal equivalent living
11 together in a conjugal relationship not a legal marriage with the legislator or legislative
12 employee, and "interim between sessions" means the period beginning on the eighth day
13 after the legislature adjourns from a regular session, and ending eight days before the date
14 that the legislature shall convene under AS 24.05.090 [CHILD, STEPCHILD, HUSBAND,
15 WIFE, MOTHER, FATHER, SISTER, OR BROTHER].

16 * Sec. 16. AS 24.60.100 is amended to read:

17 Sec. 24.60.100. REPRESENTATION. A legislator or legislative employee [PERSON
18 TO WHOM THIS CHAPTER APPLIES] who represents another person for compensation before
19 an agency, board, or commission of the state shall disclose the name of the person represented,
20 the subject matter of the representation, and the body before which the representation is to take
21 place [IN THE JOURNAL OF THE APPROPRIATE BODY OR IF THE LEGISLATURE IS
22 NOT IN SESSION] to the committee. The committee shall maintain a public record of the
23 disclosure and forward the disclosure to the respective house for inclusion in the journal [BY
24 THE FIFTH DAY OF THE SESSION].

25 * Sec. 17. AS 24.60.130(a) is amended to read:

26 (a) There is established as a permanent interim committee within the legislative branch
27 of state government the Select Committee on Legislative Ethics.

28 * Sec. 18. AS 24.60.130(b) is amended to read:

29 (b) The committee consists of nine members, in two subcommittees, as follows:

30 (1) the senate subcommittee, which consists of two [THREE] members of the
31 senate, one of whom shall be a member of the minority organizational caucus, if any,

1 appointed by the president of the senate with the concurrence by roll call vote of two-thirds of
2 the full membership of the senate, [;] and includes the five public members appointed under
3 (3) of this subsection;

4 (2) the house subcommittee, which consists of two [THREE] members of the
5 house, one of whom shall be a member of the minority organizational caucus, if any,
6 appointed by the speaker of the house with the concurrence by roll call vote of two-thirds of the
7 full membership of the house, and includes the five public members appointed under (3) of
8 this subsection; and

9 (3) five [THREE] public members who are selected by the Chief Justice of the
10 Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate
11 and two-thirds of the full membership of the house [, SHALL SERVE ON BOTH THE FULL
12 COMMITTEE AND EACH SUBCOMMITTEE].

13 * Sec. 19. AS 24.60.130(c) is amended to read:

14 (c) No more than one public member may be a former legislator and no [NO] more
15 than two public [LEGISLATIVE] members of the committee [EACH SUBCOMMITTEE] may
16 be members of the same political party [OR THE SAME ORGANIZATIONAL CAUCUS].

17 * Sec. 20. AS 24.60.130(d) is amended to read:

18 (d) The members of each subcommittee shall elect a chair and a vice-chair, who serve
19 a term of two years. Neither a chair nor a vice-chair may [WHO MUST] be a member of
20 the legislature. An officer may not hold the same office for more than two consecutive
21 terms. The vice-chair shall act as chair in the absence of the chair. The chair selected by
22 the senate subcommittee shall chair the full committee beginning the first day of the regular
23 session in odd-numbered years and the chair selected by the house subcommittee shall chair the
24 full committee beginning the first day of the regular session in even-numbered years.

25 * Sec. 21. AS 24.60.130(f) is amended to read:

26 (f) The committee [OR A SUBCOMMITTEE] may contract for professional services and
27 may employ staff as it considers necessary. A committee employee, including a person who
28 provides personal services under a contract with the committee, may not be a legislator, an
29 elected or appointed official of a state or local governmental entity, an officer of a political
30 party, a candidate for public office, or a registered lobbyist. The legislative council shall
31 provide office space, equipment, and additional staff support for the committee. The

1 committee shall submit a budget for each fiscal year to the finance committees of the
2 legislature and shall annually submit an estimated budget to the governor for information
3 purposes in preparation of the state operating budget.

4 * Sec. 22. AS 24.60.130(g) is amended to read:

5 (g) Each legislative member serves for the duration of the legislature during which the
6 member is appointed. Each public member serves for a three-year term. A public member
7 whose term has expired continues in office until a successor has been appointed and
8 ratified.

9 * Sec. 23. AS 24.60.130(i) is amended to read:

10 (i) A quorum of the [A] committee [ESTABLISHED UNDER THIS SECTION] consists
11 of a majority of the members and must include at least two legislative members and three
12 public members [OF THE COMMITTEE]. A quorum of a subcommittee established under this
13 section consists of a majority of the members of the subcommittee and must include at least
14 one legislative member and three public members. A vote of a majority of the members
15 appointed to the committee or a subcommittee is required for official action [.
16 NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, A COMMITTEE DOES

17 NOT HAVE A QUORUM UNLESS THREE LEGISLATIVE MEMBERS ARE PRESENT AND

18 A SUBCOMMITTEE DOES NOT HAVE A QUORUM UNLESS TWO LEGISLATIVE

19 MEMBERS ARE PRESENT].

20 * Sec. 24. AS 24.60.130 is amended by adding new subsections to read:

21 (j) Except to the extent that a provision would prevent the committee from complying
22 with the confidentiality provisions of this chapter, the committee is subject to AS 44.62.310 -
23 44.62.312 and to the procurement provisions adopted by the legislative council under
24 AS 36.30.020. In this subsection, "committee" includes a subcommittee.

25 (k) A member or an employee or contractor of the committee may obtain access to
26 closed committee files containing information that is made confidential by law only if the
27 committee determines that the person has a need to obtain access to the closed files that relates
28 to the official duties of the committee and the person seeking access.

29 (l) The committee or a subcommittee shall meet at the call of the chair or a majority of
30 the members. The committee or a subcommittee may meet by teleconference.

31 (m) Except as provided in (b)(1) and (2) of this section, a member may not be a

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

4 * **Sec. 25.** AS 24.60 is amended by adding a new section to read:

5 **Sec. 24.60.134. PROHIBITED CONDUCT BY PUBLIC MEMBERS AND**
6 **COMMITTEE EMPLOYEES AND CONTRACTORS.** (a) In addition to the requirements of
7 this chapter, a public member of the committee, an employee of the committee, or a person under
8 contract to provide personal services to the committee may not

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

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

13 (A) a candidate for the legislature;

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

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

18 (3) participate in lobbying activities that would require the person to register as
19 a lobbyist except as required to inform the legislature concerning legislation requested by the
20 committee or other matters related to the committee.

21 (b) A violation or alleged violation of this section shall be treated as any other violation
22 of this chapter and shall be dealt with by the committee accordingly. During the pendency of
23 a complaint against a member, committee employee, or committee contractor, the person
24 complained against may not participate in official action of the committee.

25 * **Sec. 26.** AS 24.60 is amended by adding new sections to read:

26 **Sec. 24.60.154. EXEMPTIONS.** (a) In situations in which principles of fundamental
27 fairness are best served by exempting certain individuals or acts from specific provisions of this
28 chapter, the committee may grant full or partial exemptions. The committee shall provide a
29 simple form for applications for exemptions.

30 (b) The committee may grant an exemption upon a finding that the applicant has shown
31 that the

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

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

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

8 (c) The committee may request or permit the appearance of the applicant before the
9 committee, in person or by teleconference, and hold hearings regarding the exemption request.

10 Sec. 24.60.158. INFORMAL ADVICE. The committee shall authorize and train its staff
11 to give oral advice and provide a written informal nonbinding advice letter to persons seeking
12 guidance as to the spirit or legal requirements of this chapter, provided that the advice is given
13 with the express stipulations that

14 (1) the opinions given are not necessarily those of the committee;

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

17 (3) the advice is not binding upon the committee.

18 * Sec. 27. AS 24.60.160 is amended to read:

19 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an advisory opinion
20 within 30 days on the request of a person to whom the chapter applies or a person elected to the
21 legislature who at the time of election is not a member of the legislature as to whether the facts
22 and circumstances of a particular case constitute a violation of ethical standards. The 30-day
23 period for issuing an opinion may be extended by the committee [FOR NOT MORE THAN AN
24 ADDITIONAL 10 DAYS] if the person requesting the opinion consents. The opinion issued is
25 binding on the committee in any subsequent proceedings concerning the facts and circumstances
26 of the particular case unless material facts were omitted or misstated in the request for the
27 advisory opinion. Except as provided in this chapter an advisory opinion is confidential but shall
28 [MAY] be made public if a written request by the person who requested the opinion is filed with
29 the committee.

30 * Sec. 28. AS 24.60 is amended by adding a new section to read:

31 Sec. 24.60.165. USE OF INFORMATION SUBMITTED WITH REQUEST FOR

1 ADVICE. The committee may not bring a complaint against a person based upon information
2 voluntarily given to the committee by the person in connection with a good faith request for
3 advice under AS 24.60.158 or 24.60.160, and may not use that information against the person
4 in a proceeding under AS 24.60.170. This section does not preclude the committee from acting
5 on a complaint concerning the subject of a person's request for advice if the complaint is brought
6 by another person, or if the complaint arises out of conduct taking place after the advice is
7 requested, and does not preclude the committee from using information or evidence obtained
8 from an independent source, even if that information or evidence was also submitted with a
9 request for advice.

10 * Sec. 29. AS 24.60.170 is repealed and reenacted to read:

11 Sec. 24.60.170. PROCEEDINGS BEFORE THE COMMITTEE. (a) The committee
12 shall consider a complaint alleging a violation of this chapter if the alleged violation occurred
13 within five years of the date that the complaint is filed with the committee and, when the subject
14 of the complaint is a former member of the legislature, the complaint is filed within one year of
15 the subject's departure from the legislature. The committee may not consider a complaint filed
16 against a person employed by the legislative branch of government after the person has
17 terminated legislative service. The committee may also initiate complaints on its own motion,
18 subject to the same time limitations. The time limitations of this subsection do not bar
19 proceedings against a person who intentionally prevents discovery of a violation of this chapter.

20 (b) A complaint may be initiated by any person. The complaint must be in writing and
21 signed under oath by the person making the complaint. The committee shall upon request
22 provide a form for a complaint to a person wishing to file a complaint. The committee shall
23 immediately provide a copy of the complaint to the person who is the subject of the complaint.

24 (c) When the committee receives a complaint under (a) of this section, it shall determine
25 whether the allegations of the complaint, if true, constitute a violation of this chapter. If the
26 committee determines that the allegations, if proven, would not give rise to a violation, or if the
27 committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall
28 dismiss the complaint, and shall notify the complainant and the subject of the complaint of the
29 dismissal.

30 (d) If the committee determines that some or all of the allegations of a complaint, if
31 proven, would constitute a violation of this chapter, or if the committee has initiated a complaint,

1 the committee shall investigate the complaint, on a confidential basis. Before beginning an
2 investigation of a complaint, the committee shall adopt a resolution defining the scope of the
3 investigation. A copy of this resolution shall be provided to the complainant and to the subject
4 of the complaint. As part of its investigation, the committee shall afford the subject of the
5 complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

6 (e) If during the investigation under (d) of this section, the committee discovers facts that
7 justify an expansion of the investigation and the possibility of additional charges beyond those
8 contained in the complaint, the resolution described in (d) of this section shall be amended
9 accordingly and a copy of the amended resolution shall be provided to the subject of the
10 complaint.

11 (f) If the committee determines after investigation that there is not probable cause to
12 believe that the subject of the complaint has violated this chapter, the committee shall dismiss
13 the complaint. The committee may also dismiss portions of a complaint if it finds no probable
14 cause to believe that the subject of the complaint has violated this chapter as alleged in those
15 portions. The committee shall issue a decision explaining its dismissal. A copy of the dismissal
16 order and decision shall be sent to the complainant and to the subject of the complaint.
17 Notwithstanding (l) of this section, a dismissal order and decision is open to inspection and
18 copying by the public.

19 (g) If the committee investigation determines that a probable violation of this chapter
20 exists that may be corrected by action of the subject of the complaint and that does not warrant
21 sanctions other than correction, the committee may issue an opinion recommending corrective
22 action. This opinion shall be provided to the complainant and to the subject of the complaint,
23 and is open to inspection by the public. The subject of the complaint may comply with the
24 opinion or may request a hearing before the committee under (j) of this section. After the
25 hearing the committee may amend or affirm the opinion.

26 (h) If the subject of a complaint fails to comply with an opinion issued under (g) of this
27 section, or if the committee determines after investigation that there is probable cause to believe
28 that the subject of the complaint has committed a violation of this chapter that may require
29 sanctions instead of or in addition to corrective action, the committee shall formally charge the
30 person. The charge shall be served on the person charged, in a manner consistent with the
31 service of summons under the rules of civil procedure, and a copy of the charge shall be sent to

1 the complainant. The person charged may file a responsive pleading to the committee admitting
2 or denying some or all of the allegations of the charge.

3 (i) A person charged under (b) of this section may engage in discovery in a manner
4 consistent with the Alaska Rules of Civil Procedure. The committee may impose reasonable
5 restrictions on the time for this discovery and on the materials that may be discovered.

6 (j) If the committee has issued a formal charge under (h) of this section, and if the person
7 charged has not admitted the allegations of the charge, the committee shall schedule a hearing
8 on the charge. The hearing shall be scheduled for a date more than 20 days after service of the
9 charge on the person charged, unless the person agrees to an earlier hearing date. At the hearing,
10 the person charged shall have the right to appear personally before the committee, to subpoena
11 witnesses and require the production of books or papers relating to the proceedings, to be
12 represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The
13 committee is not bound by the rules of evidence but the committee's findings must be based
14 upon clear and convincing evidence. Testimony taken at the hearing shall be recorded and
15 evidence shall be maintained.

16 (k) Following the hearing, the committee shall issue a decision stating whether or not the
17 subject of the complaint violated this chapter, and explaining the reasons for the determination.
18 The committee's decision may also indicate whether the subject cooperated with the committee
19 in its proceedings. If the committee finds a violation, or lack of cooperation by the subject, the
20 decision shall recommend what sanctions, if any, the committee believes are appropriate. If there
21 has not been a hearing because the person charged admitted to the allegations of the charge, the
22 committee shall issue a decision outlining the facts of the violation and containing a sanctions
23 recommendation.

24 (l) Proceedings of the committee relating to complaints before it are confidential until
25 the committee determines that there is probable cause to believe that a violation of this chapter
26 has occurred. The complaint and all documents produced or disclosed as a result of the
27 committee investigation are confidential and not subject to inspection by the public. If in the
28 course of an investigation or probable cause determination the committee finds evidence of
29 probable criminal activity, the committee shall transmit a statement and factual findings limited
30 to that activity to the appropriate law enforcement agency. If the committee finds evidence of
31 a probable violation of AS 15.13, the committee shall transmit a statement to that effect and

1 factual findings limited to the probable violation to the Alaska Public Offices Commission. All
2 meetings of the committee before the determination of probable cause are closed to the public.
3 The confidentiality provisions of this subsection may be waived by the subject of the complaint.

4 (m) All documents issued by the committee after a determination of probable cause to
5 believe that the subject of a complaint has violated this chapter, including an opinion
6 recommending corrective action under (g) of this section and a formal charge under (h) of this
7 section, are subject to public inspection. Hearings of the committee under (j) of this section are
8 open to the public, and documents presented at a hearing, and motions filed in connection with
9 the hearing, are subject to inspection by the public. Deliberations of the committee following
10 a hearing, deliberations on motions filed by the subject of a charge under (h) of this section, and
11 deliberations concerning appropriate sanctions are confidential.

12 (n) The committee shall dismiss a complaint against a person employed by the legislative
13 branch of government if the person terminates legislative service. The committee may in its
14 discretion dismiss a complaint against a former member of the legislature whether the complaint
15 was filed before or after the former member departed from the legislature.

16 * **Sec. 30.** AS 24.60 is amended by adding new sections to read:

17 Sec. 24.60.174. RECOMMENDATIONS TO THE LEGISLATURE WHERE VIOLATOR
18 IS A LEGISLATOR. (a) If the person found to have violated this chapter is or was a member
19 of the legislature, the committee's recommendations shall be forwarded by the chair of the
20 committee to the presiding officer of the appropriate house of the legislature.

21 (b) If the legislature is in session, the appropriate house shall determine the sanctions,
22 if any, that are to be imposed. The vote shall be taken within 10 legislative days of receipt of
23 the committee's recommendations.

24 (c) If the legislature is not in session, the presiding officer of the appropriate house may
25 request the legislature to consider convening itself into special session under AS 24.05.100(a)(2)
26 to consider the committee's recommendations. If expulsion is recommended, the presiding
27 officer shall so request. If the legislature does not convene itself into special session, the
28 appropriate house shall consider the recommendations during the first 10 days of the next regular
29 session.

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

1 Sec. 24.60.176. RECOMMENDATIONS WHERE VIOLATOR IS A LEGISLATIVE
2 EMPLOYEE. If the person found to have violated this chapter is or was a legislative employee,
3 the committee's recommendations shall be forwarded to the appropriate appointing authority that
4 shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed. The
5 appointing authority may not question the committee's findings of fact. The appointing authority
6 shall assume the validity of the committee's findings, and determine and impose the appropriate
7 sanctions.

8 Sec. 24.60.178. ACTIONS BY THE ATTORNEY GENERAL. The attorney general may
9 independently bring civil actions relating to violations under this chapter regardless of the
10 outcome or settlement of a charge before the committee. This section does not prohibit the
11 attorney general from bringing an action under another civil or criminal law.

12 * Sec. 31. AS 24.60 is amended by adding new sections to read:

13 Sec. 24.60.200. FINANCIAL DISCLOSURE BY LEGISLATORS AND LEGISLATIVE
14 DIRECTORS. A legislator and a legislative director shall file a disclosure statement, under oath
15 and on penalty of perjury, with the Alaska Public Offices Commission giving the following
16 information about the income received by them, their spouses, their dependent children, and their
17 nondependent children who are living with them:

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

21 (2) as to income in excess of \$1,000 received as compensation for personal
22 services, the name and address of the source of the income, and a statement describing the nature
23 of the services performed; if the source of income is known or reasonably should be known to
24 have a substantial interest in legislative, administrative, or political action and the recipient of
25 the income is a legislator or a legislative director, the amount of income received from the source
26 shall be disclosed;

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

1 (4) the source of a gift, other than an inheritance, received during the preceding
2 calendar year by the person, the person's spouse or dependent child, or a nondependent child of
3 the person who is living with the person, if the amount of the gift exceeds

4 (A) \$100 and is received from a person who is not a member of the
5 recipient's family; or

6 (B) \$10,000 per year and is received from a family member of the
7 recipient.

8 Sec. 24.60.210. DEADLINES FOR FILING OF DISCLOSURE STATEMENTS. A
9 legislator and a legislative director shall file an annual report with the Alaska Public Offices
10 Commission, covering the previous calendar year, containing the disclosures required by
11 AS 24.60.200, on or before April 15 of each year.

12 Sec. 24.60.220. ADMINISTRATION OF AS 24.60.200 - 24.60.260. The Alaska Public
13 Offices Commission shall

14 (1) adopt regulations to implement and interpret the provisions of AS 24.60.200 -
15 24.60.260;

16 (2) prepare standardized forms on which the statements required by AS 24.60.200
17 shall be filed; and

18 (3) examine, investigate, and compare all reports and statements required under
19 AS 24.60.200, and report all possible violations of this chapter it discovers to the committee.

20 Sec. 24.60.230. STATEMENTS AS PUBLIC RECORDS. A statement filed with the
21 Alaska Public Offices Commission under AS 24.60.200 is a public record. A person is not
22 required to comply with AS 24.60.200 to the extent that a court of competent jurisdiction of the
23 state determines that legally privileged professional relationships or constitutional privacy
24 considerations would be violated by compliance.

25 Sec. 24.60.240. CIVIL PENALTY FOR LATE FILING. A legislator or a legislative
26 director who fails to file a properly completed report under AS 24.60.200 is subject to a civil
27 penalty of not more than \$10 a day for each day the delinquency continues as the Alaska Public
28 Offices Commission determines, subject to appeal to the superior court. An affidavit stating facts
29 in mitigation may be submitted to the Alaska Public Offices Commission by the person against
30 whom the civil penalty is assessed. However, the imposition of the penalties prescribed in this
31 section does not excuse the person from filing reports required by AS 24.60.200.

1 Sec. 24.60.250. EFFECT OF FAILURE TO FILE BY LEGISLATIVE CANDIDATE.

2 In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission
3 finds that a candidate for the legislature who is an incumbent legislator or a legislative director
4 has failed or refused to file a report under AS 24.60.200 by a deadline established in
5 AS 24.60.210, it shall notify the lieutenant governor. The candidate shall forfeit nomination to
6 office and may not be seated in office. The lieutenant governor may not certify the person's
7 nomination for office or election to office and nomination to the office shall be certified as
8 provided in AS 39.50.060(b).

9 Sec. 24.60.260. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a) A

10 person required to make a disclosure under this chapter may not knowingly make a false or
11 deliberately misleading or incomplete disclosure to the committee or to the Alaska Public Offices
12 Commission, or file a disclosure after a deadline set by this chapter or by a regulation adopted
13 by the committee or by the Alaska Public Offices Commission.

14 (b) A person who violates this section is subject to a proceeding under AS 24.60.170,
15 in addition to penalties that may be imposed by the Alaska Public Offices Commission under
16 AS 24.60.240 and to the penalty set out in AS 24.60.250.

17 Sec. 24.60.300. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS. (a) A

18 legislator or legislative employee may establish a fund to assist with the payment of attorney fees
19 and other costs arising from the legislator's or legislative employee's defense of a civil, criminal,
20 or administrative action brought against the legislator or employee and directly related to acts or
21 omissions of the legislator or employee while acting as a legislator or employee or while
22 campaigning for elective office, or from the prosecution or defense of an administrative or
23 judicial action concerning a contested election in which the legislator or employee is a candidate.
24 Contributions to a fund under this section are not subject to the restrictions of AS 24.60.080.

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

27 (c) The committee shall adopt policies relating to the methods of establishing a fund
28 under this section, the accounting requirements for a fund, the uses for which moneys from the
29 fund may be expended, the disposition of surplus moneys in the fund, and establishing a
30 maximum amount that a person may contribute to a fund.

31 Sec. 24.60.990. DEFINITIONS. (a) In this chapter,

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

5 (2) "anything of value," "benefit," or "thing of value" includes all matters, whether
6 tangible or intangible, that could reasonably be considered to be a material advantage, of material
7 worth, use, or service to the person to whom it is conferred; the terms are intended to be
8 interpreted broadly and encompass all matters that the recipient might find sufficiently desirable
9 to do something in exchange for; "anything of value," "benefit," or "thing of value" does not
10 include

11 (A) an item listed in AS 24.60.080(c);

12 (B) campaign contributions, pledges, political endorsements, support in a
13 political campaign, or a promise of endorsement or support;

14 (C) contributions to a cause or organization, including a charity, made in
15 response to a direct solicitation from a legislator or a person acting at the legislator's
16 direction; or

17 (D) grants under AS 37.05.316 to named recipients;

18 (3) "committee" means the Select Committee on Legislative Ethics and includes,
19 when appropriate, the senate or house subcommittee;

20 (4) "compensation" means remuneration for personal services rendered, including
21 salary, fees, commissions, bonuses, and similar payments, but does not include reimbursement
22 for actual expenses incurred by a person;

23 (5) "immediate family" means the spouse, parents, children, including a stepchild
24 and an adoptive child, and siblings of a person;

25 (6) "income" means assets that are received, regardless of whether they are earned
26 or unearned; inheritances and other gifts are not income;

27 (7) "knowingly" has the meaning given in AS 11.81.900;

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

31 (9) "legislative director" means the director of the legislative finance division, the

1 legislative auditor, the director of the legislative research agency, the ombudsman, the executive
2 director of the Legislative Affairs Agency, and the directors of the divisions within the
3 Legislative Affairs Agency;

4 (10) "legislative employee" means a person, other than a legislator, who is
5 compensated by the legislative branch in return for regular or substantial personal services,
6 regardless of the person's pay level or technical status as a full-time or part-time employee,
7 independent contractor, or consultant; it includes public members and staff of the committee; it
8 does not include individuals who perform functions that are incidental to legislative functions,
9 including security, messenger, maintenance, and print shop employees, and other employees
10 designated by the committee;

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

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

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

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

25 (b) A person has a substantial interest in legislative, administrative, or political action if
26 the person (1) is not a natural person and will be directly and substantially affected financially
27 by a legislative, administrative, or political action; (2) is a natural person and will be directly and
28 substantially affected financially by a legislative, administrative, or political action in a way that
29 is greater than the effect on a substantial class of persons to which the person belongs as a
30 member of a profession, occupation, industry, or region; (3) has or seeks contracts in excess of
31 \$10,000 annually for goods or services with the legislature or with an agency of the state; or (4)

1 is a lobbyist. For the purpose of this subsection, the state, the federal government, and an
2 agency, corporation, or other entity of or owned by the state or federal government do not have
3 a substantial interest in legislative, administrative, or political action.

4 * Sec. 32. AS 15.25.030(b) is amended to read:

5 (b) A person filing a declaration of candidacy under this section, other than a person
6 subject to AS 24.60 who is filing a declaration for a state legislative office, shall
7 simultaneously file with the director a statement of income sources and business interests that
8 complies with the requirements of AS 39.50. A person who is subject to AS 24.60 and is filing
9 a declaration of candidacy for state legislative office shall simultaneously file with the
10 director a disclosure statement that complies with the requirements of AS 24.60.200.

11 * Sec. 33. AS 15.25.030(c) is amended to read:

12 (c) An incumbent public official, other than a legislator, who has a current statement
13 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
14 Commission, or an incumbent legislator who has a current disclosure statement under
15 AS 24.60.200 on file with the Alaska Public Offices Commission, is not required to file a
16 statement of income sources and business interests or a disclosure statement with the
17 declaration of candidacy under (b) of this section.

18 * Sec. 34. AS 15.25.180(b) is amended to read:

19 (b) A person filing a nominating petition under this section, other than a person subject
20 to AS 24.60 who is filing a petition for a state legislative office, shall also file with the
21 director a statement of income sources and business interests that complies with the requirements
22 of AS 39.50 within 30 days of filing the petition. A person who is subject to AS 24.60 and
23 is filing a nominating petition for state legislative office shall file with the director a
24 disclosure statement that complies with the requirements of AS 24.60.200 within 30 days
25 of filing the petition.

26 * Sec. 35. AS 15.25.180(c) is amended to read:

27 (c) An incumbent public official, other than a legislator, who has a current statement
28 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
29 Commission, or an incumbent legislator who has a current disclosure statement under
30 AS 24.60.200 on file with the Alaska Public Offices Commission, is not required to file a
31 statement of income sources and business interests or a disclosure statement with the

1 nominating petition under (b) of this section.

2 * Sec. 36. AS 23.20.526(d)(8) is amended to read:

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

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

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

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

14 * Sec. 37. AS 24.40.010 is amended to read:

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

26 * Sec. 38. AS 24.45.121(a) is amended to read:

27 (a) A lobbyist may not

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

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

31 (3) intentionally deceive or attempt to deceive any public official with regard to

1 any material fact pertinent to pending or proposed legislative or administrative action;

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

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

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

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

10 (8) serve as a campaign manager or director, serve as a campaign treasurer
11 or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising
12 event, or otherwise actively engage in the fund-raising activity of a legislative campaign if
13 the lobbyist has registered during the calendar year; this paragraph does not apply to a
14 representational lobbyist as defined in the regulations of the Alaska Public Offices
15 Commission, and does not prohibit a lobbyist from making personal contributions to or
16 personally advocating on behalf of a candidate;

17 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
18 covered by AS 24.60, during a legislative session, a gift, other than food or beverage for
19 immediate consumption;

20 (10) make or offer a gift or a campaign contribution whose acceptance by the
21 person to whom it is offered would violate AS 24.60.

22 * Sec. 39. AS 24.45.121 is amended by adding a new subsection to read:

23 (c) A former member of the legislature may not engage in activity as a lobbyist before
24 the legislature for a period of one year after the former member has left the legislature. This
25 subsection does not prohibit a former member from acting as a volunteer lobbyist described in
26 AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the commission.

27 * Sec. 40. AS 24.45.171(12) is amended to read:

28 (12) "public official" or "public officer" means a public official as defined in
29 AS 39.50.200(a), a member of the legislature, or a legislative director as defined in
30 AS 24.60.990(a); however, it does not include a judicial officer or an elected or appointed
31 municipal officer.

1 * **Sec. 41.** 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 state elective office other than a candidate who is subject to AS 24.60
9 shall file such a statement with the director of elections at the time of filing a declaration of
10 candidacy or within 30 days of the filing of a [ANY] nominating petition, or within 30 days of
11 becoming a candidate by any other means. Candidates for elective municipal office shall file
12 such a statement at the time of filing a nominating petition, declaration of candidacy, or other
13 required filing for the elective municipal office. Refusal or failure to file within the time
14 prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or
15 that a previously accepted filing fee be returned and the candidate's name removed from the
16 filing records. A statement shall also be filed by public officials no later than April 15 or 15
17 days after the person files a federal income tax return in each following year, whichever comes
18 first. Persons who, on or after December 11, 1974, were members of boards or commissions not
19 named in 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, if the candidate is not subject to AS 24.60, the legislature, shall file the
26 statement under AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective
27 municipal office, shall file with the municipal clerk or other municipal official designated to
28 receive their filing for office. All statements required to be filed under this chapter are public
29 records.

30 * **Sec. 42.** AS 39.50.200(a)(8) is amended to read:

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

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

9 * **Sec. 43.** AS 24.55.310, AS 24.60.045, 24.60.080(b), 24.60.090(b), 24.60.090(c), 24.60.110,
10 24.60.120, 24.60.190, AS 39.50.025, and 39.50.120 are repealed.

11 * **Sec. 44.** COMMITTEE APPOINTMENTS. (a) Notwithstanding AS 24.60.130(g), as amended by
12 sec. 22 of this Act, the terms of the members appointed to the Select Committee on Legislative Ethics
13 by the Chief Justice of the Alaska Supreme Court after January 10, 1993, are as follows:

14 (1) two of the members, determined by lot, serve terms of three years;

15 (2) two of the members, determined by lot, serve terms of two years;

16 (3) the fifth member serves a term of one year.

17 (b) A member serving on the Select Committee on Legislative Ethics under AS 24.60.130 as it
18 read before January 11, 1993, is eligible for appointment to the Select Committee on Legislative Ethics
19 under AS 24.60.130 as amended by this Act.

20 * **Sec. 45.** TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS AND PROCEEDINGS.
21 Notwithstanding the amendments to AS 24.60 made by this Act, in addition to the provisions of
22 AS 24.60, as amended by this Act, the Select Committee on Legislative Ethics may consider complaints
23 alleging violations of AS 24.60 that occurred before January 11, 1993, and for which proceedings have
24 not been commenced or concluded before January 11, 1993. For the purpose of this section, the Select
25 Committee on Legislative Ethics shall follow the procedures established under AS 24.60, as amended
26 by this Act, but may not recommend a sanction or penalty not authorized under AS 24.60 before
27 January 11, 1993.

28 * **Sec. 46.** This Act takes effect January 11, 1993.