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Introduced: 4/2/86  
Referred: State Affairs  
and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 391

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the ethical conduct of govern-  
7 mental activities; and providing for an effective  
8 date."

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

10 \* Section 1. AS 39 is amended by adding a new chapter to read:

11 CHAPTER 52. ALASKA EXECUTIVE BRANCH ETHICS ACT.

12 ARTICLE 1. DECLARATIONS.

13 Sec. 39.52.010. DECLARATION OF POLICY. (a) It is declared (1)  
14 that high moral and ethical standards among public officers in the  
15 executive branch are essential to the conduct of free government; and  
16 (2) that the legislature believes that a code of ethics for the guid-  
17 ance of public officers will discourage those officers from acting  
18 upon personal or financial interests in the performance of their  
19 public responsibilities, will improve standards of public service, and  
20 will promote and strengthen the faith and confidence of the people of  
21 this state in their public officers. It is further declared that  
22 holding public office or employment is a public trust and that as one  
23 safeguard of that trust, the people require public officers to adhere  
24 to a code of ethics.

25 (b) The legislature recognizes that it may be necessary for  
26 public officers who may have potentially conflicting public respon-  
27 sibilities to serve on state boards and commissions. The legislature  
28 declares that it is the policy of the state that the holding of two or  
29 more such offices does not constitute the holding of incompatible  
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1 offices, unless expressly prohibited by the Alaska Constitution, this  
2 chapter, or another statute.

3 ARTICLE 2. CODE OF ETHICS.

4 Sec. 39.52.110. SCOPE OF CODE. (a) The legislature reaffirms  
5 that each public officer holds office as a public trust, and any  
6 effort to benefit a personal or financial interest through official  
7 action is a violation of that trust. This chapter, however, does not  
8 prevent an officer from accepting other employment or following a pur-  
9 suit that does not interfere with the full and faithful discharge of  
10 the officer's public duties and responsibilities. The legislature  
11 further recognizes that

12 (1) in a representative democracy, the representatives are  
13 drawn from society and, therefore, cannot and should not be without  
14 personal and financial interests in the decisions and policies of  
15 government;

16 (2) people who serve as public officers retain their rights  
17 to interests of a personal or financial nature; and

18 (3) standards of ethical conduct for members of the execu-  
19 tive branch need to distinguish between those minor and inconse-  
20 quential conflicts that are unavoidable in a free society, and those  
21 conflicts of interests that are substantial and material.

22 (b) Unethical conduct is prohibited, but there is no substantial  
23 impropriety if, as to a specific matter, a public officer's

24 (1) personal or financial interest in the matter is insig-  
25 nificant, or of a type that is possessed generally by the public or a  
26 large class of persons to which the public officer belongs, or

27 (2) action or influence would have insignificant or conjec-  
28 tural effect on the matter.

29 (c) The attorney general, designated supervisors, hearing

1 officers, and the personnel board must be guided by this section when  
2 issuing opinions and reaching decisions.

3 Sec. 39.52.120. MISUSE OF OFFICIAL POSITION. (a) A public  
4 officer may not use, or attempt to use, an official position for  
5 personal gain, and may not intentionally secure or grant unwarranted  
6 benefits or treatment for any person.

7 (b) A public officer may not

8 (1) seek other employment or contracts through the use or  
9 attempted use of official position;

10 (2) accept, receive, or solicit compensation for the per-  
11 formance of official duties or responsibilities from a person other  
12 than the state;

13 (3) use state time, property, equipment, or other facil-  
14 ities to benefit personal or financial interests; or

15 (4) take or withhold official action in order to affect a  
16 matter in which the public officer has a personal or financial inter-  
17 est;

18 ~~(5) engage in a close economic association with a subordi-  
19 nate;~~

20 ~~(6) directly solicit a subordinate for the purpose of  
21 selling products or services; or~~ <sup>of a</sup> *substantial nature*

22 (7) attempt to benefit a personal or financial interest  
23 through coercion of a subordinate.

24 Sec. 39.52.130. IMPROPER GIFTS OR BENEFITS. (a) A public  
25 officer may not solicit, accept, or receive, directly or indirectly, a  
26 gift or benefit, whether in the form of money, service, loan, travel,  
27 entertainment, hospitality, employment, promise, or in any other form,  
28 under circumstances in which it could reasonably be inferred that the  
29 gift or benefit is intended to influence the performance of official

1 duties, actions, or judgment. Nothing in this subsection precludes  
2 the acceptance of travel or hospitality given to a public officer to  
3 aid or assist in the performance of official duties if the officer's  
4 designated supervisor determines that acceptance does not interfere  
5 with the full and faithful discharge of the officer's public duties  
6 and responsibilities.

7 (b) Notice of the receipt by a public officer of a gift or  
8 benefit with a value in excess of \$50, including the name of the giver  
9 and a description of the gift or benefit and its approximate value,  
10 must be provided to the designated supervisor within 30 days after the  
11 date of its receipt if the public officer may take or withhold offi-  
12 cial action that benefits the giver.

13 (c) In accordance with AS 39.52.240, a designated supervisor may  
14 request guidance from the attorney general concerning whether accep-  
15 tance of a particular gift or benefit is prohibited.

16 (d) The restrictions relating to gifts or benefits imposed by  
17 this section do not apply to a campaign contribution to a candidate  
18 for elective office if the contribution complies with laws and regu-  
19 lations governing elections and campaign disclosure.

20 Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. (a)  
21 A current or former public officer may not disclose or use information  
22 gained in the course of, or by reason of, the officer's official  
23 duties that could in any way result in the receipt of any benefit for  
24 the officer or an immediate family member, if the information has not  
25 also been communicated to the public.

26 (b) A current or former public officer may not disclose or use,  
27 without appropriate authorization, information acquired in the course  
28 of official duties that is confidential by law.

29 Sec. 39.52.150. IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS,

1 LEASES, OR LOANS. (a) A public officer, or an immediate family  
2 member, may not attempt to acquire, receive, apply for, be a party to,  
3 or have a personal or financial interest in a state grant, contract,  
4 lease, or loan if the public officer may take or withhold official  
5 action that affects the award, execution, or administration of the  
6 state grant, contract, lease, or loan.

7 (b) The prohibition in (a) of this section does not apply to a  
8 state grant, contract, or lease competitively solicited unless the  
9 officer

10 (1) is employed by the administrative unit awarding the  
11 grant, contract, or lease or is employed by the administrative unit  
12 for which the grant, contract, or lease is let; or

13 (2) takes official action with respect to the award, exe-  
14 cution, or administration of the grant, contract, or lease.

15 (c) The prohibition in (a) of this section does not apply to a  
16 state loan if

17 (1) the public officer does not take or withhold official  
18 action that affects the award, execution, or administration of the  
19 loan held by the officer, or an immediate family member;

20 (2) the loan is generally available to members of the  
21 public; and

22 (3) the loan is subject to fixed eligibility standards.

23 (d) A public officer shall report in writing to the designated  
24 supervisor a personal or financial interest held by the officer, or an  
25 immediate family member, in a state grant, contract, lease, or loan  
26 that is awarded, executed, or administered by the agency the officer  
27 serves.

28 Sec. 39.52.160. IMPROPER REPRESENTATION. (a) A public officer  
29 may not represent, advise, or assist a person in any matter pending

1 before the administrative unit that the officer serves, if the rep-  
2 resentation, advice, or assistance is


3 (1) for compensation, unless the representation, advice,  
4 assistance, and compensation are required by statute, regulation, or  
5 court rule, or is otherwise customary; or

6 (2) without compensation, but rendered to benefit a per-  
7 sonal or financial interest of the public officer.

8 (b) This section does not prohibit activities related to collec-  
9 tive bargaining.

10 (c) This section does not preclude a non-salaried member of a  
11 board or commission from representing, advising, or assisting in any  
12 matter in which the member has a personal or financial interest reg-  
13 ulated by the board or commission on which the member serves, except  
14 that the member must act in accordance with AS 39.52.220.

15 Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. (a) A public  
16 employee may not render services to benefit a personal or financial  
17 interest or engage in or accept employment outside the agency which  
18 the employee serves, if the outside employment or service is incom-  
19 patible or in conflict with the proper discharge of official duties.

20 (b) A public employee rendering services for compensation or  
21  engaging in employment outside the employee's agency, shall quarterly  
22 report the outside employment activities to the employee's designated  
23 supervisor.

24 Sec. 39.52.180. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING STATE  
25 SERVICE. (a) A public officer who leaves state service may not, for  
26 two years after leaving state service, represent, advise, or assist a  
27 person for compensation regarding a matter that was under considera-  
28 tion by the administrative unit served by that public officer, and in  
29 which the officer participated personally and substantially through

1 the exercise of official action. For the purposes of this subsection,  
2 "matter" includes a case, proceeding, application, contract, or deter-  
3 mination, but does not include the proposal or consideration of legis-  
4 lative bills, resolutions and constitutional amendments, or other  
5 legislative measures; or the proposal, consideration, or adoption of  
6 administrative regulations.

7 (b) Nothing in this section prohibits an agency from contracting  
8 with a former public officer to act on a matter on behalf of the  
9 state.

10 (c) The head of an agency may waive application of (a) of this  
11 section after determining that representation by a former public  
12 officer is not adverse to the public interest. The waiver must be in  
13 writing and a copy of the waiver must be provided to the attorney  
14 general for approval or disapproval.

15 Sec. 39.52.190. AIDING A VIOLATION PROHIBITED. It is a viola-  
16 tion of this chapter for a public officer to knowingly aid another  
17 public officer in a violation of this chapter.

18 ARTICLE 3. DISCLOSURE AND ACTION TO PREVENT  
19 VIOLATION OF CODE.

20 Sec. 39.52.210. DECLARATION OF POTENTIAL VIOLATIONS BY PUBLIC  
21 EMPLOYEES. (a) A public employee who is involved in a matter that  
22 may result in a violation of AS 39.52.110 -- 39.52.190 shall

23 (1) refrain from taking any official action relating to the  
24 matter until a determination is made under this section; and

25 (2) immediately disclose the matter in writing to the  
26 designated supervisor.

27 (b) A public employee's designated supervisor shall make a  
28 written determination whether an employee's involvement violates  
29 AS 39.52.110 -- 39.52.190. If the supervisor determines that a

1 violation could exist or will occur, the supervisor shall,

2 (1) reassign duties to cure the employee's potential vio-  
3 lation, if feasible; or

4 (2) direct the divestiture or removal by the employee of  
5 the personal or financial interests that give rise to the potential  
6 violation.

7 (c) In accordance with AS 39.52.240, a designated supervisor may  
8 request guidance from the attorney general concerning whether a public  
9 employee is involved in a matter that may result in a violation of  
10 AS 39.52.110 -- 39.52.190.

11 Sec. 39.52.220. DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS  
12 OF BOARDS OR COMMISSIONS. (a) A member of a board or commission who  
13 is involved in a matter that may result in a violation of AS 39.52.110  
14 -- 39.52.190 shall disclose the matter on the public record and in  
15 writing to the designated supervisor. The supervisor shall determine  
16 whether the member's involvement violates AS 39.52.110 -- 39.52.190.  
17 If a member of the board or commission objects to the ruling of the  
18 supervisor, or if the supervisor discloses an involvement requiring a  
19 determination, the members present at a meeting, excluding the in-  
20 volved member, shall vote on the matter. If the supervisor or a  
21 majority of the members voting determine that a violation will exist  
22 if the member continues to participate, the member shall refrain from  
23 voting, deliberating, or participating in the matter.

24 (b) In accordance with AS 39.52.240, the designated supervisor  
25 or the board or commission may request guidance from the attorney  
26 general concerning whether a member of a board or commission is in-  
27 volved in a matter that may result in a violation of AS 39.52.110 --  
28 39.52.190.

29 Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. A person may

1 report to a public officer's designated supervisor, under oath and in  
2 writing, a potential violation of AS 39.52.110 -- 39.52.190 by the  
3 public officer. The supervisor shall provide a copy of the report to  
4 the officer who is the subject of the report, and shall review the  
5 report to determine whether a violation may exist. The supervisor  
6 shall act in accordance with AS 39.52.210 or 39.52.220 if the supervi-  
7 sor determines that the matter may result in a violation of AS 39.52.-  
8 110 -- 39.52.190.

9 Sec. 39.52.240. ADVISORY OPINIONS. (a) Upon the written re-  
10 quest of a designated supervisor or a board or commission, the attor-  
11 ney general may issue opinions interpreting this chapter. The re-  
12 quester must supply any additional information requested by the attor-  
13 ney general in order to issue the opinion. Within 60 days after  
14 receiving a complete request, the attorney general shall issue an  
15 advisory opinion on the question.

16 (b) The attorney general may offer oral advice if delay would  
17 cause substantial inconvenience or detriment to the requesting party.

18 (c) The designated supervisor or a board or commission shall  
19 make a written determination based on the advice of the attorney  
20 general. If the advice of the attorney general provides more than one  
21 way for a public officer to avoid or correct a problem found under  
22 AS 39.52.110 -- 39.52.190, the designated supervisor or the board or  
23 commission shall determine the alternative that is most appropriate  
24 and advise the officer of any action required of the officer to avoid  
25 or correct the problem.

26 (d) A public officer is not liable under this chapter for any  
27 action carried out in accordance with a determination made under  
28 AS 39.52.210 -- 39.52.240 if the officer fully disclosed all relevant  
29 facts reasonably necessary to the determination.

1 (e) The attorney general may reconsider, revoke, or modify an  
2 advisory opinion at any time, including upon a showing that material  
3 facts were omitted or misstated in the request for the opinion.

4 (f) A person may rely on an advisory opinion that is currently  
5 in effect.

6 (g) A request for advice made under this section is confiden-  
7 tial.

8 (h) The attorney general shall publish <sup>selected</sup> the advisory opinions in  
9 the Alaska Administrative Journal, with sufficient deletions to pre-  
10 vent disclosure of the persons whose identities are confidential under  
11 (g) of this section.

12 Sec. 39.52.250. ADVICE TO FORMER PUBLIC OFFICERS. (a) A former  
13 public officer may request, in writing, an opinion from the attorney  
14 general interpreting this chapter. The attorney general shall give  
15 advice in accordance with AS 39.52.240(a) or (b) and publish opinions  
16 in accordance with AS 39.52.240(h).

17 (b) A former public officer is not liable under this chapter for  
18 any action carried out in accordance with the advice of the attorney  
19 general issued under this section, if the public officer fully dis-  
20 closed all relevant facts reasonably necessary to the issuance of the  
21 advice.

22 Sec. 39.52.260. DESIGNATED SUPERVISOR'S REPORT AND ATTORNEY  
23 GENERAL REVIEW. (a) A designated supervisor shall quarterly submit a  
24 report to the attorney general which states the facts, circumstances,  
25 and disposition of any disclosure made under AS 39.52.210 --  
26 39.52.240.

27 (b) The attorney general shall review determinations reported  
28 under this section. The attorney general may request additional  
29 information from a supervisor concerning a specific disclosure and its

1 disposition.

2 (c) The report prepared under this section is confidential and  
3 not available for public inspection unless formal proceedings under  
4 AS 39.52.350 are initiated based on the report. If formal proceedings  
5 are initiated, the relevant portions of the report are public docu-  
6 ments open to inspection. The attorney general shall, however, make  
7 available to the public an extract of the reports received under this  
8 section, with sufficient deletions to prevent disclosure of a person's  
9 identity.

10 ARTICLE 4. COMPLAINTS; HEARING PROCEDURES.

11 Sec. 39.52.310. COMPLAINTS. (a) The attorney general may  
12 initiate a complaint, or elect to treat as a complaint any matter  
13 disclosed under AS 39.52.210, 39.52.220, 39.52.250, or 39.52.260.

14 (b) A person may file a complaint with the attorney general  
15 regarding the conduct of a current or former public officer. A com-  
16 plaint must be in writing, be signed under oath, and contain a clear  
17 statement of the details of the alleged violation.

18 (c) If a complaint alleges a violation of AS 39.52.110 --  
19 39.52.190 by the governor, lieutenant governor, or the attorney gener-  
20 al, the matter shall be referred to the personnel board. The person-  
21 nel board shall retain independent counsel who shall act in the place  
22 of the attorney general under (d) -- (i) of this section, AS 39.52.320  
23 -- 39.52.350, and AS 39.52.360(c) and (d).

24 (d) The attorney general shall review each complaint filed, to  
25 determine whether it is properly completed and contains allegations  
26 which, if true, would constitute conduct in violation of this chapter.  
27 The attorney general may require the complainant to provide additional  
28 information before accepting the complaint. If the attorney general  
29 determines that the allegations in the complaint do not warrant an

1 investigation, the attorney general shall dismiss the complaint with  
2 notice to the complainant and the subject of the complaint.

3 (e) The attorney general may refer a complaint to the subject's  
4 designated supervisor for resolution under AS 39.52.210 or 39.52.220.

5 (f) If the attorney general accepts a complaint for investiga-  
6 tion, the attorney general shall serve a copy of the complaint upon  
7 the subject of the complaint, for a response. The attorney general  
8 may require the subject to provide, within 20 days after service, full  
9 and fair disclosure in writing of all facts and circumstances pertain-  
10 ing to the alleged violation. Misrepresentation of a material fact in  
11 a response to the attorney general is a violation of this chapter.  
12 Failure to answer within the prescribed time, or within any additional  
13 time period that may be granted in writing by the attorney general, is  
14 considered an admission of the allegations in the complaint.

15 (g) If a complaint is accepted under (f) of this section, the  
16 attorney general shall investigate to determine whether a violation of  
17 this chapter has occurred. At any stage of an investigation or re-  
18 view, the attorney general may issue a subpoena under AS 39.52.380.

19 (h) A violation of this chapter may be investigated within two  
20 years after discovery of the alleged violation.

21 (i) The unwillingness of a complainant to assist in an investi-  
22 gation, the withdrawal of a complaint, or restitution by the subject  
23 of the complaint may, but need not in and of itself, justify termina-  
24 tion of an investigation or proceeding.

25 Sec. 39.52.320. DISMISSAL BEFORE FORMAL PROCEEDINGS. If, after  
26 investigation, it appears that there is no probable cause to believe  
27 that a violation of this chapter has occurred, the attorney general  
28 shall dismiss the complaint and prepare and file a confidential summa-  
29 ry with the personnel board. The attorney general shall communicate

1 disposition of the matter promptly to the complainant and to the  
2 subject of the complaint.

3 Sec. 39.52.330. CORRECTIVE OR PREVENTIVE ACTION. After deter-  
4 mining that the conduct of the subject of a complaint does not warrant  
5 a hearing under AS 39.52.360, the attorney general shall recommend  
6 action to correct or prevent a violation of this chapter. The attor-  
7 ney general shall communicate the recommended action to the complain-  
8 ant and the subject of the complaint. The subject of the complaint  
9 shall comply with the attorney general's recommendation.

10 Sec. 39.52.340. CONFIDENTIALITY. (a) Before the initiation of  
11 formal proceedings under AS 39.52.350, information regarding an inves-  
12 tigation conducted under this chapter, or obtained by the attorney  
13 general during the investigation, is confidential. The attorney  
14 general and all persons contacted during the course of an investiga-  
15 tion shall maintain confidentiality regarding the existence of the  
16 investigation. A person who violates this section is guilty of a  
17 class A misdemeanor.

18 (b) It is not a violation of this section for a person to con-  
19 tact an attorney or to participate in a criminal investigation.

20 (c) The subject of the complaint may, in writing, waive the  
21 confidentiality protection of this section.

22 Sec. 39.52.350. PROBABLE CAUSE FOR HEARING. (a) If the attor-  
23 ney general determines that there is probable cause to believe that a  
24 knowing violation of this chapter or a violation that cannot be cor-  
25 rected under AS 39.52.330 has occurred, or that the subject of a com-  
26 plaint failed to comply with a recommendation for corrective or pre-  
27 ventive action, the attorney general shall initiate formal proceedings  
28 by serving a copy of an accusation upon the subject of the accusation.  
29 The accusation shall specifically set out the alleged violation.

1 After service, the accusation is a public document open to inspection.  
2 Except as provided in AS 39.52.370(c), all subsequent proceedings are  
3 open to the public.

4 (b) The subject of the accusation shall file an answer with the  
5 attorney general within 20 days after service of the accusation, or at  
6 a later time specified by the attorney general. If the subject of the  
7 accusation fails to timely answer, the allegations are considered  
8 admitted.

9 (c) If the subject of the accusation denies that a violation of  
10 this chapter has occurred, the attorney general shall refer the matter  
11 to the personnel board, which shall appoint a hearing officer to con-  
12 duct a hearing.

13 (d) If the subject of the accusation admits a violation of this  
14 chapter, the attorney general shall refer the matter to the personnel  
15 board to impose penalties under AS 39.52.410, 39.52.440, and 39.52.-  
16 450, as appropriate.

17 Sec. 39.52.360. HEARINGS. (a) The hearing officer may convene  
18 a pre-hearing conference to set a time and place for the hearing, and  
19 for stipulation as to matters of fact and to simplify issues, identify  
20 and schedule pre-hearing matters, and resolve other similar matters  
21 before the hearing.

22 (b) The hearing officer may administer oaths, hold hearings, and  
23 take testimony. Upon application by a party to the hearing, the  
24 hearing officer may issue subpoenas under AS 39.52.380.

25 (c) The attorney general shall present the charges before the  
26 hearing officer. At a hearing, the attorney general has the burden of  
27 demonstrating by a preponderance of the evidence that the subject of  
28 the accusation has, by act or omission, violated this chapter.

29 (d) The parties to a hearing are the attorney general and the

1 subject of the accusation. The subject of an accusation may be repre-  
2 sented by counsel. Each party has an opportunity to be heard and  
3 cross-examine witnesses, who shall testify under oath.

4 (e) The Administrative Procedure Act does not apply to hearings  
5 under this section, except as provided in AS 39.52.380.

6 (f) Technical rules of evidence do not apply, but the hearing  
7 officer's findings must be based upon reliable and relevant evidence.  
8 All testimony and other evidence taken at the hearing must be recorded  
9 and the evidence maintained. Copies of transcripts of the hearing  
10 record are available to the subject of the accusation at the subject's  
11 expense; however, upon request, a copy of the recording of the hearing  
12 must be furnished without charge to the subject of the accusation.

13 (g) At the conclusion of the formal hearing, the hearing officer  
14 may direct either or both parties to submit proposed findings of fact,  
15 conclusions of law, and recommendation to be filed within 10 days  
16 after the conclusion of the hearing.

17 (h) Within 30 days after the conclusion of a formal hearing, the  
18 hearing officer shall serve a written report on the personnel board  
19 and the parties, unless the personnel board grants an extension of  
20 time. The report must contain the officer's findings of fact, conclu-  
21 sions of law, and recommendation. The hearing officer shall submit  
22 the record to the personnel board.

23 Sec. 39.52.370. PERSONNEL BOARD ACTION. (a) Within 10 days  
24 after receipt of the hearing officer's report, either party may pro-  
25 test the officer's findings of fact, conclusions of law, and recommen-  
26 dation, and, if a protest is filed, shall serve a copy on the other  
27 party. Oral argument before the personnel board must be provided only  
28 if requested by either party. The board chair shall set the deadline  
29 for submission of requests for oral argument, and set the dates for

1 submission of briefs and oral argument before the board, if requested.

2 (b) The board may issue subpoenas under AS 39.52.380, and may,  
3 for good cause shown, augment the hearing record, in whole or in part,  
4 or hold a hearing de novo.

5 (c) The personnel board shall review each report submitted by a  
6 hearing officer and shall either adopt or amend the findings of fact,  
7 conclusions of law, and recommendation of the officer. Deliberations  
8 of the personnel board must be conducted in sessions not open to the  
9 public.

10 (d) If the personnel board determines that a violation occurred,  
11 it may impose the penalties in AS 39.52.410, 39.52.440, and 39.52.450,  
12 as appropriate. If the board determines that no violation occurred,  
13 the board shall issue a written order of dismissal.

14 (e) The personnel board secretary shall promptly notify the  
15 parties and the public officer's designated supervisor of the board's  
16 action.

17 (f) The subject of the accusation may appeal the personnel  
18 board's decision by filing an appeal in the superior court as provided  
19 in the Alaska Rules of Appellate Procedure.

20 Sec. 39.52.380. SUBPOENAS. (a) As provided in AS 39.52.310(g),  
21 39.52.360(b), and 39.52.370(b), the attorney general, independent  
22 counsel retained under AS 39.52.310(c), a hearing officer, the subject  
23 of an accusation, and the personnel board may summon witnesses and  
24 require the production of records, books, and papers by the issuance  
25 of subpoenas.

26 (b) Subpoenas must be served in the manner prescribed by AS 44.-  
27 62.430 and Rule 45 of the Alaska Rules of Civil Procedure. Failure or  
28 refusal to obey a subpoena issued under this chapter is punishable as  
29 contempt in the manner provided by law and court rule. The superior

1 court may compel obedience to the subpoena in the same manner as  
2 prescribed for obedience to a subpoena issued by the court.

3 Sec. 39.52.390. SERVICE. Service of an accusation must be  
4 accomplished in accordance with Rule 4 of the Alaska Rules of Civil  
5 Procedure. Service of any other pleading, motion, or other document  
6 must be accomplished in accordance with Rule 5 of the Alaska Rules of  
7 Civil Procedure.

8 ARTICLE 5. ENFORCEMENT; REMEDIES.

9 Sec. 39.52.410. VIOLATIONS; PENALTIES FOR MISCONDUCT. (a) If  
10 the personnel board determines that a public employee has violated  
11 this chapter, it (1) shall order the employee to stop engaging in any  
12 official action related to the violation; (2) may order divestiture,  
13 establishment of a blind trust, restitution, or forfeiture; and (3)  
14 may recommend that the employee's agency take disciplinary action.

15 (b) If the personnel board determines that a non-salaried member  
16 of a board or commission has violated this chapter, it (1) shall order  
17 the member to refrain from voting, deliberating, or participating in  
18 the matter; (2) may order restitution; and (3) may recommend to the  
19 appropriate appointing authority that the member be removed from the  
20 board or commission.

21 (c) If the personnel board determines that a former public  
22 officer has violated this chapter, it shall (1) issue a public state-  
23 ment of its findings, conclusions, and recommendation; and (2) request  
24 the attorney general to exercise all legal and equitable remedies  
25 available to the state to seek whatever relief is appropriate.

26 (d) If the personnel board finds a violation of this chapter by  
27 a public officer removable from office only by impeachment, it shall  
28 report the matter to the Senate, with its finding. The report must  
29 contain a statement of the facts alleged to constitute the violation.

1           Sec. 39.52.420.   DISCIPLINARY ACTION FOR VIOLATION.   (a)   In  
2 addition to any other cause an agency may have to discipline a public  
3 employee, an agency may reprimand, demote, suspend, discharge, or  
4 otherwise subject an employee to agency disciplinary action commensu-  
5 rate with the violations of this chapter. This section does not  
6 prohibit the review of a disciplinary action in the manner prescribed  
7 by an applicable collective bargaining agreement or personnel statute  
8 or rule.

9           (b) An agency may initiate appropriate disciplinary action in  
10 the absence of an accusation or during the pendency of a hearing or  
11 personnel board action.

12           Sec. 39.52.430.   ACTIONS VOIDABLE.   (a) In addition to any other  
13 penalty provided by law, a state grant, contract, or lease entered  
14 into in violation of this chapter is voidable by the state. In a  
15 determination under this section of whether to void a grant, contract,  
16 or lease, the interests of third parties who may be damaged must be  
17 taken into account. The attorney general shall give notice of intent  
18 to void a state grant, contract, or lease under this section no later  
19 than 60 days after the personnel board's determination of a violation  
20 under this chapter.

21           (b) In addition to any other penalty provided for by law, the  
22 state may require a state loan received in violation of this chapter  
23 to become immediately payable.

24           (c) Any state action obtained in violation of this chapter is  
25 voidable, except that the interests of third parties and the nature of  
26 the violation must be taken into account. The attorney general may  
27 pursue any other available legal and equitable remedies.

28           (d) The attorney general may recover any fee, compensation,  
29 gift, or benefit received by a person as a result of a violation of

1 nothing in this chapter precludes a prosecution under an applicable  
2 criminal statute nor prevents enforcement of any other state law that  
3 imposes a stricter standard of ethical conduct on public officers.

4 (c) The provisions of this chapter are not subject to negotia-  
5 tion by collective bargaining under AS 23.40 or AS 42.40.720 --  
6 42.40.880.

7 Sec. 39.52.920. AGENCY POLICIES. Subject to the review and  
8 approval of the attorney general, an agency may adopt a written policy  
9 that

10 (1) in addition to the requirements of this chapter, limits  
11 the extent to which a public officer in the agency or an administra-  
12 tive unit of the agency may

13 (A) acquire a personal interest in an organization or  
14 a financial interest in a business or undertaking that may bene-  
15 fit from official action taken or withheld by the agency or unit;

16 (B) have a personal or financial interest in a state  
17 grant, contract, lease, or loan administered by the agency or  
18 unit; or

19 (C) accept a gift or benefit; or

20 (2) requires a public officer of the agency or unit to turn  
21 over a gift to the agency or unit.

22 Sec. 39.52.930. COOPERATION. All agencies and instrumentalities  
23 of the state shall cooperate fully with the attorney general and the  
24 personnel board in the performance of their duties under this chapter.

25 Sec. 39.52.940. CONSTRUCTION. This chapter must be liberally  
26 construed to promote high standards of ethical conduct in state gov-  
27 ernment.

28 Sec. 39.52.950. REGULATIONS. The attorney general may adopt  
29 regulations under the Administrative Procedure Act necessary to

1 interpret and implement this chapter.

2 Sec. 39.52.960. DEFINITIONS. In this chapter, unless the con-  
3 text requires otherwise,

4 (1) "administrative unit" means a branch, bureau, center,  
5 committee, division, fund, office, program, section, or any other  
6 subdivision of an agency;

7 (2) "agency" means a department, office of the governor, or  
8 entity in the executive branch, including the University of Alaska,  
9 the Alaska Railroad, public or quasi-public corporations, and boards  
10 or commissions;

11 (3) "benefit" means anything that is to a person's advan-  
12 tage or self-interest, or from which a person profits, regardless of  
13 the financial gain, including any dividend, pension, salary, acqui-  
14 sition, agreement to purchase, transfer of money, deposit, loan or  
15 loan guarantee, promise to pay, grant, contract, lease, money, goods,  
16 service, privilege, exemption, patronage, advantage, advancement, or  
17 anything of value;

18 (4) "board or commission" means a board, commission, au-  
19 thority, or board of directors of a public or quasi-public corpo-  
20 ration, established by statute in the executive branch, including the  
21 Alaska Railroad;

22 (5) "business" includes a corporation, company, firm,  
23 partnership, sole proprietorship, trust or foundation, or any other  
24 individual or entity carrying on a business, whether operated for  
25 profit or non-profit;

26 (6) "child" includes a biological child, an adoptive child,  
27 and a stepchild;

28 (7) "compensation" means any money, thing of value, or  
29 economic benefit conferred on or received by a person in return for

1 services rendered or to be rendered by the person for another;

2 (8) "designated supervisor" or "supervisor" means

3 (A) the commissioner of each department in the execu-  
4 tive branch, for public employees within the department;

5 (B) the president of the University of Alaska, for  
6 university employees;

7 (C) the chief executive officer of the Alaska Rail-  
8 road, for railroad employees;

9 (D) the attorney general, for the governor and lieu-  
10 tenant governor;

11 (E) the executive director of a board or commission  
12 for the staff of the board or commission;

13 (F) the chair or acting chair of the board or commis-  
14 sion, for the members and the executive director of a board or  
15 commission; and

16 (G) the governor, for commissioners and for other  
17 public officers not included in (A) -- (F) of this subsection; or

18 (H) a public officer designated by a commissioner, the  
19 university president, or the governor to act as the supervisor if  
20 the name and position of the officer designated has been reported  
21 to the attorney general;

22 (9) "financial interest" means

23 (A) an interest held by a public officer, an immediate  
24 family member, or parent, which includes an involvement or owner-  
25 ship of an interest in a business, including a property owner-  
26 ship, or a professional or private relationship, that is a source  
27 of income, or from which, or as a result of which, a person has  
28 received or expects to receive a financial benefit;

29 (B) holding a position in a business, such as an

1 officer, director, trustee, partner, employee, or the like, or  
2 holding a position of management;

3 (C) involvement, or ownership of an interest, in a  
4 property or a business as specified by regulation of the attorney  
5 general;

6 (10) "gain" includes actual or anticipated gain, benefit,  
7 profit, or compensation, whether for oneself or for another person;

8 (11) "immediate family member" means a public officer's  
9 spouse, a relation by blood within and including the second degree of  
10 kindred, and a regular member of the officer's household;

11 (12) "instrumentality of the state" means a state agency or  
12 administrative unit, whether in the legislative, judicial, or execu-  
13 tive branch, including such entities as the University of Alaska, the  
14 Alaska Railroad, and any public or quasi-public corporations, boards,  
15 or commissions; the term includes municipalities;

16 (13) "non-salaried member of a board or commission" means a  
17 member of a board or commission who is not a public employee by virtue  
18 of membership on a board or commission; receipt of per diem, nominal  
19 compensation for attendance at meetings, and travel expense reimburse-  
20 ment does not make a member of a board or commission a public employee  
21 for purposes of this chapter;

22 (14) "official action" means a recommendation, decision,  
23 approval, disapproval, vote, or other similar action, including inac-  
24 tion, by a public officer;

25 (15) "organization" includes a group, association, society,  
26 political party, or other entity made up of two or more persons,  
27 whether operated for profit or non-profit;

28 (16) "parent" includes a biological parent, an adoptive  
29 parent, and a step-parent of the public officer;

1 (17) "person" includes a natural person, a business, and an  
2 organization;

3 (18) "personal interest" means

4 (A) an interest held or involvement by a public offi-  
5 cer, or the officer's immediate family member or parent, includ-  
6 ing membership, in any organization, whether fraternal, non-  
7 profit, for profit, charitable, or political, from which, or as a  
8 result of which, a person or organization receives a benefit;

9 (B) an involvement, as may be specified by the regu-  
10 lations of the attorney general, in any organization;

11 (19) "personnel board" or "board" means the personnel board  
12 established in AS 39.25.060;

13 (20) "public employee" or "employee" means a permanent,  
14 probationary, temporary, provisional, or nonpermanent employee of an  
15 agency, whether in the classified, partially exempt, or exempt ser-  
16 vice;

17 (21) "public officer" or "officer" means

18 (A) a public employee; and

19 (B) a member of a board or commission;

20 (22) "source of income" means an entity for which service is  
21 performed for compensation or which is otherwise the origin of pay-  
22 ment; if the person whose income is being reported is employed by  
23 another, the employer is the source of income; if the person is self-  
24 employed by means of a sole proprietorship, partnership, professional  
25 corporation, or a corporation in which the person, the person's spouse  
26 or child, or a combination of them, holds a controlling interest, the  
27 "source" is the client or customer of the proprietorship, partnership,  
28 or corporation; if the entity which is the origin of payment is not  
29 the same as the client or customer for whom the service is performed,

1 both are considered the source.

2 \* Sec. 2. AS 39.25.060(c) is amended to read:

3 (c) A board member may be removed by the governor only for cause  
4 [HOLDS OFFICE AT THE PLEASURE OF THE GOVERNOR NOTWITHSTANDING THE  
5 MEMBER'S TERM].

6 \* Sec. 3. AS 39.25.070 is amended to read:

7 Sec. 39.25.070. POWERS AND DUTIES OF PERSONNEL BOARD. In addi-  
8 tion to the other duties imposed by this chapter, the personnel board  
9 shall

10 (1) approve or disapprove amendments to the personnel rules  
11 in accordance with AS 39.25.140;

12 (2) consider and act upon recommendations for the extension  
13 of the partially exempt service and the classified service as provided  
14 in AS 39.25.130;

15 (3) hear and determine appeals by employees in the clas-  
16 sified service as provided in AS 39.25.170;

17 (4) establish its own rules of procedure (two members  
18 constitute a quorum for the transaction of business and two affirma-  
19 tive votes are required for final action on matters acted upon by the  
20 board);

21 (5) elect a chairman from its membership;

22 (6) have the power to administer oaths, subpoena witnesses,  
23 and compel the production of books and papers pertinent to a hearing  
24 authorized by this chapter;[.]

25 (7) employ staff members, who shall be in the classified  
26 service;

27 (8) appoint, and review the findings, conclusions, and  
28 recommendations of, hearing officers in accordance with AS 39.52.-  
29 350(c), 39.52.360, and 39.52.370;

1                   (9) issue findings, conclusions, and decisions regarding  
2 violations of the code of ethics in AS 39.52.110 -- 39.52.190; and

3                   (10) impose the penalties described in AS 39.52.410, 39.52.-  
4 440, and 39.52.450.

5 \* Sec. 4. AS 42.40.710 is amended to read:

6                   Sec. 42.40.710. CORPORATION EMPLOYEES. Employees of the Alaska  
7 Railroad are employees of the corporation and not of the state. The  
8 provisions of AS 39, except AS 39.52, do not apply to employees of the  
9 corporation.

10 \* Sec. 5. AS 44.62.175(a) is amended by adding a new paragraph to read:

11                   (10) in accordance with AS 39.52.240(h), advisory opinions  
12 of the attorney general.

13 \* Sec. 6. The attorney general and the personnel board have no juris-  
14 diction over an alleged violation of AS 39.52.110 -- 39.52.190 that oc-  
15 curred before January 1, 1987, unless the violation continues after that  
16 date.

17 \* Sec. 7. An agency or administrative unit with a policy in effect on  
18 July 1, 1986 related to the subject of AS 39.52.110 -- 39.52.190 shall, by  
19 January 1, 1987, submit the policy to the attorney general for review as to  
20 conformity with the provisions enacted in this Act, the attorney general's  
21 suggestions for amendment, and the attorney general's necessary approval  
22 under AS 39.52.920.

23 \* Sec. 8. AS 39.52.010, 39.52.210 -- 39.52.260, and 39.52.910 --  
24 39.52.960, enacted in sec. 1 of this Act, and secs. 2 -- 7 of this Act take  
25 effect July 1, 1986.

26 \* Sec. 9. AS 39.52.110 -- 39.52.190, and 39.52.310 -- 39.52.460, enact-  
27 ed in sec. 1 of this Act, take effect January 1, 1987.

Introduced: 4/11/86  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE STATE AFFAIRS  
COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 391

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the ethical conduct of govern-  
7 mental activities; and providing for an effective  
8 date."

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

10 \* Section 1. AS 39 is amended by adding a new chapter to read:

11 CHAPTER 52. ALASKA EXECUTIVE BRANCH ETHICS ACT.

12 ARTICLE 1. DECLARATIONS.

13 Sec. 39.52.010. DECLARATION OF POLICY. (a) It is declared (1)  
14 that high moral and ethical standards among public officers in the  
15 executive branch are essential to the conduct of free government; and  
16 (2) that the legislature believes that a code of ethics for the guid-  
17 ance of public officers will discourage those officers from acting  
18 upon personal or financial interests in the performance of their  
19 public responsibilities, will improve standards of public service, and  
20 will promote and strengthen the faith and confidence of the people of  
21 this state in their public officers. It is further declared that  
22 holding public office or employment is a public trust and that as one  
23 safeguard of that trust, the people require public officers to adhere  
24 to a code of ethics.

25 (b) The legislature declares that it is the policy of the state,  
26 when a public employee is appointed to serve on a state board or  
27 commission, that the holding of such offices does not constitute the  
28 holding of incompatible offices unless expressly prohibited by the  
29 Alaska Constitution, this chapter and any opinions or decisions

1 rendered under it, or another statute.

2 ARTICLE 2. CODE OF ETHICS.

3 Sec. 39.52.110. SCOPE OF CODE. (a) The legislature reaffirms  
4 that each public officer holds office as a public trust, and any  
5 effort to benefit a personal or financial interest through official  
6 action is a violation of that trust. In addition, the legislature  
7 finds that, so long as it does not interfere with the full and faith-  
8 ful discharge of an officer's public duties and responsibilities, this  
9 chapter does not prevent an officer from following other independent  
10 pursuits. The legislature further recognizes that

11 (1) in a representative democracy, the representatives are  
12 drawn from society and, therefore, cannot and should not be without  
13 personal and financial interests in the decisions and policies of  
14 government;

15 (2) people who serve as public officers retain their rights  
16 to interests of a personal or financial nature; and

17 (3) standards of ethical conduct for members of the execu-  
18 tive branch need to distinguish between those minor and inconsequen-  
19 tial conflicts that are unavoidable in a free society, and those  
20 conflicts of interests that are substantial and material.

21 (b) Unethical conduct is prohibited, but there is no substantial  
22 impropriety if, as to a specific matter, a public officer's

23 (1) personal or financial interest in the matter is insig-  
24 nificant, or of a type that is possessed generally by the public or a  
25 large class of persons to which the public officer belongs, or

26 (2) action or influence would have insignificant or conjec-  
27 tural effect on the matter.

28 (c) The attorney general, designated supervisors, hearing offi-  
29 cers, and the personnel board must be guided by this section when

1 issuing opinions and reaching decisions.

2 Sec. 39.52.120. MISUSE OF OFFICIAL POSITION. (a) A public  
3 officer may not use, or attempt to use, an official position for  
4 personal gain, and may not intentionally secure or grant unwarranted  
5 benefits or treatment for any person.

6 (b) A public officer may not

7 (1) seek other employment or contracts through the use or  
8 attempted use of official position;

9 (2) accept, receive, or solicit compensation for the per-  
10 formance of official duties or responsibilities from a person other  
11 than the state;

12 (3) use state time, property, equipment, or other facil-  
13 ities to benefit personal or financial interests; or

14 (4) take or withhold official action in order to affect a  
15 matter in which the public officer has a personal or financial inter-  
16 est; or

17 (5) attempt to benefit a personal or financial interest  
18 through coercion of a subordinate.

19 Sec. 39.52.130. IMPROPER GIFTS. (a) A public officer may not  
20 solicit, accept, or receive, directly or indirectly, a gift, whether  
21 in the form of money, service, loan, travel, entertainment,  
22 hospitality, employment, promise, or in any other form, that is a  
23 benefit to the officer's personal or financial interests, under  
24 circumstances in which it could reasonably be inferred that the gift  
25 is intended to influence the performance of official duties, actions,  
26 or judgment.

27 (b) Notice of the receipt by a public officer of a gift with a  
28 value in excess of \$50, including the name of the giver and a descrip-  
29 tion of the gift and its approximate value, must be provided to the

1 designated supervisor within 30 days after the date of its receipt if  
2 the public officer may take or withhold official action that affects  
3 the giver.

4 (c) In accordance with AS 39.52.240, a designated supervisor may  
5 request guidance from the attorney general concerning whether accep-  
6 tance of a particular gift is prohibited.

7 (d) The restrictions relating to gifts imposed by this section  
8 do not apply to a campaign contribution to a candidate for elective  
9 office if the contribution complies with laws and regulations govern-  
10 ing elections and campaign disclosure.

11 Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. (a)  
12 A current or former public officer may not disclose or use information  
13 gained in the course of, or by reason of, the officer's official  
14 duties that could in any way result in the receipt of any benefit for  
15 the officer or an immediate family member, if the information has not  
16 also been disseminated to the public.

17 (b) A current or former public officer may not disclose or use,  
18 without appropriate authorization, information acquired in the course  
19 of official duties that is confidential by law.

20 Sec. 39.52.150. IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS,  
21 LEASES, OR LOANS. (a) A public officer, or an immediate family  
22 member, may not attempt to acquire, receive, apply for, be a party to,  
23 or have a personal or financial interest in a state grant, contract,  
24 lease, or loan if the public officer may take or withhold official  
25 action that affects the award, execution, or administration of the  
26 state grant, contract, lease, or loan.

27 (b) The prohibition in (a) of this section does not apply to a  
28 state grant, contract, or lease competitively solicited unless the  
29 officer

1 (1) is employed by the administrative unit awarding the  
2 grant, contract, or lease or is employed by the administrative unit  
3 for which the grant, contract, or lease is let; or

4 (2) takes official action with respect to the award, exe-  
5 cution, or administration of the grant, contract, or lease.

6 (c) The prohibition in (a) of this section does not apply to a  
7 state loan if

8 (1) the public officer does not take or withhold official  
9 action that affects the award, execution, or administration of the  
10 loan held by the officer, or an immediate family member;

11 (2) the loan is generally available to members of the  
12 public; and

13 (3) the loan is subject to fixed eligibility standards.

14 (d) A public officer shall report in writing to the designated  
15 supervisor a personal or financial interest held by the officer, or an  
16 immediate family member, in a state grant, contract, lease, or loan  
17 that is awarded, executed, or administered by the agency the officer  
18 serves.

19 Sec. 39.52.160. IMPROPER REPRESENTATION. (a) A public officer  
20 may not represent, advise, or assist a person in any matter pending  
21 before the administrative unit that the officer serves, if the rep-  
22 resentation, advice, or assistance is

23 (1) for compensation, unless the representation, advice,  
24 assistance, and compensation are required by statute, regulation, or  
25 court rule, or is otherwise customary; or

26 (2) without compensation, but rendered to benefit a per-  
27 sonal or financial interest of the public officer.

28 (b) This section does not prohibit activities related to collec-  
29 tive bargaining.

1 (c) This section does not preclude a non-salaried member of a  
2 board or commission from representing, advising, or assisting in any  
3 matter in which the member has a personal or financial interest reg-  
4 ulated by the board or commission on which the member serves, except  
5 that the member must act in accordance with AS 39.52.220.

6 Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. (a) A public  
7 employee may not render services to benefit a personal or financial  
8 interest or engage in or accept employment outside the agency which  
9 the employee serves, if the outside employment or service is incom-  
10 patible or in conflict with the proper discharge of official duties.

11 (b) A public employee rendering services for compensation, or  
12 engaging in employment outside the employee's agency, shall report by  
13 July 1 of each year the outside services or employment to the employ-  
14 ee's designated supervisor. During the year, any change in an employ-  
15 ee's outside service or employment activity must be reported to the  
16 designated supervisor as it occurs.

17 Sec. 39.52.180. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING STATE  
18 SERVICE. (a) A public officer who leaves state service may not, for  
19 two years after leaving state service, represent, advise, or assist a  
20 person for compensation regarding a matter that was under considera-  
21 tion by the administrative unit served by that public officer, and in  
22 which the officer participated personally and substantially through  
23 the exercise of official action. For the purposes of this subsection,  
24 "matter" includes a case, proceeding, application, contract, or deter-  
25 mination, but does not include the proposal or consideration of legis-  
26 lative bills, resolutions and constitutional amendments, or other  
27 legislative measures; or the proposal, consideration, or adoption of  
28 administrative regulations.

29 (b) Nothing in this section prohibits an agency from contracting

1 with a former public officer to act on a matter on behalf of the  
2 state.

3 (c) The head of an agency may waive application of (a) of this  
4 section after determining that representation by a former public  
5 officer is not adverse to the public interest. The waiver must be in  
6 writing and a copy of the waiver must be provided to the attorney  
7 general for approval or disapproval.

8 Sec. 39.52.190. AIDING A VIOLATION PROHIBITED. It is a viola-  
9 tion of this chapter for a public officer to knowingly aid another  
10 public officer in a violation of this chapter.

11 ARTICLE 3. DISCLOSURE AND ACTION TO PREVENT  
12 VIOLATION OF CODE.

13 Sec. 39.52.210. DECLARATION OF POTENTIAL VIOLATIONS BY PUBLIC  
14 EMPLOYEES. (a) A public employee who is involved in a matter that  
15 may result in a violation of AS 39.52.110 -- 39.52.190 shall

16 (1) refrain from taking any official action relating to the  
17 matter until a determination is made under this section; and

18 (2) immediately disclose the matter in writing to the  
19 designated supervisor.

20 (b) A public employee's designated supervisor shall make a  
21 written determination whether an employee's involvement violates  
22 AS 39.52.110 -- 39.52.190. If the supervisor determines that a vio-  
23 lation could exist or will occur, the supervisor shall,

24 (1) reassign duties to cure the employee's potential vio-  
25 lation, if feasible; or

26 (2) direct the divestiture or removal by the employee of  
27 the personal or financial interests that give rise to the potential  
28 violation.

29 (c) A designated supervisor may request guidance from the

1 attorney general, in accordance with AS 39.52.240, when determining  
2 whether a public employee is involved in a matter that may result in a  
3 violation of AS 39.52.110 -- 39.52.190.

4 Sec. 39.52.220. DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS  
5 OF BOARDS OR COMMISSIONS. (a) A member of a board or commission who  
6 is involved in a matter that may result in a violation of AS 39.52.110  
7 -- 39.52.190 shall disclose the matter on the public record and in  
8 writing to the designated supervisor. The supervisor shall determine  
9 whether the member's involvement violates AS 39.52.110 -- 39.52.190.  
10 If a member of the board or commission objects to the ruling of the  
11 supervisor, or if the supervisor discloses an involvement requiring a  
12 determination, the members present at a meeting, excluding the in-  
13 volved member, shall vote on the matter. If the supervisor or a  
14 majority of the members voting determine that a violation will exist  
15 if the member continues to participate, the member shall refrain from  
16 voting, deliberating, or participating in the matter.

17 (b) The designated supervisor or the board or commission may  
18 request guidance from the attorney general, in accordance with AS 39.-  
19 52.240, when determining whether a member of a board or commission is  
20 involved in a matter that may result in a violation of AS 39.52.110 --  
21 39.52.190.

22 Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. A person may  
23 report to a public officer's designated supervisor, under oath and in  
24 writing, a potential violation of AS 39.52.110 -- 39.52.190 by the  
25 public officer. The supervisor shall provide a copy of the report to  
26 the officer who is the subject of the report, and shall review the  
27 report to determine whether a violation may exist. The supervisor  
28 shall act in accordance with AS 39.52.210 or 39.52.220 if the supervi-  
29 sor determines that the matter may result in a violation of

1 AS 39.52.110 -- 39.52.190.

2 Sec. 39.52.240. ADVISORY OPINIONS. (a) Upon the written re-  
3 quest of a designated supervisor or a board or commission, the attor-  
4 ney general shall issue opinions interpreting this chapter. The re-  
5 quester must supply any additional information requested by the attor-  
6 ney general in order to issue the opinion. Within 60 days after  
7 receiving a complete request, the attorney general shall issue an  
8 advisory opinion on the question.

9 (b) The attorney general may offer oral advice if delay would  
10 cause substantial inconvenience or detriment to the requesting party.

11 (c) The designated supervisor or a board or commission shall  
12 make a written determination based on the advice of the attorney  
13 general. If the advice of the attorney general provides more than one  
14 way for a public officer to avoid or correct a problem found under  
15 AS 39.52.110 -- 39.52.190, the designated supervisor or the board or  
16 commission shall, after consultation with the officer, determine the  
17 alternative that is most appropriate and advise the officer of any  
18 action required of the officer to avoid or correct the problem.

19 (d) A public officer is not liable under this chapter for any  
20 action carried out in accordance with a determination made under  
21 AS 39.52.210 -- 39.52.240 if the officer fully disclosed all relevant  
22 facts reasonably necessary to the determination.

23 (e) The attorney general may reconsider, revoke, or modify an  
24 advisory opinion at any time, including upon a showing that material  
25 facts were omitted or misstated in the request for the opinion.

26 (f) A person may rely on an advisory opinion that is currently  
27 in effect.

28 (g) A request for advice made under (a) of this section is  
29 confidential.

1 (h) The attorney general shall publish in the Alaska Administra-  
2 tive Journal, with sufficient deletions to prevent disclosure of the  
3 persons whose identities are confidential under (g) of this section,  
4 the advisory opinions issued under this section that the attorney  
5 general determines to be of major import because of their general  
6 applicability to executive branch officers.

7 Sec. 39.52.250. ADVICE TO FORMER PUBLIC OFFICERS. (a) A former  
8 public officer may request, in writing, an opinion from the attorney  
9 general interpreting this chapter. The attorney general shall give  
10 advice in accordance with AS 39.52.240(a) or (b) and publish opinions  
11 in accordance with AS 39.52.240(h).

12 (b) A former public officer is not liable under this chapter for  
13 any action carried out in accordance with the advice of the attorney  
14 general issued under this section, if the public officer fully dis-  
15 closed all relevant facts reasonably necessary to the issuance of the  
16 advice.

17 Sec. 39.52.260. DESIGNATED SUPERVISOR'S REPORT AND ATTORNEY  
18 GENERAL REVIEW. (a) A designated supervisor shall quarterly submit a  
19 report to the attorney general which states the facts, circumstances,  
20 and disposition of any disclosure made under AS 39.52.210 -- 39.52.-  
21 240.

22 (b) The attorney general shall review determinations reported  
23 under this section. The attorney general may request additional  
24 information from a supervisor concerning a specific disclosure and its  
25 disposition.

26 (c) The report prepared under this section is confidential and  
27 not available for public inspection unless formal proceedings under  
28 AS 39.52.350 are initiated based on the report. If formal proceedings  
29 are initiated, the relevant portions of the report are public

1 documents open to inspection. The attorney general shall, however,  
2 make available to the public a summary of the reports received under  
3 this section, with sufficient deletions to prevent disclosure of a  
4 person's identity.

5 ARTICLE 4. COMPLAINTS; HEARING PROCEDURES.

6 Sec. 39.52.310. COMPLAINTS. (a) The attorney general may  
7 initiate a complaint, or elect to treat as a complaint any matter  
8 disclosed under AS 39.52.210, 39.52.220, 39.52.250, or 39.52.260.

9 (b) A person may file a complaint with the attorney general  
10 regarding the conduct of a current or former public officer. A com-  
11 plaint must be in writing, be signed under oath, and contain a clear  
12 statement of the details of the alleged violation.

13 (c) If a complaint alleges a violation of AS 39.52.110 --  
14 39.52.190 by the governor, lieutenant governor, or the attorney gener-  
15 al, the matter shall be referred to the personnel board. The person-  
16 nel board shall retain independent counsel who shall act in the place  
17 of the attorney general under (d) -- (i) of this section, AS 39.52.320  
18 -- 39.52.350, and AS 39.52.360(c) and (d).

19 (d) The attorney general shall review each complaint filed, to  
20 determine whether it is properly completed and contains allegations  
21 which, if true, would constitute conduct in violation of this chapter.  
22 The attorney general may require the complainant to provide additional  
23 information before accepting the complaint. If the attorney general  
24 determines that the allegations in the complaint do not warrant an  
25 investigation, the attorney general shall dismiss the complaint with  
26 notice to the complainant and the subject of the complaint.

27 (e) The attorney general may refer a complaint to the subject's  
28 designated supervisor for resolution under AS 39.52.210 or 39.52.220.

29 (f) If the attorney general accepts a complaint for inves-

1           tigation, the attorney general shall serve a copy of the complaint  
2           upon the subject of the complaint, for a response. The attorney  
3           general may require the subject to provide, within 20 days after ser-  
4           vice, full and fair disclosure in writing of all facts and circum-  
5           stances pertaining to the alleged violation. Misrepresentation of a  
6           material fact in a response to the attorney general is a violation of  
7           this chapter. Failure to answer within the prescribed time, or within  
8           any additional time period that may be granted in writing by the  
9           attorney general, may be considered an admission of the allegations in  
10          the complaint.

11           (g) If a complaint is accepted under (f) of this section, the  
12          attorney general shall investigate to determine whether a violation of  
13          this chapter has occurred. At any stage of an investigation or re-  
14          view, the attorney general may issue a subpoena under AS 39.52.380.

15           (h) A violation of this chapter may be investigated within two  
16          years after discovery of the alleged violation.

17           (i) The unwillingness of a complainant to assist in an investi-  
18          gation, the withdrawal of a complaint, or restitution by the subject  
19          of the complaint may, but need not in and of itself, justify termina-  
20          tion of an investigation or proceeding.

21           Sec. 39.52.320. DISMISSAL BEFORE FORMAL PROCEEDINGS. If, after  
22          investigation, it appears that there is no probable cause to believe  
23          that a violation of this chapter has occurred, the attorney general  
24          shall dismiss the complaint and prepare and file a confidential summa-  
25          ry with the personnel board. The attorney general shall communicate  
26          disposition of the matter promptly to the complainant and to the  
27          subject of the complaint.

28           Sec. 39.52.330. CORRECTIVE OR PREVENTIVE ACTION. After deter-  
29          mining that the conduct of the subject of a complaint does not warrant

1 a hearing under AS 39.52.360, the attorney general shall recommend  
2 action to correct or prevent a violation of this chapter. The attor-  
3 ney general shall communicate the recommended action to the complain-  
4 ant and the subject of the complaint. The subject of the complaint  
5 shall comply with the attorney general's recommendation.

6 Sec. 39.52.340. CONFIDENTIALITY. (a) Before the initiation of  
7 formal proceedings under AS 39.52.350, information regarding an inves-  
8 tigation conducted under this chapter, or obtained by the attorney  
9 general during the investigation, is confidential. The attorney  
10 general and all persons contacted during the course of an investiga-  
11 tion shall maintain confidentiality regarding the existence of the  
12 investigation. A person who violates this section is guilty of a  
13 class A misdemeanor.

14 (b) It is not a violation of this section for a person to con-  
15 tact an attorney or to participate in a criminal investigation.

16 (c) The subject of the complaint may, in writing, waive the  
17 confidentiality protection of this section.

18 Sec. 39.52.350. PROBABLE CAUSE FOR HEARING. (a) If the attor-  
19 ney general determines that there is probable cause to believe that a  
20 knowing violation of this chapter or a violation that cannot be cor-  
21 rected under AS 39.52.330 has occurred, or that the subject of a com-  
22 plaint failed to comply with a recommendation for corrective or pre-  
23 ventive action, the attorney general shall initiate formal proceedings  
24 by serving a copy of an accusation upon the subject of the accusation.  
25 The accusation shall specifically set out the alleged violation.  
26 After service, the accusation is a public document open to inspection.  
27 Except as provided in AS 39.52.370(c), all subsequent proceedings are  
28 open to the public.

29 (b) The subject of the accusation shall file an answer with the

1 attorney general within 20 days after service of the accusation, or at  
2 a later time specified by the attorney general. If the subject of the  
3 accusation fails to timely answer, the allegations are considered  
4 admitted.

5 (c) If the subject of the accusation denies that a violation of  
6 this chapter has occurred, the attorney general shall refer the matter  
7 to the personnel board, which shall appoint a hearing officer to con-  
8 duct a hearing.

9 (d) If the subject of the accusation admits a violation of this  
10 chapter, the attorney general shall refer the matter to the personnel  
11 board to impose penalties under AS 39.52.410, 39.52.440, and 39.52.-  
12 450, as appropriate.

13 Sec. 39.52.360. HEARINGS. (a) The hearing officer may convene  
14 a pre-hearing conference to set a time and place for the hearing, and  
15 for stipulation as to matters of fact and to simplify issues, identify  
16 and schedule pre-hearing matters, and resolve other similar matters  
17 before the hearing.

18 (b) The hearing officer may administer oaths, hold hearings, and  
19 take testimony. Upon application by a party to the hearing, the  
20 hearing officer may issue subpoenas under AS 39.52.380.

21 (c) The attorney general shall present the charges before the  
22 hearing officer. At a hearing, the attorney general has the burden of  
23 demonstrating by a preponderance of the evidence that the subject of  
24 the accusation has, by act or omission, violated this chapter.

25 (d) The parties to a hearing are the attorney general and the  
26 subject of the accusation. The subject of an accusation may be repre-  
27 sented by counsel. Each party has an opportunity to be heard and  
28 cross-examine witnesses, who shall testify under oath.

29 (e) The Administrative Procedure Act does not apply to hearings

1 under this section, except as provided in AS 39.52.380.

2 (f) Technical rules of evidence do not apply, but the hearing  
3 officer's findings must be based upon reliable and relevant evidence.  
4 All testimony and other evidence taken at the hearing must be recorded  
5 and the evidence maintained. Copies of transcripts of the hearing  
6 record are available to the subject of the accusation at the subject's  
7 expense; however, upon request, a copy of the recording of the hearing  
8 must be furnished without charge to the subject of the accusation.

9 (g) At the conclusion of the formal hearing, the hearing officer  
10 may direct either or both parties to submit proposed findings of fact,  
11 conclusions of law, and recommendation to be filed within 10 days  
12 after the conclusion of the hearing.

13 (h) Within 30 days after the conclusion of a formal hearing, the  
14 hearing officer shall serve a written report on the personnel board  
15 and the parties, unless the personnel board grants an extension of  
16 time. The report must contain the officer's findings of fact, conclu-  
17 sions of law, and recommendation. The hearing officer shall submit  
18 the record to the personnel board.

19 Sec. 39.52.370. PERSONNEL BOARD ACTION. (a) Within 10 days  
20 after receipt of the hearing officer's report, either party may pro-  
21 test the officer's findings of fact, conclusions of law, and recommen-  
22 dation, and, if a protest is filed, shall serve a copy on the other  
23 party. Oral argument before the personnel board must be provided only  
24 if requested by either party. The board chair shall set the deadline  
25 for submission of requests for oral argument, and set the dates for  
26 submission of briefs and oral argument before the board, if requested.

27 (b) The board may issue subpoenas under AS 39.52.380, and may,  
28 for good cause shown, augment the hearing record, in whole or in part,  
29 or hold a hearing de novo.

1 (c) The personnel board shall review each report submitted by a  
2 hearing officer and shall either adopt or amend the findings of fact,  
3 conclusions of law, and recommendation of the officer. Deliberations  
4 of the personnel board must be conducted in sessions not open to the  
5 public.

6 (d) If the personnel board determines that a violation occurred,  
7 it may impose the penalties in AS 39.52.410, 39.52.440, and 39.52.450,  
8 as appropriate. If the board determines that no violation occurred,  
9 the board shall issue a written order of dismissal.

10 (e) The personnel board secretary shall promptly notify the  
11 parties and the public officer's designated supervisor of the board's  
12 action.

13 (f) The subject of the accusation may appeal the personnel  
14 board's decision by filing an appeal in the superior court as provided  
15 in the Alaska Rules of Appellate Procedure.

16 Sec. 39.52.380. SUBPOENAS. (a) As provided in AS 39.52.310(g),  
17 39.52.360(b), and 39.52.370(b), the attorney general, independent  
18 counsel retained under AS 39.52.310(c), a hearing officer, the subject  
19 of an accusation, and the personnel board may summon witnesses and  
20 require the production of records, books, and papers by the issuance  
21 of subpoenas.

22 (b) Subpoenas must be served in the manner prescribed by AS 44.-  
23 62.430 and Rule 45 of the Alaska Rules of Civil Procedure. Failure or  
24 refusal to obey a subpoena issued under this chapter is punishable as  
25 contempt in the manner provided by law and court rule. The superior  
26 court may compel obedience to the subpoena in the same manner as  
27 prescribed for obedience to a subpoena issued by the court.

28 Sec. 39.52.390. SERVICE. Service of an accusation must be  
29 accomplished in accordance with Rule 4 of the Alaska Rules of Civil

1 Procedure. Service of any other pleading, motion, or other document  
2 must be accomplished in accordance with Rule 5 of the Alaska Rules of  
3 Civil Procedure.

4 ARTICLE 5. ENFORCEMENT; REMEDIES.

5 Sec. 39.52.410. VIOLATIONS; PENALTIES FOR MISCONDUCT. (a) If  
6 the personnel board determines that a public employee has violated  
7 this chapter, it (1) shall order the employee to stop engaging in any  
8 official action related to the violation; (2) may order divestiture,  
9 establishment of a blind trust, restitution, or forfeiture; and (3)  
10 may recommend that the employee's agency take disciplinary action,  
11 including dismissal.

12 (b) If the personnel board determines that a non-salaried member  
13 of a board or commission has violated this chapter, it (1) shall order  
14 the member to refrain from voting, deliberating, or participating in  
15 the matter; (2) may order restitution; and (3) may recommend to the  
16 appropriate appointing authority that the member be removed from the  
17 board or commission. A violation of this chapter is grounds for  
18 removal of a board or commission member for cause. If the personnel  
19 board recommends that a board or commission member be removed from  
20 office, the appointing authority shall immediately act to remove the  
21 member from office.

22 (c) If the personnel board determines that a former public  
23 officer has violated this chapter, it shall (1) issue a public state-  
24 ment of its findings, conclusions, and recommendation; and (2) request  
25 the attorney general to exercise all legal and equitable remedies  
26 available to the state to seek whatever relief is appropriate.

27 (d) If the personnel board finds a violation of this chapter by  
28 a public officer removable from office only by impeachment, it shall  
29 file a report with the president of the Senate, with its finding. The

1 report must contain a statement of the facts alleged to constitute the  
2 violation.

3 Sec. 39.52.420. DISCIPLINARY ACTION FOR VIOLATION. (a) In  
4 addition to any other cause an agency may have to discipline a public  
5 employee, an agency may reprimand, demote, suspend, discharge, or  
6 otherwise subject an employee to agency disciplinary action commensu-  
7 rate with the violations of this chapter. This section does not  
8 prohibit the review of a disciplinary action in the manner prescribed  
9 by an applicable collective bargaining agreement or personnel statute  
10 or rule.

11 (b) An agency may initiate appropriate disciplinary action in  
12 the absence of an accusation <sup>under this chapter</sup> or during the pendency of a hearing or  
13 personnel board action.

14 Sec. 39.52.430. ACTIONS VOIDABLE. (a) In addition to any other  
15 penalty provided by law, a state grant, contract, or lease entered  
16 into in violation of this chapter is voidable by the state. In a  
17 determination under this section of whether to void a grant, contract,  
18 or lease, the interests of third parties who could be damaged may be  
19 taken into account. The attorney general shall give notice of intent  
20 to void a state grant, contract, or lease under this section no later  
21 than 30 days after the personnel board's determination of a violation  
22 under this chapter.

23 (b) In addition to any other penalty provided for by law, the  
24 state may require a state loan received in violation of this chapter  
25 to become immediately payable.

26 (c) Any state action taken in violation of this chapter is  
27 voidable, except that the interests of third parties and the nature of  
28 the violation may be taken into account. The attorney general may  
29 pursue any other available legal and equitable remedies.

1 (d) The attorney general may recover any fee, compensation,  
2 gift, or benefit received by a person as a result of a violation of  
3 this chapter by a current or former public officer. Action to recover  
4 under this subsection must be brought within two years after discovery  
5 of the violation.

6 Sec. 39.52.440. CIVIL PENALTIES. The personnel board may impose  
7 on a current or former public officer civil penalties not to exceed  
8 \$5,000 for a violation of this chapter. A penalty imposed under this  
9 section is in addition to and not instead of any other penalty that  
10 may be imposed according to law.

11 Sec. 39.52.450. PAYMENT OF TWICE THE FINANCIAL BENEFIT. The  
12 personnel board may, in addition to the civil penalties described in  
13 this chapter, require a current or former public officer who has  
14 financially benefited a person in violation of this chapter to pay to  
15 the state up to twice the amount that the person realized from the  
16 violation.

17 Sec. 39.52.460. CRIMINAL SANCTIONS ADDITIONAL. To the extent  
18 that violations under this chapter are punishable in a criminal  
19 action, that sanction is in addition to the civil remedies set out in  
20 this chapter.

#### 21 ARTICLE 6. GENERAL PROVISIONS.

22 Sec. 39.52.910. APPLICABILITY. (a) Except as specifically  
23 provided, this chapter applies to all public officers within execu-  
24 tive-branch agencies, including members of boards or commissions.  
25 This chapter does not apply to a former public officer of an execu-  
26 tive-branch agency unless a provision specifically states that it so  
27 applies. This chapter does not apply to legislators covered by  
28 AS 24.60.

29 (b) The provisions of this chapter supersede the common law on

1 conflicts of interests that may apply to a public officer of an execu-  
2 tive-branch agency and any personnel rules relating to conflicts of  
3 interests, excluding nepotism, adopted under AS 39.25. However,  
4 nothing in this chapter precludes a prosecution under an applicable  
5 criminal statute nor prevents enforcement of any other state law that  
6 imposes a stricter standard of ethical conduct on public officers.

7 (c) The provisions of this chapter are not subject to negotia-  
8 tion by collective bargaining under AS 23.40 or AS 42.40.720 --  
9 42.40.880.

10 Sec. 39.52.920. AGENCY POLICIES. Subject to the review and  
11 approval of the attorney general, an agency may adopt a written policy  
12 that, in addition to the requirements of this chapter, limits the  
13 extent to which a public officer in the agency or an administrative  
14 unit of the agency may

15 (1) acquire a personal interest in an organization or a  
16 financial interest in a business or undertaking that may benefit from  
17 official action taken or withheld by the agency or unit;

18 (2) have a personal or financial interest in a state grant,  
19 contract, lease, or loan administered by the agency or unit; or

20 (3) accept a gift.

21 Sec. 39.52.930. COOPERATION. All agencies and instrumentalities  
22 of the state shall cooperate fully with the attorney general and the  
23 personnel board in the performance of their duties under this chapter.

24 Sec. 39.52.940. CONSTRUCTION. This chapter must be construed to  
25 promote high standards of ethical conduct in state government.

26 Sec. 39.52.950. REGULATIONS. The attorney general may adopt  
27 regulations under the Administrative Procedure Act necessary to inter-  
28 pret and implement this chapter.

29 Sec. 39.52.960. DEFINITIONS. In this chapter, unless the

1 context requires otherwise,

2 (1) "administrative unit" means a branch, bureau, center,  
3 committee, division, fund, office, program, section, or any other  
4 subdivision of an agency;

5 (2) "agency" means a department, office of the governor, or  
6 entity in the executive branch, including but not limited to the  
7 University of Alaska, the Alaska Railroad, public or quasi-public  
8 corporations, and boards or commissions;

9 (3) "benefit" means anything that is to a person's advan-  
10 tage or self-interest, or from which a person profits, regardless of  
11 the financial gain, including any dividend, pension, salary, acqui-  
12 sition, agreement to purchase, transfer of money, deposit, loan or  
13 loan guarantee, promise to pay, grant, contract, lease, money, goods,  
14 service, privilege, exemption, patronage, advantage, advancement, or  
15 anything of value;

16 (4) "board or commission" means a board, commission, au-  
17 thority, or board of directors of a public or quasi-public corpo-  
18 ration, established by statute in the executive branch, including the  
19 Alaska Railroad;

20 (5) "business" includes a corporation, company, firm,  
21 partnership, sole proprietorship, trust or foundation, or any other  
22 individual or entity carrying on a business, whether operated for  
23 profit or non-profit;

24 (6) "child" includes a biological child, an adoptive child,  
25 and a stepchild;

26 (7) "compensation" means any money, thing of value, or  
27 economic benefit conferred on or received by a person in return for  
28 services rendered or to be rendered by the person for another;

29 (8) "designated supervisor" or "supervisor" means

1 (A) the commissioner of each department in the execu-  
2 tive branch, for public employees within the department;

3 (B) the president of the University of Alaska, for  
4 university employees;

5 (C) the chief executive officer of the Alaska Rail-  
6 road, for railroad employees;

7 (D) the attorney general, for the governor and lieu-  
8 tenant governor;

9 (E) the executive director of a board or commission  
10 for the staff of the board or commission;

11 (F) the chair or acting chair of the board or commis-  
12 sion, for the members and the executive director of a board or  
13 commission; and

14 (G) the governor, for commissioners and for other  
15 public officers not included in (A) -- (F) of this subsection; or

16 (H) a public officer designated by a commissioner, the  
17 university president, or the governor to act as the supervisor if  
18 the name and position of the officer designated has been reported  
19 to the attorney general;

20 (9) "financial interest" means

21 (A) an interest held by a public officer or an immedi-  
22 ate family member, which includes an involvement or ownership of  
23 an interest in a business, including a property ownership, or a  
24 professional or private relationship, that is a source of income,  
25 or from which, or as a result of which, a person has received or  
26 expects to receive a financial benefit;

27 (B) holding a position in a business, such as an  
28 officer, director, trustee, partner, employee, or the like, or  
29 holding a position of management;

1 (10) "gain" includes actual or anticipated gain, benefit,  
2 profit, or compensation;

3 (11) "immediate family member" means a public officer's  
4 spouse, a relation by blood within and including the second degree of  
5 kindred, and a regular member of the officer's household;

6 (12) "instrumentality of the state" means a state agency or  
7 administrative unit, whether in the legislative, judicial, or execu-  
8 tive branch, including such entities as the University of Alaska, the  
9 Alaska Railroad, and any public or quasi-public corporations, boards,  
10 or commissions; the term includes municipalities;

11 (13) "non-salaried member of a board or commission" means a  
12 member of a board or commission who is not a public employee by virtue  
13 of membership on a board or commission; receipt of per diem, nominal  
14 compensation for attendance at meetings, and travel expense reimburse-  
15 ment does not make a member of a board or commission a public employee  
16 for purposes of this chapter;

17 (14) "official action" means a recommendation, decision,  
18 approval, disapproval, vote, or other similar action, including inac-  
19 tion, by a public officer;

20 (15) "organization" includes a group, association, society,  
21 political party, or other entity made up of two or more persons,  
22 whether operated for profit or non-profit;

23 (16) "parent" includes a biological parent, an adoptive  
24 parent, and a step-parent of the public officer;

25 (17) "person" includes a natural person, a business, and an  
26 organization;

27 (18) "personal interest" means an interest held or  
28 involvement by a public officer, or the officer's immediate family  
29 member or parent, including membership, in any organization, whether

1 fraternal, non-profit, for profit, charitable, or political, from  
2 which, or as a result of which, a person or organization receives a  
3 benefit;

4 (19) "personnel board" or "board" means the personnel board  
5 established in AS 39.25.060;

6 (20) "public employee" or "employee" means a permanent,  
7 probationary, seasonal, temporary, provisional, or nonpermanent em-  
8 ployee of an agency, whether in the classified, partially exempt, or  
9 exempt service;

10 (21) "public officer" or "officer" means

11 (A) a public employee; and

12 (B) a member of a board or commission;

13 (22) "source of income" means an entity for which service is  
14 performed for compensation or which is otherwise the origin of pay-  
15 ment; if the person whose income is being reported is employed by  
16 another the employer is the source of income; if the person is self-  
17 employed by means of a sole proprietorship, partnership, professional  
18 corporation, or a corporation in which the person, the person's spouse  
19 or child, or a combination of them, holds a controlling interest, the  
20 "source" is the client or customer of the proprietorship, partnership,  
21 or corporation; if the entity which is the origin of payment is not  
22 the same as the client or customer for whom the service is performed,  
23 both are considered the source.

24 \* Sec. 2. AS 39.25.060(c) is amended to read:

25 (c) A board member may be removed by the governor only for cause  
26 [HOLDS OFFICE AT THE PLEASURE OF THE GOVERNOR NOTWITHSTANDING THE  
27 MEMBER'S TERM].

28 \* Sec. 3. AS 39.25.070 is amended to read:

29 Sec. 39.25.070. POWERS AND DUTIES OF PERSONNEL BOARD. In

1 addition to the other duties imposed by this chapter, the personnel  
2 board shall

3 (1) approve or disapprove amendments to the personnel rules  
4 in accordance with AS 39.25.140;

5 (2) consider and act upon recommendations for the extension  
6 of the partially exempt service and the classified service as provided  
7 in AS 39.25.130;

8 (3) hear and determine appeals by employees in the clas-  
9 sified service as provided in AS 39.25.170;

10 (4) establish its own rules of procedure (two members  
11 constitute a quorum for the transaction of business and two affirma-  
12 tive votes are required for final action on matters acted upon by the  
13 board);

14 (5) elect a chairman from its membership;

15 (6) have the power to administer oaths, subpoena witnesses,  
16 and compel the production of books and papers pertinent to a hearing  
17 authorized by this chapter;[.]

18 (7) employ staff members, who shall be in the classified  
19 service;

20 (8) retain independent counsel in accordance with AS 39.-  
21 52.310(c);

22 (9) appoint, and review the findings, conclusions, and  
23 recommendations of, hearing officers in accordance with AS 39.52.-  
24 350(c), 39.52.360, and 39.52.370;

25 (10) issue findings, conclusions, and decisions regarding  
26 violations of the code of ethics in AS 39.52.110 -- 39.52.190; and

27 (11) impose the penalties described in AS 39.52.410, 39.52.-  
28 440, and 39.52.450.

29 \* Sec. 4. AS 42.40.710 is amended to read:

1           Sec. 42.40.710. CORPORATION EMPLOYEES. Employees of the Alaska  
2 Railroad are employees of the corporation and not of the state. The  
3 provisions of AS 39, except AS 39.52, do not apply to employees of the  
4 corporation.

5       \* Sec. 5. AS 44.62.175(a) is amended by adding a new paragraph to read:  
6           (10) in accordance with AS 39.52.240(h), advisory opinions  
7 of the attorney general.

8       \* Sec. 6. The attorney general and the personnel board have no juris-  
9 diction over an alleged violation of AS 39.52.110 -- 39.52.190 that oc-  
10 curred before January 1, 1987, unless the violation continues after that  
11 date.

12       \* Sec. 7. An agency or administrative unit with a policy in effect on  
13 July 1, 1986 related to the subject of AS 39.52.110 -- 39.52.190 shall, by  
14 January 1, 1987, submit the policy to the attorney general for review as to  
15 conformity with the provisions enacted in this Act, the attorney general's  
16 suggestions for amendment, and the attorney general's necessary approval  
17 under AS 39.52.920.

18       \* Sec. 8. AS 39.52.010, 39.52.210 -- 39.52.260, and 39.52.910 --  
19 39.52.960, enacted in sec. 1 of this Act, and secs. 2 -- 7 of this Act take  
20 effect July 1, 1986.

21       \* Sec. 9. AS 39.52.110 -- 39.52.190, and 39.52.310 -- 39.52.460, enact-  
22 ed in sec. 1 of this Act, take effect January 1, 1987.

# STATE OF ALASKA

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POUCH K - STATE CAPITOL  
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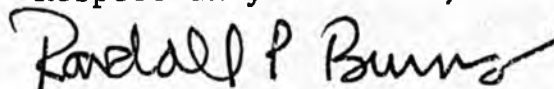
April 7, 1986

The Honorable Mitch Abood  
Chair  
Senate State Affairs Committee  
P. O. Box V  
Juneau, AK 99811

Dear Senator Abood:

Attached to this brief letter are proposed amendments to SSSB 391. All of the amendments, except No. 14, were suggested by the members of the Senate State Affairs Committee last Thursday, April 3rd. The fourteenth amendment reflects a needed amendment that Susan Cox and I neglected to include when drafting the sponsor substitute. We have attempted to respond to the concerns expressed by your Committee in the attached amendments, and look forward to further discussions and continued progress on SSSB 391 this coming Wednesday.

Respectfully submitted,



Randall P. Burns  
Special Assistant  
to the Attorney General

RPB/s

PROPOSED COMMITTEE AMENDMENTS  
TO SSSB 391 (Executive Branch Ethics)

Amendment No. 1:

Page 1  
Line 25

(b) [THE LEGISLATURE RECOGNIZES THAT IT MAY BE NECESSARY FOR PUBLIC OFFICIALS WHO MAY HAVE POTENTIALLY CONFLICTING PUBLIC RESPONSIBILITIES TO SERVE ON STATE BOARDS OR COMMISSIONS.] The legislature declares that it is the policy of the state, when a public employee is appointed to serve on a state board or commission, regardless of whether such public service 1) is required of the employee by statute or 2) may have potentially conflicting public responsibilities, that the holding of [TWO OR MORE] such offices does not constitute the holding of incompatible offices unless expressly prohibited by the Alaska Constitution, this chapter and any opinions or decisions rendered under it, or another statute.

Amendment No. 2:

Page 2  
Line 4

Sec. 39.52.110. SCOPE OF CODE. (a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. In addition, the legislature finds, so long as it does not interfere with the full and faithful discharge of an officer's public duties and responsibilities, that this chapter does not prevent an officer from accepting employment outside state service or following other independent pursuits. [THIS CHAPTER, HOWEVER, DOES NOT PREVENT AN OFFICER FROM ACCEPTING OTHER EMPLOYMENT OR FOLLOWING A PURSUIT THAT DOES NOT INTERFERE WITH THE FULL AND FAITHFUL DISCHARGE OF THE OFFICER'S PUBLIC DUTIES AND RESPONSIBILITIES.] The legislature further recognizes that...

Amendment No. 3:

Page 3  
Line 18

(5) jointly hold a financial interest [ENGAGE IN A CLOSE ECONOMIC ASSOCIATION] with a subordinate;

(6) directly solicit a subordinate for the purpose of selling products or services with a value in excess of \$25;

Amendment No. 4:

Page 3  
Line 24

Sec. 39.52.130. IMPROPER GIFTS [OR BENEFITS].  
(a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift [OR BENEFIT], whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift [OR BENEFIT] is intended to influence the officer in the performance of official duties, actions, or judgment. [NOTHING IN THIS SECTION PRECLUDES THE ACCEPTANCE OF TRAVEL OR HOSPITALITY GIVEN TO A PUBLIC OFFICER TO AID OR ASSIST IN THE PERFORMANCE OF OFFICIAL DUTIES IF THE OFFICER'S DESIGNATED SUPERVISOR DETERMINES THAT ACCEPTANCE DOES NOT INTERFERE WITH THE FULL AND FAITHFUL DISCHARGE OF THE OFFICER'S PUBLIC DUTIES AND RESPONSIBILITIES.]

Amendment No. 5:

Page 4  
Line 7

(b) Notice of the receipt by a public officer of a gift [OR BENEFIT] with a value in excess of \$50 [\$25], including the name of the giver and a description of the gift [OR BENEFIT] and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt if the public officer may take or withhold official action that affects [BENEFITS] the giver.

Amendment No. 6:

Page 4  
Line 13

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift [OR BENEFIT] is prohibited.

Amendment No. 7:

Page 4  
Line 16

(d) The restrictions relating to gifts [OR BENEFITS] imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

Amendment No. 8:

Page 4  
Line 20

Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. (a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated [COMMUNICATED] to the public.

Amendment No. 9:

Page 6  
Line 20

(b) A public employee rendering services for compensation or engaging in employment outside the employee's agency, shall quarterly report the outside services or employment [ACTIVITIES] to the employee's designated supervisor.

Amendment No. 10:

Page 8  
Line 7

(c) [IN ACCORDANCE WITH AS 39.52.240, A] A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining [CONCERNING] whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

Amendment No. 11:

Page 8  
Line 24

(b) [IN ACCORDANCE WITH AS 39.52.240, THE] The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining [CONCERNING] whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

Amendment No. 12:

Page 9  
Line 11

Sec. 39.52.240. ADVISORY OPINIONS. (a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall [MAY] issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

Amendment No. 13:

Page 20  
Line 19

(C) accept a gift [OR BENEFIT]; or....

Amendment No. 14:

Page 25  
Line 27

(8) retain independent counsel in accordance with AS 39.52.310(c);

(9) [(8)] appoint, and review the findings, conclusions, and recommendations of, hearing officers in accordance with AS 39.52.350(c), 39.52.360, and 39.52.370;

(10) [(9)] issue findings, conclusions, and decisions regarding violations of the code of ethics in AS 39.52.110 -- 39.52.190; and

(11) [(10)] impose the penalties described in AS 39.52.410, 39.52.440, and 39.52.450.

Amendments 1-14 made on 7-3-86  
Amendments 15-20 made on 4-9-86

Revised Version  
4-10-86

PROPOSED COMMITTEE AMENDMENTS  
TO SSSB 391 (Executive Branch Ethics)

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Amendment No. 3:

Page 3  
Line 15

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest; or

[(5) ENGAGE IN A CLOSE ECONOMIC ASSOCIATION WITH A SUBORDINATE;]

[(6) DIRECTLY SOLICIT A SUBORDINATE FOR THE PURPOSE OF SELLING PRODUCTS OR SERVICES; OR]

(5) [7] attempt to benefit a personal or financial interest through coercion of a subordinate.

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Amendment No. 9:

Page 6  
Line 20

(b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report on July 1 of each year [QUARTERLY REPORT] the outside services or employment [ACTIVITIES] to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.

Amendment No. 10:

Page 8  
Line 7

(c) [IN ACCORDANCE WITH AS 39.52.240, A] A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining [CONCERNING] whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 -- 39.52.190.

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(10) [(9)] issue findings, conclusions, and decisions regarding violations of the code of ethics in AS 39.52.110 -- 39.52.190; and

(11) [(10)] impose the penalties described in AS 39.52.410, 39.52.440, and 39.52.450.

Amendment No. 15:

Page 9  
Line 18

(c) The designated supervisor or board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provided more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 -- 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

Amendment No. 16:

Page 10  
Line 6

(g) A request for advice made under (a) of this section is confidential.

Amendment No. 17:

Page 10  
Line 8

(h) The attorney general shall publish [THE ADVISORY OPINIONS] in the Alaska Administrative Journal, with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers.

Amendment No. 18:

Page 11  
Line 2

(c) The report prepared under this section is confidential and not available for public inspection unless formal proceedings under AS 39.52.350 are initiated based on the report. If formal proceedings are initiated, the relevant portions of the report are public documents open to inspection. The attorney general shall, however, make available to the public a summary [AN EXTRACT] of the reports received under this section, with sufficient deletions to prevent disclosure of a person's identity.

Amendment No. 19:

Page 12  
Line 12

Failure to answer within the prescribed time [,] or within any additional time period that may be granted in writing by the attorney general may be [IS] considered an admission of the allegations in the complaint.

Amendment No. 20:

Page 17  
Line 15

(b) If the personnel board determines that a non-salaried member of a board or commission has violated this chapter, it (1) shall order the member to refrain from voting, deliberating, or participating in the matter; (2) may order restitution; and (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission. A violation of this chapter is grounds for removal of a board or commission member for cause. If the personnel board recommends that a board or commission member be removed from office, the appointing authority shall immediately act to remove the member from office.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : 3/26/86

**REQUEST**

**FISCAL DETAIL**

Bill/Resolution No. : SSSB 391  
 Title : "An Act relating to the ethical conduct of government; and providing for an effective date."  
 Sponsor : By Request of the Governor  
 Requestor : Governor's Office/OMB  
 Date of Request : March 24, 1986

Agency Affected : Department of Law  
 BRU : Legal Services  
 Components : Legal Services Operations

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		155.2	170.6	175.7	181.0	86.4
TRAVEL		5.0	5.2	5.4	5.6	5.8
CONTRACTUAL		7.3	7.9	8.1	8.3	8.5
SUPPLIES		10.1	6.2	6.4	6.6	6.8
EQUIPMENT		9.5	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>187.1</b>	<b>189.9</b>	<b>195.6</b>	<b>201.5</b>	<b>207.5</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		187.1	189.9	195.6	201.5	207.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Please see attached analysis.

Prepared by : Richard I. Pegues, Director Phone : 465-3672  
 Division : Administrative Services Division Date : 3/26/86  
 Approved by Commissioner Richard I. Pegues/FR/  
Harold M. Brown, Atty General Date : 3/26/86  
 Agency : Department of Law

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SS SB 391

This bill provides a code of ethics for the guidance of public officers and employees in the executive branch. It establishes procedure to determine if violations exist and requires that the attorney general provide advisory opinions to interpret the Act and recommend corrective action, as may be needed. The bill also requires that the attorney general investigate complaints on suspected violations and bring allegations before the state personnel board, where appropriate. Based on the experience of other states who have implemented similar legislation, we can expect between 200 and 300 requests for advisory opinions during the first year (FY 87) after the bill goes into effect. We have no accurate guide to determine how many complaints may have to be investigated, but obviously there will be more than a few. Consequently, there will be a heavy caseload almost from the day the bill takes effect on July 1, 1986. We therefore anticipate that the services of two attorneys will be needed for at least the first two years. This is the time it will take to deal with a wide variety of conflict issues that will arise when the bill is implemented.

COST SUMMARY - EXECUTIVE BRANCH ETHICS BILL

	<u>Attorney IV</u>	<u>Attorney III</u>	<u>Leg. Secretary I</u>	<u>Total</u>
71000	71.5	52.8	30.9	155.2
72000	3.0	2.0	-0-	5.0
73000	2.4	2.0	2.9	7.3
74000	3.9	3.5	2.7	10.1
75000	<u>1.5</u>	<u>1.5</u>	<u>6.5</u>	<u>9.5</u>
Total	82.3	61.8	43.0	187.1

FY 87 costs are based on 12 months each for the Attorney IV and the Legal Secretary, and 10 months for the Attorney III. Costs beyond FY 87, extend the Attorney III to 12 months, delete one-time costs, and include a 3% annual inflation factor.

Position Title <b>Attorney IV</b>			No. of Positions 1	Range/Step 24A	Barg. Unit PX	Gov. Leg.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location AWA - Juneau		Election District 4			
Type of Expenditure			Justification					
		Amount	<p>This is a request for the first of two attorneys that will be needed to implement the executive branch ethics bill. The bill provides that the attorney general will provide advisory opinions to agencies, boards and commissions regarding potential conflicts of interest. The bill also provides that the attorney general will investigate all complaints and, where appropriate, bring allegations before the state personnel board for action. The attorney general would also be empowered to seek civil penalties. Based on the experience of other states, we anticipate between 200 and 300 requests for advisory opinions during the first year that the bill goes into effect. For this reason, we are reporting that this position be established at the beginning of FY 87. The duties of the position will require full working level attorney experience and allocation to Attorney IV is therefore recommended.</p>					
1	2	3						
Salary	56,244							
Benefits	15,248							
Premium Pay								
Other								
Total Personal Services		71,492						
Travel		3,000						
Contractual		2,400						
Commodities		3,900						
Equipment		1,500						
Other								
Total Cost		82,292						
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004		82,292				
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
For B&M Use Only								
Key Number								

Request For  
New Position

Agency Department of Law  
 BRU Legal Services  
 Component Operations

Page 1 of 1  
 Revised Date

FY 87

Position Title <b>Attorney III</b>			No. of Positions <b>1</b>	Range/Step <b>22A</b>	Burg. Unit <b>PX</b>	Gov.	Approv.	Disapp.
Time Status <b>PFT</b>	Staff Months <b>10</b>	RP Number	Location <b>AWA-Juneau</b>		Election District <b>4</b>	Leg.		
Type of Expenditure			Justification					
1		2	3					
Salary		40,950	This is a request for the second of two attorneys that will be needed to implement the executive branch ethics bill. This position will assist the first attorney in rendering advisory opinions and will have primary responsibility for investigating complaints. We anticipate a flood of opinion requests beginning on July 1, 1986. Complaint handling will begin on January 1, 1987. Advisory opinion requests must be satisfied within 60 days. Because we expect between 200 and 300 such requests within the first year, and because we must also be in a position to begin investigating complaints by January 1, 1987, this second position should be established by September 1, 1986. Allocation to the Attorney III level is recommended in view of the availability of the Attorney IV, who can handle the more complex issues.					
Benefits		11,592						
Premium Pay								
Other								
Total Personal Services		52,842						
Travel		2,000						
Contractual		2,000						
Commodities		3,500						
Equipment		1,500						
Other								
Total Cost		61,842						
Receipt Code		Funding Source						
		Federal Receipts	1002					
		G. F. Match	1003					
		General Funds	1004	61,842				
		I-A Receipts	1005					
		Program Receipts	1028					
		CIP Receipts	1061					
		Other						
For B&M Use Only Key Number _____								

**Request For  
New Position**

Agency Department of Law  
 BRU Legal Services  
 Component Operations

Page 1 of 1  
 Revised Date \_\_\_\_\_

**FY 87**

Position Title <b>Legal Secretary I</b>			No. of Positions <b>1</b>	Range/Step <b>10B</b>	Barg. Unit <b>GGU</b>	Gov.	Approv.	Disapp.
Time Status <b>PFT</b>	Staff Months <b>12</b>	RP Number	Location <b>AWA-Juneau</b>		Election District <b>4</b>	Leg.		
			Justification					
Type of Expenditure		Amount		<p>This is a request for a legal secretary position to provide clerical support for the two attorneys being assigned to handle executive branch ethics work. This work will involve a high volume of written opinions, prosecution of violations, and civil litigation to impose and collect penalties. The position will be responsible for producing all of the written work, including opinions and legal documents. Allocation to Legal Secretary I is therefore recommended.</p>				
1	2	3						
Salary	22,716							
Benefits	8,224							
Premium Pay								
Other								
Total Personal Services		30,490						
Travel		2,900						
Contractual		2,700						
Commodities		6,500						
Equipment								
Other		43,040						
Total Cost								
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		43,040					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
For B&M Use Only Key Number _____								

**Request For  
New Position**

Agency Department of Law  
 BRU Legal Services  
 Component Operations

Page 1 of 1  
 Revised Date \_\_\_\_\_

**FY 87**

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

February 14, 1985

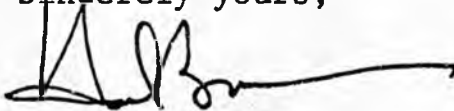
The Honorable Mitch Abood  
Chair, Senate State Affairs  
Alaska State Legislature  
P. O. Box V  
Juneau, AK 99811

Dear Senator Abood:

Enclosed is the Department of Law's position paper on the ethics bill, SB 391. The Department of Law supports the proposed legislation, and Randall Burns and Susan Cox of my staff stand ready to work with your committee upon request.

Please do not hesitate to contact this office if we can be of assistance.

Sincerely yours,



Harold M. Brown  
Attorney General

HMB/alg

Enclosure

SB 391

Position Paper

Department of Law

The provisions of SB 391 encompass all executive branch public officials and employees. A "public official" is defined as any executive branch employee at a range 26 or higher, all division directors, all members of state boards and commissions, any person appointed as an assistant to the governor, and the executive directors of some forty-eight boards and commissions.

A "public employee" is defined as all executive branch employees in the classified, partially-exempt, or exempt service. All agencies and departments of the state are covered by the bill, including the University of Alaska, the Alaska Railroad, as well as all public and quasi-public corporations.

Employees at a range 26 or higher and members of forty-eight specifically listed boards and commissions must file financial disclosure statements, reporting their financial or business interests. These disclosure requirements were transferred from the Conflict of Interest Law to the new bill, so that all executive branch officials previously filing with the APOC now file financial disclosure statements with the new ethics commission.

The bill creates the seven-member Alaska Ethics Commission to administer the ethics law. The members are appointed by the governor, subject to legislative confirmation. Only one member of the commission may be a public official or employee.

The bill sets out a code of ethics that prohibits a public official or employee from the following acts:

- A. the misuse of one's official position for personal gain;
- B. the acceptance of any gift or benefit where it can reasonably be interpreted as an act intended to influence or reward the official or employee for actions taken to benefit the giver;
- C. the use of information that has not been communicated to the public ("insider information") or the disclosure of information that is confidential by law;
- D. having a personal or financial interest in a state grant, contract, lease, or loan if the official or employee could in any way affect the award, execution, or administration of that grant, contract, lease, or loan;

E. providing representation, advice, or assistance to any person concerning a matter pending before the agency that the official or employee serves;

F. holding outside employment if that work is in conflict with the duties of the state job held;

G. for two years after state service, representing any person for compensation regarding a matter in which the official or employee participated personally and substantially while employed by the state; and

H. knowingly aiding an official or employee who is in violation of the ethics law.

The bill creates procedures whereby officials and employees may seek advisory opinions concerning their particular standing under the various provisions of the ethics code. The bill also sets out procedures for filing complaints and holding hearings concerning alleged violations of the code of ethics.

The bill requires a series of reports to be filed by all officials and employees concerning (1) the receipt of any gift or benefit where the giver could benefit from the official's or employee's actions; (2) the personal and financial interest of any official or employee in any state grant, contract, lease, or loan; and (3) any employment held outside state service while employed by the state.

The bill requires the establishment of an education program by the commission to provide information to the public and officials and employees regarding the ethics law.

The bill staggers the effective dates of the bill. The commission is created in July of this year so that staff can be hired and the commission's education program can be in place by year's end. The sections of the bill providing for the issuance of advisory opinions become effective January 1, 1987, so that officials and employees may seek guidance from the commission in order that any necessary reassignments, transfers, or divestitures that need to occur can be accomplished before the code is actually in force. The provisions of the code of ethics itself take effect July 1, 1987.

The bill provides for the protection of employees who report violations of state and federal law: a so-called "whistleblowers" act.

The bill has been drafted with the following assumptions in mind:

1. A code of ethics is both necessary and desirable, as it supersedes the common law on conflicts of interest, including replacement of the common law standard of "appearance of impropriety" with the specific standards set out in the code.

2. The bill describes general prohibitions in the code of ethics because a bill which attempts to predict every imaginable conflict is not workable and becomes a negative rather than a positive document.

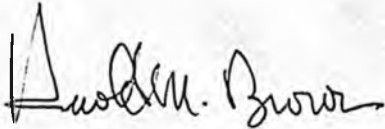
3. Members of boards and commissions pose unique problems because citizens appointed to such bodies are often sought for their expertise in the very areas regulated by the boards on which they serve; therefore, it should be left to the commission to adopt specific regulations concerning the code's interface with non-salaried members of boards and commissions after some history with the law has been established.

4. The bill requires various reports to be made by public officials and employees and gives broad authority to further refine the code through the adoption of administrative regulations. After a period of time, the actual experience of the state's work force, as detailed in the reports filed under the law, will enable the commission to intelligently refine the general prohibitions of the code through the adoption of meaningful regulations based on fact, not fancy.

5. The most significant aspect of the bill is its provisions for the issuance of advisory opinions, which can be sought by any current or former public official or employee. This will provide executive branch officials and employees with the opportunity to seek guidance in matters currently left to choice or doubt and thus contribute significantly to increased public trust in our public servants.

SB 391 reflects Governor Sheffield's commitment to imposing a uniform standard of conduct on the executive branch and its adoption is urged by the Department of Law. Under the current common law regarding conflicts of interests, the Department finds itself having to frequently interpret -- on a case-by-case basis -- the common law standard, a standard which is both confusing and poorly understood. A specific set of standards, as are codified in SB 391, will remove from "ethics" that haze of mystery which currently surrounds it. In addition, the Department of Law is often asked to give advice concerning

possible improprieties or conflicts, but we have no enforcement powers. By placing in statute a code of ethics, the new commission will have the authority to compel compliance, thus guaranteeing a higher level of public trust.



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Harold M. Brown  
Attorney General

*Feb 13, 1986*

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Dated: February 13, 1986

RPB:HMB/glg  
SB 391/RB2

CAMPAIGN FINANCE, ETHICS & LOBBY LAW

# BLUE BOOK

1984-85

The Council on Governmental Ethics & Law  
The Council of State Government

CAMPAIGN FINANCE, ETHICS AND LOBBY LAW  
BLUE BOOK 1984-85

Edited by  
James Whelan  
David Johnson  
Office of the Chief Election Officer  
Toronto, Ontario

Prepared for  
The Council on Governmental Ethics Laws

The Council of State Governments  
Lexington, Kentucky  
1984

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The Council on Governmental Ethics Laws and the Council of State Governments would appreciate your help in identifying any changes in laws or regulations mentioned within this volume, as well as your comments on how we might improve this volume in future editions. Please direct any new information or suggestions to:

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## FOREWORD

The Council of State Governments is pleased to collaborate with the Council on Governmental Ethics Laws in the preparation of this Campaign Finance, Ethics, and Lobby Law Blue Book for 1984-85. This volume illustrates the variety of approaches that the 50 states, the District of Columbia, and our Canadian neighbors have adopted in reconciling the conflicting, but equally important, goals of improving access to government and continuing to preserve the integrity of public officials and employees.

The Office of the Chief Election Officer of Ontario and his colleagues with the Council on Governmental Ethics Laws have done an admirable job in compiling information on campaign finance, conflict of interest, and lobbying laws from the agencies which are responsible for regulating these areas. We hope that you will find this volume to be a valuable reference work.

February 1984

Carl W. Stenberg  
Executive Director  
The Council of  
State Governments

## PREFACE

The Blue Book, now in its fifth edition, is a compilation of information regarding electoral, campaign finance, and ethics regulatory agencies. In particular, this book contains a summary of campaign finance, public financing, conflict of interest (ethics) and lobbying laws compiled from questionnaires completed by such aforementioned American and Canadian agencies which responded to a survey distributed by the COGEL in the autumn of 1983.

Also included is a synopsis of the structure of the agencies established to interpret and regulate these statutes, along with their names, addresses and telephone numbers. Furthermore, this edition contains statutory references to applicable statutes, and a section of important descriptive notations provided by certain agencies in regard to their current status and interests. For any additional information, please contact the appropriate agency.

In using the Blue Book, one should be aware of the political-cultural differences between the American and Canadian political systems. The Canadian system, based on the British parliamentary model, does not have conflict of interest and personal financial disclosure legislation comparable to that in the American system. The Canadian system does not have legislation regulating lobbyists; this system does not have judicial candidates, etc.

I wish to thank all the state, federal and provincial agencies which responded to our lengthy survey. Very special thanks must be given to James Whelan and David Johnson; their labor, patience and care made this edition a reality.

Warren R. Bailie  
Office of the  
Chief Election Officer  
Toronto, Ontario

Secretary  
Steering Committee

AGENCY INFORMATION

	MEMBERSHIP OF AGENCY									
	Appointed by				Members		Compensation			
	Governor	Legislature	Judiciary	Other	Number	Terms	Full-Time Salary	Per Duty Day	Per Diem and Travel	
Alabama Eth.	X	X		X	5	5 yrs		\$50	X	
Alaska POC	X			X	5	5 yrs		\$50	X	
Arizona Eth.	X				8	3 yrs		\$30	X	
Arkansas SOS										
California FPCC	X			X	5	4 yrs	\$57,000	\$100	X	
Colorado DOS	X				1					
Connecticut Elec.	X	X			5	5 yrs			X	
Connecticut Eth.	X	X			7	4 yrs		\$25	X	
Dist of Columbia				X	1	4 yrs	\$63,000			
Federal Elec.				X	6	6 yrs	\$67,200			
Florida Eth.	X	X			9	2 yrs			X	
Georgia CPDC	X	X		X	5	5 yrs				
Hawaii CSC	X				5	2 yrs			X	
Hawaii Eth.	X				5	4 yrs			X	
Idaho SOS				X						
Illinois Elec.	X				8	4 yrs	\$15,000		X	
Illinois Eth.	X				3				X	
Indiana Elec.	X				3	2 yrs	\$ 2,500			
Indiana Eth.	X				5	4 yrs			X	
Iowa CPDC	X				5	6 yrs			X	
Kansas PDC	X	X			5	2 yrs		\$35	X	
Kentucky PDRC	X				5	4 yrs		\$65	X	
Louisiana Elec.				X	5				X	
Louisiana Eth.	X	X			5	6 yr			X	
Maryland Eth.	X				5	5 yrs		\$100		
Massachusetts OCP				X	1	6 yrs	\$45,000			
Massachusetts Eth	X			X	5	5 yrs			X	
Michigan Elec.				X	25					
Michigan Eth.	X				7	4 yrs			X	
Minnesota EPB	X			X	6	4 yrs			X	
Mississippi Eth.	X	X	X		8	4 yrs			X	
Missouri SOS										
Montana CFP	X						\$25,000		X	
Nebraska PADC	X			X	8	6 yrs		\$50	X	
Nevada SOS	X	X			8	6 yrs			X	
New Hampshire										
New Jersey Elec.	X				4	3 yrs		\$200	X	
New Jersey Eth.	X				7				X	
New Mexico SOS										
New York Elec.	X				4	4 yrs	\$25,000			
New York TSCRL	X				6	2 yrs			X	
No Carolina Elec.	X				5	4 yrs		\$35	X	
No Carolina Eth.	X				5					
Ohio Elec.				X	5	6 yrs			X	
Ohio Eth.	X			X	6	6 yrs			X	
Oklahoma Elec.	X	X			3	var.	\$28,400		X	
Oregon Eth.	X	X			7	4 yrs			X	
Oregon SOS										
Pennsylvania Eth.	X	X			7	4 yrs		\$50	X	
Rhode Island CIC	X	X		X				\$50		
So Carolina Eth.	X			X	6	4 yrs		\$35	X	
South Dakota SOS										
Texas SOS	X			X	11	2 yrs			X	
Utah SA				X						
Virginia Elec.	X				3	4 yrs	\$39,400		X	
Washington PDC	X				5	5 yrs		\$75	X	
Wisconsin Elec.	X				8	2 yrs				
Wisconsin Eth.	X				6	5 yrs			X	
Wyoming SOS				X	1	4 yrs	\$52,500			
CANADA										
Alberta		X								
Federal CEO		X								
Manitoba				X	6	5 yrs	\$15,000			
Ontario Elec.	X				9	5 yrs				
Quebec		X								
Saskatchewan										

AGENCY INFORMATION

	JURISDICTION						YEAR AGENCY STARTED	AGENCY AUTHORIZED BY				
	Campaign Finance	Public Financing	Conflicts of Interest	Political Financing	Political Financing	Other		Statute	Executive Order	Resolution of the Legislature	Initiative	Other
Alabama Eth.		X	X	X	X		1973	X				
Alaska POC	X			X	X		1974	X		X		
Arizona Eth.				X			1975	X				
Akansas SOS	X	X						X				
California FPPC	X	X	X	X			1975			X		
Colorado DOS	X	X	X	X								
Connecticut Elec.	X					X	1974	X				
Connecticut Eth.			X	X	X		1977	X				
Dist of Columbia	X	X	X	X	X		1974	X				
Federal Elec.	X	X		X			1975	X				
Florida Eth.			X	X			1974	X			X	
Georgia CFDC	X						1974	X				
Hawaii CSC	X	X					1974	X				
Hawaii Eth.			X	X	X		1968	X			X	
Idaho SOS	X	X			X		1974	X		X		
Illinois Elec.	X						1973	X			X	
Illinois Eth.			X	X			1977		X			
Indiana Elec.	X				X		1945	X				
Indiana Eth.			X				1974	X				
Iowa CFDC	X						1973	X				
Kansas PDC	X		X	X	X		1974	X				
Kentucky FDRC			X	X			1975	X				
Louisiana Elec.	X			X			1975	X				
Louisiana Eth.	X	X					1964	X			X	
Maryland Eth.			X	X	X		1979	X				
Massachusetts OCF	X	X					1974	X				
Massachusetts Eth			X	X			1973	X				
Michigan Elec.	X	X			X		1977	X				
Michigan Eth.			X				1974	X				
Minnesota EPB	X	X	X	X	X	X	1974	X			X	
Mississippi Eth.			X	X			1979	X				
Missouri SOS	X						1975	X				
Montana CFP	X	X		X	X		1975	X		X		
Nebraska PADC	X		X	X	X		1977	X				
Nevada SOS	X		X	X	X		1977	X				
New Hampshire	X				X						X	
New Jersey Elec.	X	X		X	X		1973	X				
New Jersey Eth.			X	X			1971	X	X			
New Mexico SOS	X	X			X			X				
New York Elec.	X				X		1974	X				
New York TSCRL					X		1978	X				
No Carolina Elec.	X					X		X				
No Carolina Eth.			X	X			1977		X			
Ohio Elec.	X				X		1974	X				
Ohio Eth.			X	X			1974	X				
Oklahoma Elec.	X						1907					X
Oregon Eth.			X	X	X		1974	X				X
Oregon SOS	X	X					1859	X				
Pennsylvania Eth.			X	X			1979	X		X		
Rhode Island CIC			X	X			1977	X				
So Carolina Eth.	X		X	X			1976	X				
South Dakota SOS	X			X	X			X				
Texas SOS	X		X	X	X	X	1981	X				
Utah SA	X						1896	X				
Virginia Elec.	X			X			1946	X				
Washington PDC	X			X	X	X	1973			X		
Wisconsin Elec.	X	X			X		1974	X				
Wisconsin Eth.			X	X			1973	X				
Wyoming SOS	X				X			X				X
CANADA												
Alberta	X						1978	X				
Federal CEO	X	X					1920	X				
Manitoba	X				X		1980	X				
Ontario Elec.	X	X			X		1975	X				
Quebec	X	X					1945	X				
Saskatchewan	X	X					1905	X				

AGENCY INFORMATION

	STAFF		BUDGET		ADVISORY OPINIONS			PROSECUTORIAL AUTHORITY				
	Number Full-Time	Number Part-Time	Total Annual 1982/83	Total Annual 1983/84	Appropr. Number Available to the Public	Confidential	Agency May Conduct Investigations in Response to Complaints	On Agency's Own Motion	Agency Has Subpoena Power	Agency May Conduct Administrative Hearings	Agency May File Court Actions	Other Agency Actions Available
Alabama Eth.	8		231,000	245,000	100	X	X	X	X	X	X	X
Alaska POC	6	3	591,100	464,300			X	X	X	X	X	X
Arizona Eth.							X	X	X	X	X	X
Arkansas SOS	4	2										X
California PPPC	45		1.80mil	1.90mil	100	X	X	X	X	X	X	X
Colorado DOS	3	5					X	X	X	X	X	X
Connecticut Elec.	6		146,588	175,982	15	X	X	X	X	X		X
Connecticut Eth.	4		109,372	121,749	22	X	X	X	X	X		X
Dist of Columbia			400,200	435,900		X	X	X	X	X		
Federal Elec.	246	10	9,897mil	10.65mil	75	X	X	X	X	X	X	X
Florida Elec.	42	1	11,000	11,000	50	X	X	X	X			
Florida Eth.	9	1	314,179	352,307	100	X	X	X	X	X		
Georgia CFDC	3	1	110,279	117,024	5	X	X	X	X	X		
Hawaii CSC	5		130,812	132,830	85	X	X	X	X	X		X
Hawaii Eth.	6		150,000		31	X	X	X	X	X		X
Idaho SOS	3		42,000	39,600			X	X	X		X	X
Illinois Elec.	71		4.80mil	4.2mil			X	X	X	X	X	
Illinois Eth.	3		80,500	82,000	10	X	X	X	X	X		X
Indiana Elec.	7		219,074	216,698			X	X	X	X		X
Indiana Eth.	1		30,588	31,853	50	X	X	X	X			
Iowa CFDC	4		125,904	124,501	6	X	X	X	X	X		
Kansas PDC	5	2	160,345	179,162	40	X	X	X	X	X		X
Kentucky FDCRC	2		53,000		10	X	X	X				
Louisiana Elec.	3	1			20	X	X	X	X			
Louisiana Eth.	13	1	467,000	547,000	200	X	X	X	X	X	X	
Maryland Eth.	6	1	198,000	201,000	45	X	X	X	X	X	X	X
Massachusetts OCF	11	3	297,919	316,654	25	X	X	X	X	X		X
Massachusetts Eth	23	2	657,000	750,000	200	X	X	X	X	X	X	X
Michigan Elec.	25				25	X	X	X	X			X
Michigan Eth.		2			25	X	X	X	X			
Minnesota EPR	5	1	167,049	172,100	6	X	X	X	X		X	
Mississippi Eth.	7	1	258,161	273,809	12	X	X	X	X		X	
Missouri SOS	7	10	156,868	162,521								X
Montana CFP	5		135,000		10	X	X	X	X	X	X	
Nebraska PADC	5	1	157,645	163,887	10	X	X	X	X	X	X	X
Nevada SOS			640,248			X						X
New Hampshire SOS												X
New Jersey Elec.	23	2	700,000		35	X	X	X	X	X	X	X
New Jersey Eth.	4		115,000	112,000	73	X	X	X	X	X	X	
New Mexico SOS						X						X
New York Elec.	51	4			15	X	X	X	X	X	X	X
New York TSCRL	9					X	X	X	X	X		X
No Carolina Elec.	5	3	73,609		24	X		X	X			X
No Carolina Eth.	1		25,222	25,222		X	X					
Ohio Elec.	2					X	X	X	X	X		X
Ohio Eth.	11		272,503	348,550	110		X	X	X	X	X	X
Oklahoma Elec.	15											X
Oregon Eth.	3	1		279,322	77	X	X	X	X	X		
Oregon SOS	4	3					X	X	X			X
Pennsylvania Eth.	10		390,000	406,000	25		X	X	X	X	X	X
Rhode Island CIC	3	6	159,228	149,540	80	X	X	X	X	X		X
So Carolina Eth.	4	1	119,415	124,773	55	X	X	X	X	X		X
South Dakota SOS												X
Texas SOS				60,000		X						
Utah SA	1						X	X	X			X
Virginia Elec.	13		3.63mil	3.678mil						X	X	
Washington PDC	11		380,200	447,400			X	X	X	X	X	X
Wisconsin Elec.	8	2			16	X	X	X	X	X	X	
Wisconsin Eth.	2		118,100	120,300	25	X	X	X	X	X		X
Wyoming SOS	2		25,000	25,000			X	X	X			
CANADA												
Alberta	8				1	X				X		
Federal CEO	51		2.90mil	4.10mil			X	X	X			X
Manitoba	5		235,300	211,800			X	X	X			X
Ontario Elec.	9	4	671,600	692,400			X	X	X	X		X
Quebec	16	13	9.851mil	10.69mil			X	X	X	X	X	X
Saskatchewan	5		4.84mil	405,920			X					X

AGENCY INFORMATION

	INVESTIGATIONS										PENAL TIES					
	Disclosures Violations					Standards of Conduct					CIVIL	Criminal	Removal from Office	Void Election	Fine for Filing Late	Other
	Approximate Number Conducted Annually	May Be Initiated by Complainant	May Be Initiated by Agency	Approximate Number Conducted Annually	May Be Initiated by Complainant	May Be Initiated by Agency	Approximate Number Conducted Annually	May Be Initiated by Complainant	May Be Initiated by Agency	Approximate Number Conducted Annually						
Alabama Eth.				50	X					X						
Alaska POC	10	X	X						X	X					X	
Arizona Eth.		X	X		X	X				X						
Arkansas SOS	3	X			X				X	X	X					
California FPPC	50	X	X	10	X	X			X	X				X	X	
Colorado DOS	6	X	X						X	X	X				X	
Connecticut Elec.	50	X	X	25	X	X			X	X	X	X	X	X	X	
Connecticut	10	X	X	4	X	X			X					X	X	
Dist of Columbia		X	X		X	X			X	X				X		
Federal Elec.	150	X	X						X	X						
Florida Eth.	40	X		49	X				X		X			X	X	
Georgia CFDC	25	X	X						X	X				X		
Hawaii CSC	3	X	X						X	X				X		
Hawaii Eth.	6	X	X	10	X	X				X						
Idaho SOS	5	X	X						X	X				X		
Illinois Elec.	300	X	X						X	X				X		
Illinois Eth.		X	X		X	X			X	X	X					
Indiana Elec.	15	X	X							X						
Indiana Eth.		X			X											X
Iowa CFDC	10	X	X							X				X		
Kansas PDC	25	X	X		X	X			X	X	X			X		
Kentucky FDRC		X	X		X	X										X
Louisiana Elec.	10	X	X						X	X				X		
Louisiana Eth.				95	X	X			X	X	X					
Maryland Eth.	10	X	X	15	X	X			X						X	
Massachusetts OCF	58	X	X						X	X	X					
Massachusetts Eth	20	X	X	50	X	X			X	X				X		
Michigan Elec.		X	X		X	X			X	X				X		
Michigan Eth.				4	X	X										X
Minnesota EPR	14	X	X						X	X				X		
Mississippi Eth.		X	X						X	X	X					X
Missouri SOS										X						X
Montana CFP		X	X						X	X	X	X	X	X	X	
Nebraska PADC	10	X	X	20	X	X			X	X				X		
Nevada SOS	5	X	X	5	X	X			X	X						
New Hampshire									X	X						
New Jersey Elec.	150	X	X						X	X			X	X		
New Jersey Eth.	1300		X	100	X	X			X	X	X					X
New Mexico SOS		X	X		X	X			X	X				X		
New York Elec.					X	X			X	X				X		
New York TSCRL		X	X						X	X						X
No Carolina Elec.	12	X	X							X			X	X		
No Carolina Eth.																
Ohio Elec.		X			X					X	X			X		
Ohio Eth.	49	X	X	55	X	X				X						
Oklahoma Elec.		X							X	X	X					
Oregon Eth.	15	X	X	60	X	X			X		X	X	X	X	X	
Oregon SOS	20	X	X						X	X				X		
Pennsylvania Eth.	100	X	X		X	X			X	X	X			X	X	
Rhode Island CIC	30	X		25	X				X	X	X					
So Carolina Eth.	20	X	X	35	X	X			X	X						X
South Dakota SOS										X						
Texas SOS									X	X						
Utah SA												X	X			
Virginia Elec.																X
Washington PDC									X							
Wisconsin Elec.	5	X	X						X	X	X			X		
Wisconsin Eth.	5	X	X	2	X	X			X	X						
Wyoming SOS	2	X	X													X
CANADA																
Alberta		X	X						X		X					
Federal CEO		X	X							X	X	X	X	X	X	
Manitoba										X				X		
Ontario Elec.		X							X	X	X	X	X	X		
Quebec		X	X	20					X	X	X	X				
Saskatchewan																

CAMPAIGN FINANCE

	FILES										
	Statewide Candidate	Local Candidate	County Candidate	Municipal Candidate	Appointed Candidate	Candidate/Agent	Independent Party	Political Party	Political Party Committee	Other	
Alabama	X	X			X	X	X	X			
Alaska	X	X		X	X	X	X	X	X	X	
Arizona	X	X			X			X	X		
Arkansas	X	X	X		X						
California	X	X	X	X	X	X	X	X	X	X	
Colorado	X	X	X	X	X	X	X	X	X		
Connecticut	X	X	X	X	X	X	X	X	X	X	
Delaware	X	X	X	X		X	X	X	X		
Dist of Columbia				X		X	X	X	X		
Federal		X				X	X	X	X	X	
Florida	X	X	X	X	X	X	X	X	X	X	
Georgia	X	X	X	X	X	X	X	X	X	X	
Hawaii	X	X	X	X		X	X	X	X	X	
Idaho	X	X			X	X	X	X	X		
Illinois	X	X	X	X	X	X	X	X	X		
Indiana	X	X			X	X	X	X	X		
Iowa						X	X	X	X	X	
Kansas	X	X				X	X	X	X		
Kentucky	X	X	X	X	X	X	X	X	X	X	
Louisiana	X	X	X	X	X	X	X	X	X		
Maine	X	X	X			X	X	X	X		
Maryland	X	X	X	X	X	X	X	X	X		
Massachusetts	X	X	X	X		X	X	X	X	X	
Michigan	X	X	X	X	X	X	X	X	X	X	
Minnesota	X	X			X	X	X	X	X	X	
Mississippi	X	X	X	X	X	X	X	X	X		
Missouri	X	X	X	X	X	X	X	X	X	X	
Montana	X	X	X	X	X	X	X	X	X	X	
Nebraska	X	X	X	X		X	X	X	X	X	
Nevada	X	X	X	X	X						
New Hampshire	X	X	X			X	X	X	X		
New Jersey	X	X	X	X		X	X	X	X	X	
New Mexico	X	X	X		X	X	X	X	X		
New York	X	X	X	X	X	X	X	X	X		
North Carolina	X	X	X	X	X	X	X	X	X		
North Dakota	X	X	X	X	X	X					
Ohio	X	X	X	X	X	X	X	X	X		
Oklahoma	X	X	X	X	X	X	X	X	X		
Oregon	X	X	X	X	X	X	X	X	X	X	
Pennsylvania	X	X	X	X	X	X	X	X	X	X	
Rhode Island	X	X	X	X		X		X	X		
South Carolina	X	X	X	X	X	X	X	X	X	X	
South Dakota	X	X	X			X	X	X	X	X	
Tennessee	X	X	X	X	X	X	X	X	X	X	
Texas	X	X			X	X	X	X	X	X	
Utah	X	X				X		X			
Vermont	X	X				X	X	X	X		
Virginia	X	X	X	X		X	X	X	X		
Washington	X	X	X	X	X	X	X	X	X		
West Virginia	X	X				X	X	X	X		
Wisconsin	X	X	X	X	X	X	X	X	X		
Wyoming	X	X			X	X		X	X		
CANADA											
Alberta						X	X	X			
Federal CEO											X
Manitoba		X						X			
Ontario	X	X				X		X		X	
Quebec		X	X			X		X			
Saskatchewan		X						X			

CAMPAIGN FINANCE

	REPORTS REQUIRED													
	Candidates							Committees						
	Personal Finance Statement Reports	Pre-Election Reports	Post-Election Reports	Monthly	Quarterly	Annual	Other	Organization Reports	Pre-Election Reports	Post-Election Reports	Monthly	Quarterly	Annual	Other
Alabama	X		X					X		X				
Alaska	X	X	X			X	X	X	X	X		X	X	X
Arizona	X	X	X					X	X	X	X		X	
Arkansas		X	X				X							
California	X	X	X			X		X	X	X				X
Colorado	X	X	X			X		X	X	X			X	
Connecticut		X	X	X		X		X	X	X		X		X
Delaware		X	X				X	X	X					X
Dist of Columbia	X	X	X											
Federal	X	X	X	X	X	X		X	X	X	X	X	X	
Florida	X	X	X					X	X	X		X	X	
Georgia		X	X	X				X	X	X				
Hawaii		X	X			X		X	X	X				X
Idaho		X	X			X		X	X	X			X	
Illinois		X	X			X	X	X	X	X			X	
Indiana		X				X	X	X					X	X
Iowa								X	X	X	X		X	X
Kansas	X	X	X					X	X	X				
Kentucky	X	X	X	X				X	X	X		X		
Louisiana	X	X	X			X		X	X	X			X	
Maine		X	X	X				X	X	X		X		
Maryland	X													
Massachusetts	X	X	X			X	X	X	X	X			X	X
Michigan		X	X			X		X	X	X			X	
Minnesota	X	X	X			X	X	X	X	X			X	X
Mississippi	X	X	X	X		X		X	X	X				
Missouri		X	X		X	X	X	X	X	X	X		X	X
Montana	X	X	X					X	X	X				
Nebraska	X	X	X			X		X	X	X			X	
Nevada	X	X	X											
New Hampshire		X	X					X	X	X				
New Jersey	X	X	X					X	X	X			X	
New Mexico		X	X			X	X	X	X	X				X
New York								X	X	X				X
North Carolina		X	X			X	X	X	X	X			X	
North Dakota	X	X	X			X	X							
Ohio	X	X	X			X		X	X	X			X	
Oklahoma	X	X	X					X	X	X				
Oregon		X	X			X		X	X	X			X	
Pennsylvania	X	X	X			X		X	X	X			X	
Rhode Island		X	X					X	X	X				
South Carolina	X		X	X						X				
South Dakota	X	X				X		X					X	X
Tennessee	X	X	X			X		X	X	X	X			
Texas	X	X	X			X		X	X	X	X			X
Utah						X								X
Vermont		X	X			X		X	X	X				X
Virginia		X	X			X		X	X	X				
Washington	X	X	X	X		X		X	X	X	X			X
West Virginia		X	X			X		X	X	X				X
Wisconsin	X	X	X			X		X	X	X				X
Wyoming						X		X						X
CANADA														
Alberta						X								
Federal CEO			X											
Manitoba			X											X
Ontario	X				X					X				
Quebec			X							X				X
Saskatchewan			X							X				X

CAMPAIGN FINANCE

	DISCLOSURE				PROHIBITED CONTRIBUTIONS from:											
	CONTRIBUTIONS		EXPENDITURES		Over \$	All	Over \$	All	Government Employees	Lobbyists	Anonymous Donors	Corporations	Labor Unions	Government Contractors in Name of Another	Cash for \$	Other
	Over \$	All	Over \$	All												
Alabama	10		5							X				X		
Alaska	100	X		X						X				X		
Arizona											X	X				
Arkansas	250		100							X					50	
California	100		100							X				X	100	
Colorado	25		25							X					100	
Connecticut	30	X		X						X	X	X		X	50	X
Delaware		X		X						X				X	50	
Dist of Columbia				X						X				X	50	
Federal	200		200								X	X	X	X	100	X
Florida		X		X						X				X	100	
Georgia	101	X	101	X										X		X
Hawaii	100	X		X						X				X	2,000	
Idaho	50	X	25	X						X				X		
Illinois	150	X	150	X						X				X		
Indiana	100		100											X		
Iowa		X		X						X	X			X		
Kansas	50		50							X				X		X
Kentucky	100		50							X	X			X	100	X
Louisiana	1,000														300	
Maine	50			X										X		
Maryland		X		X						X					99	
Massachusetts	15/25	X	24.99	X						X	X			X	50	X
Michigan	20		50							X	X				20	
Minnesota	50	X	100	X						X	X					X
Mississippi	500	X	250	X												
Missouri	50		50							X				X	50	X
Montana	25	X		X						X	X			X		
Nebraska	100	X	100	X						X				X	50	
Nevada	500			X												X
New Hampshire		X		X				X		X	X	X				X
New Jersey	100			X						X				X		X
New Mexico		X		X												X
New York	99		50							X				X	100	
North Carolina	100	X		X						X	X	X		X		X
North Dakota	100	X								X				X		
Ohio		X		X							X		X		100	
Oklahoma	200			X							X					
Oregon	100			X						X	X			X		
Pennsylvania	50	X		X						X	X	X		X	100	X
Rhode Island	200		5,000							X						
South Carolina	100			X												
South Dakota	100			X							X	X				
Tennessee	100	X	100	X							X					
Texas	50		50							X	X	X		X	100	
Utah		X		X												
Vermont	25	X	1												25	
Virginia	100		100							X				X		
Washington	25		50													
West Virginia										X	X		X	X	50	
Wisconsin		X		X						X	X			X	50	
Wyoming		X		X							X	X				X
CANADA																
Alberta	375			X						X				X		X
Federal CEO	100	X		X						X				X		
Manitoba	250			X												X
Ontario	100			X						X						X
Quebec	100			X						X	X	X	X	X	100	
Saskatchewan	100		25							X						



CAMPAIGN FINANCE

	LOAN LIMITS									
	Governor	Lieutenant Governor	Other Statewide	Senators	House	County	Municipal	Judicial	Other	
Alabama										
Alaska	1,000	1,000	1,000	1,000	1,000		1,000	1,000		
Arizona										
Arkansas										
California										
Colorado										
Connecticut	2,500	1,500	1,500	500	250	1,000	1,000	500		
Delaware										
Dist of Columbia										
Federal				1,000	1,000					X
Florida	3,000	3,000	3,000	1,000	1,000	1,000	1,000	var.		
Georgia										
Hawaii										X
Idaho										
Illinois										
Indiana										X
Iowa										
Kansas	3,000	3,000	3,000	750	750					
Kentucky	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000		
Louisiana										
Maine	1,000			1,000	1,000	1,000				
Maryland										
Massachusetts	1,000	1,000	1,000	1,000	1,000	1,000	1,000			
Michigan										
Minnesota	60,000		var.	1,500	750					
Mississippi										
Missouri										
Montana	8,000	2,000	600		300	300	300	300	X	
Nebraska										
Nevada										
New Hampshire	5,000		5,000	5,000	5,000	5,000				
New Jersey	800									X
New Mexico										
New York										
North Carolina	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	X	
North Dakota										
Ohio										
Oklahoma										
Oregon										
Pennsylvania										
Rhode Island										
South Carolina										
South Dakota										
Tennessee										
Texas										
Utah										
Vermont										
Virginia										
Washington										
West Virginia										
Wisconsin										
Wyoming										
CANADA										
Alberta										
Federal CEO										
Manitoba										
Ontario										
Quebec										
Saskatchewan										

CAMPAIGN FINANCE

	REVIEW OF FILINGS					Approximate Number of Filings Annually	Available to the Public	Amey Public Surveys of Data Disclosure
	All Reports	All Reports Showing Expenditures Over	Randomly Selected Reports	Reports About Which Complaints Are Filed	Other			
Alabama	D					1,500	X	
Alaska	D			F		1,500	X	X
Arizona						2,500	X	
Arkansas		D				2,000	X	
California	D		F			24,000	X	X
Colorado	D		F			2,400	X	X
Connecticut			DF	DF		5,000	X	
Delaware				DF	X		X	
Dist of Columbia	D		F	DF		4,000	X	
Federal	D				F	70,000	X	X
Florida	D		F			15,000	X	X
Georgia			DF	DF		15,000	X	
Hawaii	D		F			2,500	X	X
Idaho	D			F		2,000	X	X
Illinois	D					3,000	X	
Indiana	D		F	F		500	X	
Iowa	D					3,000	X	X
Kansas	D		F	F		3,500	X	X
Kentucky	D		F			3,000	X	X
Louisiana	D			F		6,000	X	
Maine	D					2,600	X	
Maryland	DF						X	
Massachusetts	D			F		12,000	X	X
Michigan	D		D	F		10,000	X	X
Minnesota	D		F	F	F	3,600	X	X
Mississippi							X	
Missouri	D					7,500	X	X
Montana	D		F	F		1,000	X	X
Nebraska	D		F	DF		2,000	X	X
Nevada	D					100	X	
New Hampshire								
New Jersey	D		DF		X	18,000	X	X
New Mexico	D			F	X		X	
New York	D		DF	DF		1,500		
North Carolina	D					4,000	X	
North Dakota	D		D			100	X	
Ohio	D						X	
Oklahoma						1,000	X	
Oregon	D		D	F		900	X	X
Pennsylvania			D			8,000	X	
Rhode Island	D			F		5,000	X	X
South Carolina	D		D	DF		2,200	X	
South Dakota						1,600	X	
Tennessee				D		300	X	
Texas	D					8,000		
Utah	D					100	X	
Vermont						1,000	X	
Virginia						2,500	X	
Washington			DF	DF		28,807	X	X
West Virginia			DF	DF			X	
Wisconsin	D	F*		F		6,350	X	X
Wyoming						500	X	
CANADA								
Alberta	D					300	X	X
Federal CEO				X			X	X
Manitoba						250	X	
Ontario	F					430	X	X
Quebec	D					700	X	X
Saskatchewan	D		D				X	

D - Desk Review  
F - Field Review

F\* F25,000

PUBLIC FINANCING

	ELIGIBLE RECIPIENTS														
	Gubernatorial Candidates					Other Statewide Candidates					Legislative Candidates				
	Primary Election	General Election	Funds Given to Candidate	Funds Given to Party	Other	Primary Election	General Election	Funds Given to Candidate	Funds Given to Party	Other	Primary Election	General Election	Funds Given to Candidate	Funds Given to Party	Other
Dist of Columbia															
Federal	X	X	X		X										
Hawaii	X	X	X			X	X	X			X	X	X		
Idaho				X				X						X	
Iowa				X				X						X	
Kentucky			X										X		
Maine															
Massachusetts	X	X	X			X	X	X							
Michigan	X	X													
Minnesota		X	X			X	X				X	X			
Montana		X	X												
New Jersey	X	X	X												
North Carolina		X	X			X		X							
Oklahoma		X	X	X		X	X	X							
Oregon															
Texas	X					X									
Utah			X					X						X	
Virginia			X					X						X	
Wisconsin		X	X			X	X				X	X			
CANADA															
Federal CEO											X	X	X		
Manitoba															X
Ontario												X			
Quebec											X	X	X		

	ELIGIBLE RECIPIENTS (cont'd)							SOURCE OF FUNDS						
	Judicial Candidates					Other		Tax Credit	Tax Check-off	Tax Deduction	Surcharge (Add on to St. Ret.)	General Treasury	Other	
	Primary Election	General Election	Funds Given to Candidate	Funds Given to Party	Other	Other	Other	Other	Other	Other	Other	Other		
Dist of Columbia										X				
Federal										X				
Hawaii										X		X	X	
Idaho										X				
Iowa										X				
Kentucky						X				X				
Maine										X				
Massachusetts											X			
Michigan										X				
Minnesota									X	X				
Montana		X	X								X			
New Jersey										X		X		
North Carolina		X	X			X				X				
Oklahoma										X				
Oregon														
Texas	X											X		
Utah				X						X				
Virginia						X								
Wisconsin						X				X				
CANADA														
Federal CEO										X		X		
Manitoba										X				
Ontario												X		
Quebec												X		

**PUBLIC FINANCING**

	EXPENDITURE LIMITS						
	General	Legislat Government	Other Statewide	Senate	House	Judiciary	Other
Dist of Columbia							
Federal							X
Hawaii	\$1.25*	\$0.70*	\$1.00	\$0.70*	0.70		X
Idaho							
Iowa							
Kentucky							
Maine							
Massachusetts							
Michigan	\$1,200,000						
Minnesota	\$1,270,000		var.	31,770	15,885		
Montana							
New Jersey	35/70**						
North Carolina							
Oklahoma							
Oregon							
Texas							
Utah							
Virginia							
Wisconsin	\$614,400	\$184,325	\$122,875	19,650	\$9,825		X
CANADA							
Federal CEO							X
Manitoba							X
Ontario							var.
Quebec					\$0.75		X

		AUDITS				
		All Reports	All Reports Showing Expenditures Only	Randomly Selected Reports	Reports Submitted by Filers	Other
Dist of Columbia	D			F	FD	
Federal	DF					
Hawaii	D			F		
Idaho						
Iowa	D					
Kentucky	DF					
Maine						
Massachusetts	D					F
Michigan	F					
Minnesota	P			F	F F	
Montana	D			DF	DF	
New Jersey	DF			DF		
North Carolina						
Oklahoma						
Oregon						
Texas						F
Utah						
Virginia						
Wisconsin	D F*			F		
CANADA						
Federal CEO						X
Manitoba						
Ontario	P					
Quebec	D					

- ° Per Registered Voter
- \*\* Primary - .35 per voter in last Presidential Election. General - .70 per voter in last Presidential Election.
- D - Desk Audits
- F - Field Audits

P\* P25,000

**CONFLICT OF INTEREST (ETHICS) AND  
PERSONAL FINANCIAL DISCLOSURE**

	FILED													
	Statewide Elected Officials	Legislators	Legislative Employees	Candidates for Election to State Office	Nominees for Appointment to State Office	Officers of State Agencies or Departments	State Employees	Judges	County Officials and/or Employees	Municipal Officials and/or Employees	Part-time Members of Boards and Commissions (State)	Part-time Members of Boards and Commissions (Local)	U.S. Senators or Congressmen	Other
Alabama	X	X	X	X	X	X	X	X	X	X	X	X		
Alaska	X	X		X		X	X		X	X				
Arizona	X	X					X							
Arkansas	X	X	X	X			X							
California	X	X	X	X	X	X	X	X	X	X	X	X		
Colorado	X	X	X				X							X
Connecticut	X	X			X	X				X				
Delaware	X	X	X		X	X				X				X
Dist of Columbia		X	X						X		X	X		
Federal													X	X
Florida	X	X	X	X		X	X	X	X	X	X	X		X
Georgia														
Hawaii	X	X	X	X		X	X			X				X
Idaho														
Illinois	X	X	X	X	X	X	X	X	X	X	X	X		
Indiana	X			X	X									
Iowa	X	X	X		X	X	X		X	X	X			
Kansas	X	X	X	X	X	X	X		X	X	X			
Kentucky	X	X			X	X	X			X				X
Louisiana	X	X	X	X	X	X	X		X	X	X	X		
Maine		X												X
Maryland	X	X	X	X	X	X	X	X	X	X	X	X		X
Massachusetts	X	X	X	X	X	X	X	X	X	X				
Michigan					X	X					X			
Minnesota	X	X	X	X	X	X	X			X				X
Mississippi	X	X	X	X	X	X	X		X	X	X	X		X
Missouri	X	X												
Montana	X	X	X				X							
Nebraska	X	X	X	X	X	X	X		X	X	X	X		X
Nevada	X	X	X	X	X	X	X	X	X					
New Hampshire		X												
New Jersey	X				X									
New Mexico	X	X	X		X	X	X			X				X
New York														
North Carolina						X				X				
North Dakota	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ohio	X	X	X	X	X	X	X	X	X	X				X
Oklahoma						X								
Oregon	X	X	X	X	X	X	X	X	X	X	X	X		X
Pennsylvania	X	X	X	X	X	X	X	X	X	X	X	X		
Rhode Island	X	X	X	X	X	X	X		X	X	X			
South Carolina	X	X	X	X	X	X	X	X	X	X	X	X		X
South Dakota	X	X	X	X	X	X	X	X	X	X	X		X	X
Tennessee	X	X	X	X	X	X	X	X	X					X
Texas	X	X	X	X	X	X	X							X
Utah	X	X	X		X	X	X	X	X					
Vermont						X								
Virginia	X	X	X	X	X	X	X	X	X	X				
Washington	X	X	X	X	X	X	X	X	X	X				X
West Virginia	X				X	X	X	X						
Wisconsin	X	X	X	X	X	X	X			X				
Wyoming														
CANADA														
Alberta														
Federal CEO														
Manitoba														
Ontario														
Quebec														
Saskatchewan														







**CONFLICT OF INTEREST (ETHICS) AND  
PERSONAL FINANCIAL DISCLOSURE**

	REVIEW OF FILINGS				Approximate Number of Filings Annually	Available to the Public	Agency Publishes Summary of Data Disclosed
	All Reports Mandatorily Selected	Reports About Which Complaints are Filed	Other				
Alabama	D	F		41,500	X		
Alaska	D	DF		2,500	X		
Arizona				400	X		
Arkansas					X		
California	D			7,000	X	X	
Colorado		D		450	X		
Connecticut	D	F		430	X		
Delaware							
Dist of Columbia	D	F		2,000	X		
Federal							
Florida		F	D	40,000	X		
Georgia							
Hawaii	D	DF		1,650	X		
Idaho				5,000			
Illinois	D			5,300	X		
Indiana	D			125	X		
Iowa					X	X	
Kansas	D			6,500	X		
Kentucky	D		F	700		X	
Louisiana							
Maine	D			300	X		
Maryland	D	F	D	4,500	X		
Massachusetts	D			4,000	X		
Michigan							
Minnesota	D	F	F	1,500	X		
Mississippi		D	D	8,853	X		
Missouri				197	X		
Montana		F		250	X		
Nebraska	D	DF		3,500	X		
Nevada							
New Hampshire							
New Jersey	D			1,300	X	X	
New Mexico				250	X		
New York							
North Carolina				1,500	X		
North Dakota							
Ohio	D	D	D	7,000	X		
Oklahoma							
Oregon	D		X	4,500	X		
Pennsylvania		DF	F	60,000	X		
Rhode Island			D	5,000	X		
South Carolina	D	D	DF	9,000	X		
South Dakota							
Tennessee			D	5,000	X		
Texas	D			2,000	X		
Utah							
Vermont							
Virginia							
Washington		D	DF	5,539	X		
West Virginia				4,500	X		
Wisconsin	D			1,600	X		
Wyoming							
CANADA							
Alberta							
Federal CEO							
Manitoba							
Ontario							
Quebec							
Saskatchewan							

D - Desk Audits  
F - Field Audits

LOBBYING

	FILERS			DEFINITION INCLUDES:										REGISTRATION				
	Lobbyists	Employees of Lobbyists	Other	Lobbying	Administrative	Public Officials	Public Employees	Legislative	Executive	Time Standard	Signature Standard	Number of Registered Lobbyists	Registration Fee	Annual Registration	Employer Regs.	Other		
Alabama	X	X		X								387	X		X			
Alaska	X	X		X	X				X			289		X	X			
Arizona		X		X	X									X	X			
Arkansas	X			X								435		X		X		
California	X	X	X	X	X			X	X			650	X	X	X			
Colorado	X	X		X	X	X	X					370		X				
Connecticut	X	X		X	X			X	X	X		1,000	X	X	X			
Delaware	X	X		X									X		X			
Dist of Columbia	X	X		X	X			X	X	X		100		X	X			
Federal																		
Florida	X			X		X	X		X	X		3,898				X		
Georgia	X			X									X		X			
Hawaii	X	X	X	X	X			X	X	X		200				X		
Idaho	X			X		X	X	X				255	X	X				
Illinois	X	X		X								602		X	X			
Indiana	X	X		X								665	X	X	X			
Iowa	X		X	X		X	X	X				300		X				
Kansas	X			X	X			X	X	X		538	X	X				
Kentucky	X	X		X				X		X		373			X	X		
Louisiana	X			X								100	X	X				
Maine	X	X		X				X	X	X		150	X			X		
Maryland	X	X	X	X	X			X	X	X				X	X			
Massachusetts	X	X	X	X	X			X	X	X		498	X	X	X			
Michigan	X	X		X		X				X			X		X			
Minnesota	X			X	X			X	X	X		1,600		X				
Mississippi	X	X		X	X								X	X				
Missouri	X			X				X	X	X	X	1,750		X				
Montana	X	X		X				X				750	X	X	X			
Nebraska	X	X		X								350	X			X		
Nevada	X			X								400				X		
New Hampshire	X			X								130	X			X		
New Jersey	X	X		X					X	X		375	X	X	X			
New Mexico	X	X		X	X	X	X							X				
New York	X	X	X	X	X			X		X		1,320	X	X				
North Carolina	X	X		X	X			X		X		453	X		X			
North Dakota	X	X		X				X	X			450	X	X				
Ohio	X	X		X	X	X	X		X	X		1,600		X	X	X		
Oklahoma	X		X	X	X			X				211		X				
Oregon	X	X		X		X	X		X	X		700		X		X		
Pennsylvania	X	X		X	X	X	X	X	X	X		621		X				
Rhode Island	X	X		X				X		X		321		X	X			
South Carolina	X			X						X		240	X	X	X			
South Dakota	X	X		X	X	X	X					400	X	X		X		
Tennessee	X	X		X	X	X	X	X	X	X		255	X	X	X			
Texas	X			X	X	X	X	X	X	X		742		X				
Utah	X			X	X							1,150	X			X		
Vermont	X	X		X				X				400	X	X	X			
Virginia	X	X		X								683	X	X				
Washington	X	X	X	X	X	X	X		X			600				X		
West Virginia	X			X								260		X	X			
Wisconsin	X	X		X	X	X	X	X	X	X		282	X		X	X		
Wyoming	X			X								569				X		
CANADA																		
Alberta																		
Federal CEO																		
Manitoba																		
Ontario																		
Quebec																		
Saskatchewan																		

LOBBYING

	PROHIBITIONS				REPORTING REQUIREMENTS											
					Lobbyists				Lobbyists Employers							
	Lobbying Meeting Contributions of Gifts or Cont.	Lobbying Meeting Gifts	Lobbying Meeting Other		No Reporting Required	Monthly	Quarterly	Bi-Annually	Annually	Other	No Reporting Required	Monthly	Quarterly	Bi-Annually	Annually	Other
Alabama	X	X			X						X					
Alaska					X	X									X	
Arizona				X										X	X	
Arkansas				X					X							
California		10/mo.				X								X		
Colorado			X		X									X		
Connecticut		50/vr.	X		X	X		X		X	X	X	X	X		X
Delaware	X					X				X						
Dist of Columbia	X	100					X							X		
Federal																
Florida							X			X						
Georgia				X						X						
Hawaii			X				X							X		
Idaho	X				X			X								X
Illinois			X						X							X
Indiana																
Iowa	X	50			X					X						
Kansas	X	100			X					X						
Kentucky	X	X	100	X					X							X
Louisiana	X	X														
Maine			X		X		X									X
Maryland			X				X								X	
Massachusetts		100					X							X		
Michigan		25					X							X		
Minnesota			X				X		X	X						
Mississippi								X							X	
Missouri			X					X	X							
Montana				X							X					X
Nebraska	X	25/mo.		X	X			X		X	X					X
Nevada		100		X						X						
New Hampshire									Y	X						
New Jersey							X	X							X	
New Mexico								X	X							X
New York			Y					Y	X						X	
North Carolina								X							X	
North Dakota	X							X	X							
Ohio								X	X					X		X
Oklahoma	X							X								
Oregon	X	X	100	X		X									X	
Pennsylvania			X				X		X							
Rhode Island									X	X						X
South Carolina								X	X	X						
South Dakota								X							X	
Tennessee								X	X						X	
Texas	X		X		X	X			X							
Utah			X													
Vermont							X							X		
Virginia									Y							X
Washington			X		X										X	
West Virginia									X	X						
Wisconsin	X	X		X					X					X		X
Wyoming				Y						Y						
CANADA																
Alberta																
Federal CPO																
Manitoba																
Ontario																
Quebec																
Saskatchewan																

LOBBYING

	DISCLOSURES REQUIRED/						REVIEW OF FILINGS						
	Categorize of Month	Total Month Spent	Salaries	Benefits / Other to Biller	Bill or Administrative Action Being Lobbied	Other	All Reports	All Reports Showing Expenditures Other	Randomly Selected Reports	Reports About Which Comments are Filed	Other	Approximate Number of Filings Annually	Available to the Public
Alabama	X			X			D3,000	D	F		3,000	X	
Alaska	X	X	X	X	X	X	D		DF		2,000	X	X
Arizona		X		X								X	
Arkansas											800	X	
California	X	X	X	X	X	X	D		F		12,000	X	X
Colorado	X	X	X	X	X		D		F		5,000	X	X
Connecticut	X			X		X	D		F		10,000	X	X
Delaware		X		X	X							X	
Dist of Columbia		X		X	X		D		F		300	X	
Federal													
Florida	X	X		X								X	X
Georgia													
Hawaii	X	X		X			D		DF		600	X	
Idaho	X	X		X	X		D		F		1,020	X	X
Illinois						X					1,806	X	
Indiana	X	X		X	X				X				
Iowa	X	X		X	X		D				1,000	X	
Kansas	X			X			D				350	X	X
Kentucky	X	X	X		X								X
Louisiana													
Maine		X		X	X		D				1,500	X	X
Maryland	X	X	X	X	X		D		F		1,000	X	X
Massachusetts		X	X	X			D				1,800	X	
Michigan	X	X				X	D		D		10,000	X	X
Minnesota	X	X		X		X	D		F		6,400	X	X
Mississippi	X	X		X								X	
Missouri	X	X		X	X						5,000	X	
Montana	X	X	X	X	X			DF	DF		600	X	
Nebraska	X	X		X	X		D		F	F	4,000	X	X
Nevada		X					D				400	X	
New Hampshire	X	X										X	
New Jersey	X	X	X	X	X		D		F	X	250	X	X
New Mexico	X	X		X	X				D			X	
New York	X	X	X	X		X	D		D	D		X	X
North Carolina											425	X	
North Dakota	X	X									500		
Ohio		X		X	X	X	D				3,300	X	
Oklahoma	X			X								X	
Oregon	X	X	X	X		X			D	D	4,400	X	X
Pennsylvania	X										615	X	
Rhode Island	X	X	X	X	X						600	X	
South Carolina						X					242	X	
South Dakota		X				X					400	X	
Tennessee	X	X		X		X			D		255	X	
Texas	X	X		X			D				10,000	X	
Utah													
Vermont	X	X									1,200	X	
Virginia	X	X	X	X	X		D				750	X	
Washington	X	X	X	X	X			DF	DF		8,116	X	X
West Virginia		X	X		X						260	X	
Wisconsin	X	X	X	X	X	X	D		F	F	500	X	X
Wyoming													
CANADA													
Alberta													
Federal CEO													
Manitoba													
Ontario													
Quebec													
Saskatchewan													

D - Desk Audits  
F - Field Audits

EXPLANATORY NOTES

ALABAMA:

- State Ethics Commission

Ethics laws amended to prohibit lawyer-legislators from representing prison inmates before the State Pardon and Parole Board.

CONNECTICUT:

- State Elections Commission

Significant increase in number of P.A.C.'s registered. Legislation to curb influence of P.A.C. contributions was only partially successful. Ideological P.A.C.'s still have no limits on amount of contributions to any campaign.

Commission is presently appealing a lower court ruling which limits jurisdiction over ballot questions.

- State Ethics Commission

Financial Disclosure:

- debts over \$10,000.00 reported;
- leases and contracts with State reported.

Conflicts of Interest:

- illegal gains can be recouped.

Lobbying:

- gifts within six months of termination reported;
- violators of lobbying law may be denied re-registration for up to two years.

FLORIDA:

- State Commission on Ethics

Agency authorized by legislature to prepare mailing lists of all public officials required to file financial disclosure statements.

ILLINOIS:

- State Board of Elections

The Illinois General Assembly passed several measures affecting campaign disclosure, including public funding of gubernatorial campaigns, and altering dollar limits for disclosure of individual contributions. This legislation was subjected to a Governor's veto; the status quo stands.

INDIANA:

- State Election Board

There has been a statutory increase in the amount that corporation and labour unions may contribute to candidates, from \$3,000.00 and \$1,000.00 to \$5,000.00 and \$2,000.00 respectively. The Attorney General also issued an opinion which contends that because state law is silent on the subject, P.A.C.'s may make unlimited contributions to any candidate.

IOWA:

- Campaign Finance Disclosure Commission

Effective January 1, 1984, chapter 56 of the Iowa Code will be amended, changing Iowa forms and manuals. New forms and manuals are available to interested parties.

MARYLAND:

- State Ethics Commission

Amendments were authorized to allow local Boards of Education to enact their own financial disclosure, lobbying, and conflict of interest regulations, if such Boards did not want to be subject to county ethics laws.

MICHIGAN:

- Campaign and Lobby Records Division

The Michigan State Supreme Court has refused to hear an appeal on the Lobby Registration Act. The Court of Appeals decision that the law is constitutional was therefore upheld. The Act went into effect September 21, 1983.

NEW YORK:

- Temporary State Commission on Lobbying

The Lobbying Act of 1981 was amended in 1983 to, require a one-time \$50.00 registration fee for lobbyists, bring public corporations under the law, and extend the life of the Commission for four years. The Commission established the Northeastern Regional Conference on Lobbying in 1982. The Commission increased the tempo of its unregistered lobbyist programme by pursuing those unregistered parties which lobbied the legislature, governor and state agencies.

OREGON:

- Government Ethics Commission

An Omnibus Bill was considered during the 1983 regular session, and defeated. The bill would have criminalized the code of ethics, added administrative agency lobbying to lobby regulation laws and referred all complaints to an independent fact finder. The O.G.E.C. opposed many parts of the bill. The bill's sponsors have filed an initiative petition to implement some of the bill's provisions; if the initiative is successful, the measure will appear on the 1984 general election ballot.

CANADA

MANITOBA: - Chief Electoral Office

A new Election Financing Act has been passed. This Act provides for partial financing of political parties and candidates. It will also abolish the Elections Commission, placing enforcement power in the hands of the Chief Electoral Officer. The Act has not yet been proclaimed.

QUEBEC: - Le Directeur general des elections du Quebec

Pursuant to the adoption of the Act respecting the Integration of the Administration of the Electoral System (1982, ch.54) the responsibility of the laws pertaining to the financing of political parties has been entrusted to the Chief Electoral Officer of Quebec. By this Bill, the whole administration of the electoral system came under the authorization of the Directeur general of Elections.

CITATIONS TO STATE LAWS  
COVERING ETHICS/CONFLICT OF INTERESTS

ALABAMA	Ala. Code Tit. 36, §§ 36-25-1 to 25-30 (1975) (and applicable Supplement Sections)
ALASKA	Alaska Stat. §§ 39.50.010 to .200 (1975) (and applicable Supplement Sections)
ARIZONA	Ariz. Rev. Stat. §§ 38-101, 441-447, 481, 501-581 (1974) (and applicable Supplement Sections)
ARKANSAS	Act 570 of 1979
CALIFORNIA	Political Reform Act of 1974, Cal. Gov't Code §§ 81000, 82000-82055, 83100-83122, 87100-87312, 91000-91014 (1974) (and applicable Supplement Sections)
COLORADO	Colo. Rev. Stat. §§ 24-6-101 to 24-6-402 (1973)
CONNECTICUT	Conn. Gen. Stat. Ann. §§ 1-79 to 1-90 (Supp. 1980)
DELAWARE	Del. Code Tit. 29, §§ 5851-58 (1974) (and applicable Supplement Sections)
DISTRICT OF COLUMBIA	D.C. Code §§ 1-1101 to 1193 (Supp. 1979) D.C. Campaign Finance Reform and Conflict of Interest Act (1974), D.C. Code §§ 1-1401 <u>et seq.</u>
FEDERAL	Fed. Election Campaign Act of 1971, as amended (2 U.S.C. 431 <u>et seq.</u> ); Presidential Election Campaign Fund Act (26 U.S.C. 9001 <u>et seq.</u> ); Presidential Primary Matching Payment Account Act (26 U.S.C. 9031 <u>et seq.</u> )
FLORIDA	Fla. Stat. Ann. §§ 112.311-.326; Fla. Const. Art. 2, Sect. 8 and Art. 3, Sect. 18
GEORGIA	Ga. Code Ann. §§ 89-901 to 987 (1935) (and Applicable Supplement Sections)
HAWAII	Haw. Rev. Stat. §§ 84-1 to 38 (Supp. 1980)

ILLINOIS	Ill. Rev. Stat. (1981), Ch. 127 Sect 601-101 <u>et seq.</u>
INDIANA	Ind. Code Ann. §§ 2-2.1-3-1. -12., 4-2-6-1-10 (Supp. 1979)
IOWA	Iowa Code Ann. §§ 68B.1 to .10 (1975) (and applicable Supplement Sections) House File 687
KANSAS	Kan. Stat. §§ 46-201 to 280 (Supp. 1979)
KENTUCKY	Ky. Rev. Stat. Ann.; Tit. VIII, Chapter 61 and Chapter 45A; and Tit. 11, Chapter 6
LOUISIANA	La. Rev. Stat. Ann. §§ 42.1101 to 1169 (Supp. 1980)
MAINE	Me. Rev. Stat. Tit. 5 §§ 1001 to 1021 (1964) (and applicable Supplement Sections) 1980 Me. Act, Chapter 734
MARYLAND	Md. Ann. Code, Art. 40A, §§ 1-7(1979 Supp.)
MASSACHUSETTS	Mass. Gen. Laws, Ann. Ch. 268A, §§ 1 to 24, Ch. 268B §§ 1 to 7 (Supp. 1980) c236 of 1983
MICHIGAN	Mich. Comp. Laws Anns. §§ 15.341 to 347 (Supp. 1980)
MINNESOTA	Minn. Stat. Ann. §§ 10A.01 to 10A.34(1982) and applicable Supplementary Sections generally; specifically sect. 10A.01, sub. 18
MISSISSIPPI	M.C.A. §§ 25-4-1 to 31 (Supp. 1979), Sect. 25-4-17 of the Miss. Code Ann.
MISSOURI	Mo. Ann. Stat. §§ 105.450 to 495 (1965) (and applicable Supplement Sections)
MONTANA	Mont. Rev. Codes Ann. §§ 2-2-101 to 304 (1979)
NEBRASKA	Neb. Rev. Stat. §§ 49-1401 to 1444, §§ 49-1493 to 14,104, Reissue 1978, 1982 Cum. Supp. and 1983 Supp.
NEVADA	Nev. Rev. Stat. §§ 281.005 to .581 (1979)
NEW JERSEY	N.J. Stat. Ann. §§ 52:13D-12 <u>et seq.</u> ; Exec. Order No. 15, 1975
NEW MEXICO	N.M. Stat. Ann. §§ 10-16-2 to 16 (1978) (and applicable Supplement Sections)

NEW YORK	N.Y. Gen. Mun. Law §§ 800 to 809 (1965) (and applicable Supplement Sections), N.Y. Pub. Off. Law §§ 73 to 79 (Supp. 1979) Lobbying Laws of 1981, Ch. 1040 (as amended by Laws of 1983, Ch. 946
NORTH CAROLINA	N.C. Gen. Stat. §§ 120-85 to 106 (Supp. 1979) Executive Order Number I, 1977
OHIO	Ohio Rev. Code Ann., Chap. 102 §§ 102.01 <u>et seq.</u>
OKLAHOMA	Okla. Stat. Ann., Chap. 39, §§ 1401 <u>et seq.</u>
OREGON	Or. Rev. Stat. Chap. 244, §§ 244.010 <u>et seq.</u>
PENNSYLVANIA	Pa. Stat. Ann., Chap. 15, §§ 401 <u>et seq.</u>
RHODE ISLAND	R.I. Gen. Laws, Tit. 36, Chap. 14, §§ 36-14-1 <u>et seq.</u>
SOUTH CAROLINA	S.C. Code §§ 8-13-10, <u>et seq.</u>
TENNESSEE	Tenn. Code Ann. §§ 8-50-501, <u>et seq.</u>
TEXAS	Texas Civil Code Ann., Art. 6252-9 (b), Tit. 110A
UTAH	Utah Code Ann. §§ 67-16-1 to 14 (1953)
VIRGINIA	Va. Conflicts of Interest Act (1970, Chapter 463), §§ 2.1-347 <u>et seq.</u> §§ 2.1-599 through 2.1-634
WASHINGTON	Executive Conflicts of Interest Act, Chap. 42.18; Chap. 42.20; Chap. 42.21; Chap. 42.22; Chap. 42.23 (Wash. Rev. Code Ann.)
WISCONSIN	Wis. Stat. Ann. §§ 19.41 to 47 (Supp. 1979)

CITATIONS TO  
CAMPAIGN FINANCE LAWS

ALASKA	Alaska 15.13
CALIFORNIA	Government Code Sections 84100 <u>et seq.</u>
CONNECTICUT	Conn. Gen. Stats., Sections 9-335(14), 9-336b, 9-336c, 9-348d,h,k,p,r Chap. 150 Conn. Gen. Stats.
DISTRICT OF COLUMBIA	D.C. Campaign Finance Reform and Conflict of Interest Act of 1974. D.C. Code §§ 1-1401 <u>et seq.</u>
FLORIDA	Chap. 106, Florida Statutes, Chap. §3-282 Laws of Florida
GEORGIA	Official Code of Georgia Ann. Chap. 21-5
IDAHO	Title 67, Chap. 66, Idaho Code. Municipal candidates in cities with 16,000 or more population - Sect. 50-477 I.C., effective July 1, 1982
ILLINOIS	Article 9 of Chap. 46 (The Election Code) of the Illinois Rev. Stats. Sect. 9-1.3, 9.9, 9.10, 9-16, 9-21, 9-23
INDIANA	Indiana Code 3-4-1-19, 3-4-3-3, 3-4-3-8
KANSAS	KSA 25-4101 <u>et seq.</u>
LOUISIANA	La. Rev. Stat. 18:1483 <u>et seq.</u>
MASSACHUSETTS	Mass. General Laws, Chap. 55, Chap 268A
MICHIGAN	MCLA 169.201 - MCLA 169.282
MINNESOTA	Minn. Stat. §§ 10A.01-10A.34(1982) and applicable Supplement Sections generally, specifically Sect. 10A.01, 10A.02, 10A.09
MISSOURI	Chap. 130, Missouri Revised Statutes
MONTANA	§§ 13-37-101 <u>et seq.</u> , MCA
NEBRASKA	Rev. Stat. of Neb. §§ 49-1445 to 49 1479 Reissue 1978, 1982 Cum. Supp. and 1983 Supp.

NEVADA	Chap. 294A of the Nevada Revised Statutes
NEW JERSEY	N.J.S.A. 19:44A-1 <u>et seq.</u>
NEW MEXICO	1-19-1 through 1-19-37 NMSA 1978, 1981 Supp.
NORTH CAROLINA	N.C. G.S. 163-278.6 through 163-278.38
NORTH DAKOTA	NDCC Chapter 16.1-08
OHIO	Ohio Revised Code, Chap. 3517
OKLAHOMA	1981 Okla. Statutes, Title 26, Sect. 15-103 through 15-110 and Sections 18-101 through 18-113
PENNSYLVANIA	Pa. Stat. Ann. - Title 25, 25 P.S. §§ 3241. - 3260b
RHODE ISLAND	Title 17, Chap. 25, General Laws of Rhode Island as amended
SOUTH DAKOTA	Chap. 12-25 of the South Dakota Codified Laws
VERMONT	17 VSA §§ 2801-2832, July 1, 1982
VIRGINIA	24.1-253, 24.1-254, 24.1-254.1, 24.1-255 24.1-257, 24.1-258, 24.1-261. Effective Jan 1, 1984
WASHINGTON	Chap. 42.17 RCW
WYOMING	W.S. 22-25-101 through 22-25-115

CANADA

FEDERAL	Canada Elections Act RSC 1970(1st Supp.) Chap. 14 Election Expenses Act, SC 1973/74 Chap. 51
MANITOBA	The Elections Finances Act(S.M. 1980, c.68
ONTARIO	Election Finances Reform Act, R.S.O. 1980, c.134
QUEBEC	An Act respecting the integration of the administration of the electoral system (1982, c.54)
SASKATCHEWAN	The Election Act, Chap. E-6, Revised Statutes of Sask. 1978 and amendments

MAILING LIST

COUNCIL ON GOVERNMENTAL ETHICS LAWS

ALABAMA

\*State Ethics Commission  
100 Commerce St., Suite 500  
Montgomery, AL 36104  
(205) 832-5871  
Executive Director: Melvin G. Cooper

ALASKA

\*Public Offices Commission  
610 "C" Street, Suite 211  
Anchorage, AK 99501  
(907) 276-4176  
Executive Director: Theda S. Pittman

ARKANSAS

Secretary of State  
256 State Capitol  
Little Rock, AR 72201  
(501) 371-1010  
Secretary of State: Paul Riviere

CALIFORNIA

\*Fair Political Practices Commission  
1100 "K" Street, P.O. Box 807  
Sacramento, CA 95804  
(916) 322-5901  
Director: John Keplinger

\*Citizens Research Foundation  
University of Southern California  
3716 South Hope Street  
Los Angeles, CA 90007  
(213) 743-5211  
Director: Herbert E. Alexander

COLORADO

Department of State  
1575 Sherman, Room 211  
Denver, CO 80203  
(303) 866-2041  
Director: Betty Chronic

CONNECTICUT

\*Election Commission  
410 Asylum Street  
Hartford, CT 06103  
(203) 566-7106  
Executive Director: Jeffrey B. Garfield

\*State Ethics Commission  
30 Trinity Street, Room 103  
Hartford, CT 06106  
(203) 566-4472  
Executive Director: J. David Eaton

DISTRICT OF COLUMBIA

Office of Campaign Finance  
420 7th Street, North West  
Washington, D.C. 20004  
(202) 727-2411  
Director: Keith A. Vance

FEDERAL AGENCIES

\*Federal Election Commission  
1325 "K" Street, North West  
Washington, D.C. 20463  
(800) 424-9530 or (202) 523-4089  
Director: John Surina

Members of the Council on Governmental Ethics Laws are identified with an asterisk (\*)  
Canadian Agencies are listed last.

\*Office of Government Ethics  
Library, Room 436H  
1900 East Street, North West  
Washington, D.C. 20415

#### FLORIDA

Elections Commission  
The Capitol, Room 1801  
Tallahassee, FL 32301  
(904) 488-7690  
Director: Dorothy Glisson

\*Commission on Ethics  
The Capitol, P.O.Box 6, Room 2105  
Tallahassee, FL 32302  
(904) 488-7864  
Executive Director: Lawrence A. Gonzalez

#### GEORGIA

Campaign and Financial Disclosure Commission  
2082 East Exchange Place, Suite 235  
Tucker, Georgia 30084  
(404) 656-2764  
Executive Director: Robert Lane

#### HAWAII

\*Campaign Spending Commission  
P.O. Box 501  
Honolulu, HI 96809  
(808) 548-5411  
Director: Jack Gonzalez

\*State Ethics Commission  
250 South King Street, Room 405  
P.O. Box 616  
Honolulu, HI 96809  
(808) 548-8504  
Executive Director: Catherine Chang

#### IDAHO

Secretary of State  
State House, Room 203  
Boise, ID 83720  
(208) 334-2300  
Chief Deputy: Ben Ysursa

#### ILLINOIS

\*Board of Elections  
201 North Wells, Suite 500  
Chicago, IL 60606  
(312) 793-6440  
Director: Richard H. Anderson

\*Board of Ethics  
522 William G. Stratton Building  
Springfield, IL 62706  
(217) 782-3900  
Executive Director: John Larsen

\*Chicago Board of Election Commission  
121 North LaSalle, Room 308  
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Chicago, IL 60602  
(312) 269-7900

#### INDIANA

\*State Election Board  
1440 North Meridan Street, West Annex  
Indianapolis, IN 46202  
(317) 232-3939  
Director: Laurie Christie

Ethics and Conflict of Interest Commission  
108-A State Office Building  
Indianapolis, IN 46204  
(317) 232-3850  
Director: Mary A. Donovan

#### IOWA

\*Campaign Finance Disclosure Commission  
507 - 10th Street  
Des Moines, IA 50309  
(515) 281-4411  
Executive Director: Kay Williams

#### KANSAS

\*Public Disclosure Commission  
109 West 9th Street, Room 504  
Topeka, KS 66612  
(913) 296-4219  
Assistant: Carol E. Williams

KENTUCKY

\*Financial Disclosure Review Commission  
P.O. Box K  
Corbin, KY 40701  
(606) 523-0443  
Director: Ralph Roaden

LOUISIANA

\*Ethics Administration  
7434 Perkins Road, Suite B  
Baton Rouge, LA 70808  
(504) 925-7290  
Director: Gray Sexton

MARYLAND

\*State Ethics Commission  
301 West Preston St., Room 1515  
Baltimore, MD 21201  
(301) 383-7813  
Executive Director: John E. O'Donnell

MASSACHUSETTS

Office of Campaign and Political Finance  
1 Ashburton Place, Room 1004  
Boston, MA 02108  
(617) 727-8352  
Director: Dennis Duffin

State Ethics Commission  
1 Ashburton Place, Room 1413  
Boston, MA 02108  
(617) 727-0060  
Executive Director: Robert Greco

MICHIGAN

\*Campaign & Lobby Records Division  
P.O. Box 20126  
Lansing, MI 48901  
(517) 373-8558  
Deputy Director: John T. Turnquist

Department of State (Elections Division)  
Lansing, MI. 48918  
Secretary of State: Richard Austin

MINNESOTA

\*Ethical Practices Board  
41 State Office Building  
St. Paul, MN 55155  
(612) 296-5148  
Executive Director: Mary Ann McCoy

MISSISSIPPI

\*Ethics Commission  
P.O. Box 22746  
Jackson, MS 39205  
(601) 359-1285  
Director: Ronald E. Crowe

MISSOURI

Secretary of State  
P.O. Box 1370  
Jefferson City, MO 65101  
(314) 751-3077  
Director: Jack D. Atterberry

MONTANA

Commissioner of Political Practices  
Capitol Station, 1205 East 8th Avenue  
Helena, MT 59620  
(406) 444-2942  
Commissioner: Peg Krivec

NEBRASKA

\*Accountability and Disclosure Commission  
State Capitol, 11th Floor  
P.O. Box 95086  
Lincoln, NE 68509  
(402) 471-2522  
Executive Director: Ms. Dannie Trautwein

NEVADA

Secretary of State  
400 West King Street  
Carson City, Nevada 89710  
Secretary of State: William Swackhamer

NEW HAMPSHIRE

Department of State  
State House, Room 204  
Concord, NH 03301  
(603) 271-3242  
Director: Robert Ambrose

NEW JERSEY

\*Election Law Enforcement Commission  
28 West State Street, Room 1114  
Trenton, NJ 08625  
(609) 292-8700  
Director: Scott Weiner

Executive Commission on Ethical Standards  
28 West State Street, Room 1407  
Trenton, NJ 08625  
(609) 292-1892  
Director: Richard Murphy

NEW MEXICO

Secretary of State  
State Capitol  
Santa Fe, NM 87503  
(505) 827-2697  
Director: Clara Jones

NEW YORK

Temporary State Commission on the  
Regulation of Lobbying  
99 Washington Ave.,  
Twin Towers, Suite 1947  
Albany, NY 12210  
(518) 474-7126  
Executive Director: Louis Cotrona

NORTH CAROLINA

\*Board of Ethics  
116 West Jones Street  
Raleigh, NC 27611  
(919) 733-5103  
Executive Secretary: Millie Donavant

OHIO

Elections Commission  
Secretary of State  
State Office Tower  
30 East Broad Street, Floor 14  
Columbus, OH 43215  
(614) 466-2585  
Communications Director: Wayne Hill

\*Ethics Commission  
The Atlas Building  
8 East Long Street, Suite 210  
Columbus, OH 43215  
(614) 466-7090  
Executive Director: Stephan W. Stover

OKLAHOMA

State Board of Elections  
535 State Capitol  
Oklahoma City, OK 73152  
(405) 521-2391  
Administrative Assistant: Wayne Chandler

OREGON

\*Government Ethics Commission  
155 Cottage Street, North East  
Salem, OR 97310  
(503) 378-5105  
Executive Director: Betty Reynolds

Secretary of State  
136 State Capitol  
Salem, OR 97310  
Director of Elections: Ray Phelps

PENNSYLVANIA

Department of State  
Bureau of Commissions, Elections  
and Legislation  
305 North Office Bldg.  
Harrisburg, PA 17120  
(717) 787-5280  
Richard Anderson

\*State Ethics Commission  
P.O. Box 1179  
Room 308, Finance Bldg.  
Harrisburg, PA 17108  
(717) 783-5280 or 783-1610  
Executive Director: Edward Seladones

RHODE ISLAND

\*Conflict of Interest Commission  
10 Dorrance Street, Room 220  
Providence, R I 02903  
(401) 277-3790  
Executive Director: Rae B. Condon

State Board of Elections  
50 Branch Ave.  
Providence, RI 02903  
(401) 277-2345  
Director: Francis Rao

SOUTH CAROLINA

\*State Ethics Commission  
SCN Center, Suite 930  
1122 Lady Street  
Columbia, SC 29201  
(803) 758-7408  
Executive Director: Gary R. Baker

Secretary of State  
P.O. Box 11350  
Columbia, SC 29211  
Secretary of State: John T. Campbell

SOUTH DAKOTA

Secretary of State  
500 East Capitol  
Pierre, SD 57501  
(605) 773-3537  
Supervisor of Elections: Darleen Gage

TEXAS

\*Secretary of State  
Elections Division  
P.O. Box 12887  
Austin, Texas 78711  
(512) 475-3091  
Director: Karen Gladney

UTAH

State Auditor  
211 State Capitol  
Salt Lake City, Utah 84114  
(801) 533-5361  
Director: W. Val Oveson

VIRGINIA

State Board of Elections  
North Street Office Bldg. Room 101  
Richmond, VA 23219  
(804) 786-6551  
Chairman: Earl Davis

Secretary of State  
Ninth Street Office Bldg.  
Richmond, VA 23219  
(804) 786-2441  
Secretary of State: Laurie Naismith

WASHINGTON

\*Public Disclosure Commission  
403 Evergreen Plaza Building FJ-42  
Olympia, WA 98504  
(206) 753-1111  
Director: Graham E. Johnson

WISCONSIN

State Election Board  
125 South Webster Street  
Madison, WI 53702  
(608) 266-8005  
Executive Secretary: Kevin Kennedy

Secretary of State  
201 East Washington  
Madison, WI 53703  
Director: Gretchen McDonald

WYOMING

Secretary of State  
Capitol Building  
Cheyenne, WY 82001  
(307) 777-7378  
Secretary of State: Thyra Thomson

CANADA

ALBERTA

\*Chief Electoral Office  
West Chambers Building  
12220 Stony Plain Road  
Edmonton, Alberta, T5N 3Y4  
(403) 427-7191  
Chief Electoral Officer: Kenneth A. Wark

FEDERAL

\*Chief Electoral Office of Canada  
440 Coventry Road  
Ottawa, Ont. K1A 0M6  
(613) 993-2975  
Chief Electoral Officer: Jean-Marc Hamel.  
Director of Election Finance: Bud Slattery

MANITOBA

\* Chief Electoral Officer  
Legislative Building, Room 249  
Winnipeg, Manitoba, R3C-0V8  
(204) 994-3225  
Chief Electoral Officer: Richard Willis

ONTARIO

\*Office of the Chief Election Officer  
70 Lombard Street,  
Toronto, Ont. M5C 1M3  
(416) 965-6831  
Chief Election Officer: Warren R. Bailie

\*Commission on Election Contributions and Expenses  
151 Bloor Street West  
8th floor  
Toronto, Ont. M5S 1S4  
(416) 965-0455  
Chairman: Gordon Aiken, Q.C.

QUEBEC

\*Directeur General des Elections  
3460 La Perade  
Ste. Foy, Quebec, G1S 3Y5  
(418) 643-5380  
Directeur General: Pierre F. Cote, C.A.

SASKATCHEWAN

\*Chief Electoral Office  
2349 Broad Street  
Regina, Saskatchewan, S4P 1Y9  
(306) 565-4000  
Chief Electoral Officer: Keith Lampard

# Alaska State Legislature

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4714



Senator Mitch Abood  
CHAIRMAN

## Senate Committee on State Affairs

April 9, 1986

### LETTER OF INTENT - SCS CSHB 454 (SA) BY THE SENATE STATE AFFAIRS COMMITTEE

It is the intent of the Senate State Affairs Committee in adopting the SCS for CSHB 454 (SA) that Sections 1, 2, and 3 of the bill comply with the initiative relating to the compensation for state legislators. These sections are included in HB 454 to bring into one measure related matters pertaining to compensation of state officers.

Some drafting changes were made to conform language of the proposed legislation to existing statutes and to correct errors; e.g., Section 1 of the bill v. Section 2 of the initiative.

A minor change is made in compensation of legislators performing official duties while the legislature is not in session. The initiative provides that actual expenses be reimbursed in lieu of per diem. The bill provides that per diem be paid, as was the practice at the time when the salary of legislators was the same as that set forth in Section 2 of the initiative. Provision of per diem, regardless disincentives to carrying out legislative work, to economizing on expenses, and to using low costs modes of travel and accommodations. The purpose of these revisions in the per diem language is to assure that legislators will be properly compensated for the performance of their constitutional duties and to avoid excessive individual expenses.

Both Sections 3 of the initiative and HB 454 provide for a report covering legislator's compensation to be made by the legislative fiscal officer. Under the initiative, the report is to be filed with the Office of Management and Budget in the Governor's Office. The Committee believes that such filing would be transgressing on the separation of power between the legislative and executive branches.

Therefore, SCS CSHB 454 (SA) provides that the report be filed with the Legislature's Fiscal Office. The basic purpose of the initiative -- providing a report available to the public -- is maintained under this minor change.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 4-3-86

REQUEST  
Bill/Resolution No.: SSSB 391  
Title: Act relating to the ethical  
conduct of government.

FISCAL DETAIL  
Agency Affected: Department of Administration  
BRU: Division of Personnel

Sponsor: Rules by request of Governor  
Requestor: Governor's Office  
Date of Request: 4-1-86

Components: \_\_\_\_\_  
\_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	7.9	13.2	10.6	7.9	5.3
CONTRACTUAL	0	32.0	50.1	39.5	28.8	18.2
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	39.9	63.3	50.1	36.7	23.5
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	39.9	63.3	50.1	36.7	23.5
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	39.9	63.3	50.1	36.7	23.5

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: Attach a separate page if necessary See attached.

Prepared By: Frank Raye, Director *Frank Raye* Phone: 465-4430  
Division: Personnel Date: 4/3/86

Approved by Commissioner: Eleanor Andrews *Eleanor Andrews* Date: 4/4/86  
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For SSSB 391

This bill provides a code of ethics for the guidance of public officers and employees in the executive branch. It establishes procedures to determine if violations exist and requires the attorney general to investigate suspected violations and bring allegations before the State Personnel Board where appropriate. The Personnel Board's duties are to appoint a hearing officer in instances where the alleged violation is contested, adopt or amend hearing officers' recommendations, and impose penalties for confirmed violations.

The members of the State Personnel Board serve without compensation but are entitled to receive travel expenses and per diem when convened. The Board would have to retain independent counsel when they required legal advice to ensure the integrity of the proposed legislation.

It is anticipated that questions and determinations of activities which pose a possible violation of the code of ethics will be more numerous during the first twelve to eighteen months after the bill becomes effective. This assumption is reflected in the number of hearings and Personnel Board meetings budgeted for successive fiscal years.

	FY 87 Effective (1-1-87)	FY 88	FY 89	FY 90	FY 91
<u>Hearings</u>	3	4	3	2	1
<u>Board Meetings</u>	3	5	4	3	2

No inflation factor is used.

Hearings: \$3,150

Hearing Officer - \$75 per hour x 30 hours = \$2,250  
 Transcription and report preparation - \$30 per hour x 30 hours = \$900  
 Contractual = \$3,150

Personnel Board Meetings (two days each): \$10,140

Travel - 3 members (and legal council) x \$540 = \$2,160  
 Per diem - 3 members x \$80 x 2 days = \$480  
 Travel = \$2,640

Legal Services - \$150 per hour x 50 hours = \$7,500  
 Contractual = \$7,500

	<u>CONTRACTUAL</u>	<u>TRAVEL</u>
<u>FY 87</u>		
Hearings:	\$ 9,450	
Meetings:	22,500	\$ 7,920
	<u>\$31,950</u>	

	<u>CONTRACTUAL</u>	<u>TRAVEL</u>
<u>FY 88</u>		
Hearings:	\$12,600	
Meetings:	<u>37,500</u>	\$13,200
	\$50,100	
 <u>FY 89</u>		
Hearings:	\$ 9,450	
Meetings:	<u>30,000</u>	\$10,560
	39,450	
 <u>FY 90</u>		
Hearings:	\$ 6,300	
Meetings:	<u>22,500</u>	\$ 7,920
	28,800	
 <u>FY 91</u>		
Hearings:	\$ 3,150	
Meetings:	<u>15,000</u>	\$ 5,280
	18,150	

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF LAW

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

OFFICE OF THE ATTORNEY GENERAL

April 2, 1986

The Honorable Mitch Abood  
Chair  
Senate State Affairs Committee  
Alaska State Legislature  
P. O. Box V  
Juneau, AK 99811

Dear Senator Abood:

This letter is written to provide the Senate State Affairs Committee with a sectional analysis of the Sponsor Substitute for Senate Bill 391, the proposed ethics law. The primary achievement of this bill is the establishment, in statute, of a code of ethics for all public officers in the executive branch. The bill replaces the relatively unknown and unworkable aspects of the common law on conflict of interests with more concrete standards. The standards have been developed with two somewhat competing goals in mind: the need to clearly establish high standards of conduct for executive branch officers and the desire to allow those officers to engage in personal and financial activities outside the public sector.

As you are aware, several attempts have been made in past years to enact legislation providing ethical standards for the executive branch. Most recently, Senate Bill 501 was introduced in 1984 at the request of Governor Sheffield, but it did not pass during the 13th Alaska Legislature.

The bill before you reflects the combined work of the Senate Special Committee on Procurement and Ethics and the Department of Law. It also represents a significant revision from the original bill, which created a separate commission to administer the law and was, in view of our current financial crisis, simply too expensive to be practical. We believe this revised bill creatively solves the funding problems while maintaining the critical substance of the code of ethics itself.

Hopefully the enclosed sectional analysis will answer many of your committee's concerns regarding the ethics bill;

The Honorable Mitch Abood, Chair  
Senate State Affairs Committee  
Alaska State Legislature

April 2, 1986  
Page 2

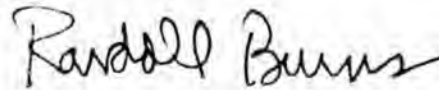
however, the staff of the Department of Law stands ready to assist the committee in its review and discussion of SSSB 391.

We appreciate the time and energy you and the other committee members and staff have devoted -- and will no doubt be devoting -- to this bill.

Sincerely yours,

HAROLD M. BROWN  
ATTORNEY GENERAL

By:



Randall P. Burns  
Special Assistant  
to the Attorney General

RPB/ glg

Enclosure

## SECTIONAL ANALYSIS

Section 1: This section of the bill amends AS 39 ("Public Officers and Employees") by adding a new chapter called the "Alaska Executive Branch Ethics Act." The proposed new Act contains six articles:

- Article 1: Declarations
- Article 2: Code of Ethics
- Article 3: Disclosure and Action to Prevent Violation of Code
- Article 4: Complaints; Hearing Procedures
- Article 5: Enforcement; Remedies
- Article 6: General Provisions

Because sec. 1 comprises almost the entire bill, we have organized our analysis of sec. 1 by the articles listed above.

### ARTICLE 1. DECLARATIONS.

Article 1 of the new chapter sets out legislative declarations. The important public purpose behind the need for and adoption of an executive-branch ethics statute requires a strong legislative statement in the statute itself.

Sec. 39.52.010. DECLARATION OF POLICY. AS 39.52.010 specifically states the legislature's belief in the value of a code of ethics for executive-branch officers as a safeguard of the public trust. ("Officers" is defined as all employees of executive-branch agencies and all members of boards or commissions.)

### ARTICLE 2. CODE OF ETHICS.

Article 2 contains the code of ethics.

Sec. 39.52.110. SCOPE OF CODE. To clarify the intent behind the code of ethics, this section describes its scope. One of the major criticisms heard is that it is difficult to get qualified people to serve in public office. This section of the bill makes it clear that the legislature, in enacting the code of ethics, recognizes in a representative democracy, which draws its public officers from society, that those officers cannot and should not be without a personal or financial stake in Alaska, so long as those private interests do not interfere with the full and faithful discharge of the officer's public responsibilities. Additionally, this section clarifies the intent to distinguish between those minor and insignificant conflicts that are unavoidable in our free society and those conflicts that are substantial and material and must be prohibited.

While the code's subsequent provisions set out stern prohibitions on conduct, public officers are encouraged to have and maintain

private interests so long as those interests do not improperly benefit the officers through abuse of the responsibilities given to them by their public office.

The code of ethics establishes eight types of ethical violations: (1) misuse of official position; (2) improper acceptance or solicitation of gifts or benefits; (3) improper use or disclosure of information; (4) improper influence in state grants, contracts, leases, or loans; (5) improper representation; (6) acceptance of certain prohibited employment outside of government positions; (7) prohibited representation in matters after leaving state service; and (8) aiding in a violation of the code. AS 39.52.120 -- 39.52.190.

Sec. 39.52.120. MISUSE OF OFFICIAL POSITION. One of the clearest areas of public concern revolves around the conduct addressed in AS 39.52.120. This section prohibits a public officer from using, or attempting to use, an official position for personal gain or to intentionally secure unwarranted benefits for any person. AS 39.52.120(a).

Several types of actions are specifically mentioned as examples of misuse of official position: e.g., the use of one's position to extract other employment or contracts; the use of state time, property, or equipment to benefit the officer's personal or financial interests; the taking or withholding of official action by an officer in order to benefit the officer's personal or financial interests. This section also addresses the supervisor/subordinate relationship and prohibits activities that have in the past caused problems, including a prohibition against close economic associations between supervisors and subordinates, and activities that could suggest possible coercion of a subordinate by a supervisor. AS 39.52.120(b).

Sec. 39.52.130. IMPROPER GIFTS OR BENEFITS. This section addresses another potential abuse: the receipt of a gift or benefit under circumstances in which it could be inferred that the gift or benefit was intended to improperly influence the officer in the performance of his or her official duties. This section creates an objective -- rather than a subjective -- test by which the propriety of soliciting or receiving a gift or benefit can be judged from the viewpoint of a "reasonable person." Travel or hospitality given to aid a public officer in the performance of official duties may be accepted if the officer's designated supervisor (defined in AS 39.52.960) determines that acceptance does not interfere with the full and faithful discharge of the officer's public duties and responsibilities. AS 39.52.130(a).

The bill also sets up a reporting requirement for the receipt of a gift or benefit worth over \$25 if the public officer can take or withhold official action that benefits the giver. AS 39.52.130(b).

A designated supervisor may seek advice from the attorney general regarding the acceptance of gifts or benefits. AS 39.52.130(c).

The restrictions relating to gifts or benefits do not apply to campaign contributions to candidates for elected office so long as the contributions comply with the laws and regulations governing elections and campaign disclosure. AS 39.52.130(d).

Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. One commonly expressed complaint is that public officers are able to improperly benefit themselves or family members through the improper use of information gained in the course of their employment. The so-called "insider information" problem is the issue addressed in AS 39.52.140. This section specifically prohibits the use or disclosure of information that either has not been "communicated" to the public (AS 39.52.140(a)) or is confidential by law (AS 39.52.140(b)).

This section sets a fairly high standard. It requires, before officers (or members of their immediate families) can benefit personally or financially from the use or disclosure of information available, that the information first have "been communicated to the public." This means that the information was not simply "available" to the public, but that in some affirmative way the information was first communicated to others outside the agency, whether by newsletter, legislative testimony, a published report, a press release, a legal notice, a speech, etc. It is believed that more than just simple "availability" is necessary to avoid claims that public sector officers are acting improperly because of their access to potentially very beneficial information.

Sec. 39.52.150. IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS, LEASES, OR LOANS. Much public scrutiny has recently been focused on the conduct addressed by this provision of the code of ethics. This section prohibits an officer from improperly influencing state grant, contract, lease, or loan procedures. Specifically, a public officer or member of the officer's immediate family may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects its award, execution, or administration. AS 39.52.150(a). There are exceptions listed to this broad prohibition, which focus on the specific conditions under which the grant, contract, lease, or loan is solicited or awarded. AS 39.52.150(b) -- 39.52.150(c).

In addition, a public officer must report to the commission any personal or financial interests held by the officer or an immediate family member in any state grant, contract, lease, or loan that is awarded by the agency the officer serves. AS 39.52.150(d).

Sec. 39.52.160. IMPROPER REPRESENTATION. Another public concern addressed by the code is the issue of public officers using the advantage of their position in representation before public agencies to benefit their personal or financial interests. This section generally prohibits an officer from representing, advising, or assisting any person concerning a matter pending before the administrative unit that the officer serves. AS 39.52.160(a).

This prohibition does not apply, however, to activities related to collective bargaining, such as the processing of a grievance by an employee representative. AS 39.52.160(b).

In addition, this section clarifies, in the case of a non-salaried member of a board or commission, that the prohibition on representation does not preclude a member of a board or commission from taking responsibility for a matter affecting the member's personal business which is regulated by the very board or commission on which the member serves, so long as the member does not participate, deliberate, or vote on the particular matter when the issue comes before the board or commission for its review or determination. AS 39.52.160(c).

Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. Although AS 39.52.110 makes it clear that holding employment outside of state service is acceptable, the public interest requires that certain restrictions be placed on this privilege. This section prohibits public employees from rendering services or accepting employment outside of their agencies if the outside service or employment is incompatible or in conflict with the proper discharge of their official duties. AS 39.52.170(a). As is currently required by personnel rules, public employees must quarterly report outside employment to their designated supervisor. AS 39.52.170(b).

Sec. 39.52.180. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING STATE SERVICE. The most difficult area to address in this legislation is the post-employment situation. The public interest requires that some restrictions be placed on the range of activities that former public officers may perform in the private sector. Of course, regardless of whether employment is in the public or private sector, the expertise and knowledge one gains in a job are transferable skills that employees rightfully take with them and that enable the employees to seek more responsible positions. We must also consider that while Alaska has a relatively small workforce, government is the state's largest employer.

The development of a post-employment provision that places legitimate restrictions on the use of one's employment experience is, for these reasons, a difficult task. We believe that the post-employment section of this bill reflects a compromise between competing interests. That compromise protects the state's significant interests but does not unfairly restrict an officer's

ability to work in the private sector after leaving state service.

Specifically, AS 39.52.180 prohibits certain types of representation by former public officers for two years after leaving their public positions. The two-year ban is narrowly drawn: an officer is only prohibited from representing, advising, or assisting a person for compensation regarding a matter (1) that was under consideration by the administrative unit directly served

and (2) in which the officer participated personally and substantially through the exercise of official action. A "matter" is precisely defined to include a case, proceeding, application, contract, or determination, and does not include activities related to legislation or regulations. AS 39.52.180(a).

This section does not prevent an agency from contracting with a former public officer to act on the state's behalf. AS 39.52.180(b). Additionally, the head of an agency may waive, in writing, application of this section after determining that representation by a former public officer is not adverse to the public interest. A waiver is subject to the approval of the attorney general. AS 39.52.180(c).

Sec. 39.52.190. AIDING A VIOLATION. Finally, the bill simply states that it is an ethical violation for a public officer to knowingly aid another officer in a violation of AS 39.52.

### ARTICLE 3. DISCLOSURE AND ACTION TO PREVENT VIOLATION OF CODE.

Article 3 sets out the various procedures that public officers have available to them for the prevention of a violation of the code of ethics. A major aspect of this legislation is its "preventative" posture. Public officers must be able to seek and receive prompt advice in order to avoid actions that might violate the code. It is these preventative procedures that give the bill its true strength, because it provides a positive approach to solving potential abuses and appropriately assists officers before the fact, rather than waiting for violations to occur which the attorney general must then prosecute.

Sec. 39.52.210. DECLARATION OF POTENTIAL VIOLATIONS BY PUBLIC EMPLOYEES. This section establishes a procedure for handling a potential violation of the code of ethics. A public employee who believes that he or she may be involved in a matter that could result in a violation of the code of ethics is required to immediately disclose the potential conflict to the designated supervisor and to refrain from taking any official action until a determination is made as to a possible conflict or ethical problem. AS 39.52.210(a).

The employee's designated supervisor shall then make a written determination of whether the employee's involvement could or does violate the code of ethics. AS 39.52.210(b). The supervisor shall reassign duties to cure the employee's violation, or direct the divestiture or removal by the employee of the conflicting personal or financial interests. Id. The supervisor may seek an advisory opinion from the attorney general. AS 39.52.210(c).

Sec. 39.52.220. DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS. This section establishes procedures for handling a potential violation of the code of ethics by a member of a board or commission. A member of a board or commission who believes he or she may be involved in a matter that could result in a violation of a code of ethics must disclose the potential conflict on the record. AS 39.52.220(a). The board chair, as the designated supervisor, rules on whether or not the member's involvement could violate the code of ethics. Id. If a determination is made that a violation would exist if the member continued to participate, then the member must not only refrain from voting on the matter, but must also refrain from deliberating or participating in discussions regarding that particular matter. Id.

The designated supervisor or the board or commission may request advice from the attorney general. AS 39.52.220(b).

Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. This section states that any person may report a potential violation of the code of ethics to a designated supervisor for review and appropriate action.

Sec. 39.52.240. ADVISORY OPINIONS. This section covers requests by designated supervisors, or boards or commissions, for advice from the attorney general regarding appropriate conduct under AS 39.52. It is important to note that requests for advisory opinions are confidential. AS 39.52.240(g).

Advisory opinions must be issued within 60 days after the attorney general receives a completed request. AS 39.52.240(a). Because, however, there may be instances where delay in the receipt of an opinion would cause substantial inconvenience or detriment to the requesting party, this section allows the attorney general to give oral advice. AS 39.52.240(b). The designated supervisor or board or commission then makes a determination regarding an ethical problem. AS 39.52.240(c). If the attorney general has suggested more than one alternative, the supervisor or board or commission will select the most appropriate way to avoid or correct the problem. Id.

A public officer is not liable under AS 39.52 for any action carried out in accordance with a supervisor's determination. AS 39.52.240(d). The attorney general can revise or revoke an advisory opinion at any time (AS 39.52.240(e)), but anyone may

rely on advisory opinions currently in effect (AS 39.52.240(f)). Attorney general opinions will be published in the Alaska Administrative Journal with sufficient deletions to prevent disclosure of the identities of persons involved. AS 39.52.240(h).

Sec. 39.52.250. ADVICE TO FORMER PUBLIC OFFICERS. Former public officers who need advice regarding their standing in relationship to the code of ethics may request an advisory opinion from the attorney general. AS 39.52.250(a). A former public officer who follows the advice of the attorney general is not liable under this new chapter for any action carried out in accordance with that advice, so long as the circumstances were fully disclosed. AS 39.52.250(b).

Sec. 39.52.260. DESIGNATED SUPERVISOR'S REPORT AND ATTORNEY GENERAL REVIEW. This section requires all designated supervisors to report to the attorney general any potential violations reported to them and the disposition of each matter. AS 39.52.260(a). The attorney general is required to review each of the reports filed, and may request additional information. AS 39.52.260(b). The report prepared by the supervisor is confidential and not available for public inspection unless formal proceedings are initiated as a result of a report filed. However, extracts of the report will be made available with sufficient deletions to prevent disclosure of any person's identity. AS 39.52.260(c).

#### ARTICLE 4. COMPLAINTS; HEARING PROCEDURES.

Article 4 of the new chapter establishes a complete process for handling complaints regarding violations of the provisions of AS 39.52.

Sec. 39.52.310. COMPLAINTS. This section sets out the procedures for handling a complaint, whether filed with the attorney general or initiated by the attorney general, and establishes the conditions under which a complaint will be accepted and investigated. The attorney general can initiate a complaint or elect to treat as a complaint a matter referred by a supervisor. AS 39.52.310(a). In addition, any person can file a complaint with the attorney general in writing. AS 39.52.310(b).

If a complaint alleges a violation by the governor, lieutenant governor, or the attorney general, the personnel board shall appoint independent counsel who shall act in place of the attorney general in reviewing the validity of the complaint filed and, if sufficient, taking the matter to hearing. AS 39.52.-310(c).

The attorney general shall review each complaint filed to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation

of AS 39.52. A complaint may be dismissed (AS 39.52.310(d)) or referred to the appropriate supervisor or board chair for resolution (AS 39.52.310(e)).

If the attorney general accepts a complaint for investigation, the attorney general must provide a copy of the complaint to the subject of the complaint for a response. The subject of the complaint must respond within 20 days with full and fair disclosure in writing of all the facts and circumstances pertaining to the alleged violation. AS 39.52.310(f). The attorney general shall investigate to determine whether a violation of the chapter has occurred. AS 39.52.310(g). A violation of AS 39.52 can be investigated only within two years after discovery of the alleged violation. AS 39.52.310(h).

Sec. 39.52.320. DISMISSAL BEFORE FORMAL PROCEEDINGS. If it appears that there is no probable cause to believe that a violation of the chapter has occurred, the attorney general will dismiss the complaint and prepare and file with the personnel board a confidential summary of the matter. The attorney general is required to communicate disposition of this matter promptly to both the complainant and the subject of the complaint.

Sec. 39.52.330. CORRECTIVE OR PREVENTIVE ACTION. This section provides the attorney general with the latitude to recommend action to correct or prevent a violation of the law, if the conduct complained about does not warrant the initiation of formal proceedings. The subject of the complaint is required to comply with the attorney general's recommendation.

Sec. 39.52.340. CONFIDENTIALITY. Information obtained by the attorney general during an investigation is confidential, unless and until formal proceedings are initiated. AS 39.52.340(a). The attorney general and persons contacted during the course of an investigation are required to maintain confidentiality regarding the existence of the investigation. Id. A person who violates the confidentiality provisions of this section is guilty of a class A misdemeanor. Id.

It is not a violation of this section, however, for a person to contact an attorney or participate in a criminal investigation. AS 39.52.340(b). This section also provides that the subject of the complaint may, if he or she so chooses, waive the confidentiality protections of this section. AS 39.52.340(c).

Sec. 39.52.350. PROBABLE CAUSE. If the attorney general finds that there is probable cause to believe that an officer has violated the code of ethics, the attorney general initiates formal proceedings by serving an accusation upon the subject of the complaint. The accusation must specifically set out the alleged violation and, after service, is a public document. Except for deliberations of the personnel board, all subsequent proceedings are open to the public. AS 39.52.350(a).

The subject of the accusation must file an answer to the accusation. AS 39.52.350(b). If the subject denies that a violation has occurred, the attorney general shall refer the matter to the personnel board for appointment of a hearing officer to conduct a hearing. AS 39.52.350(c). If, however, the subject admits an ethical violation, the attorney general shall refer the matter to the personnel board to impose appropriate penalties. AS 39.52.350(d).

Sec. 39.52.360. HEARINGS. AS 39.52.360 establishes the formal hearing process to be followed if a matter is referred to the personnel board for hearing. The hearing officer appointed by the personnel board may conduct pre-hearing conferences, administer oaths, hold hearings, take testimony, and issue subpoenas upon application by a party. AS 39.52.360(a) and (b).

The attorney general presents the charges and has the burden of demonstrating by a preponderance of evidence that the subject of the accusation has violated the new chapter. AS 39.52.360(c). The subject of an accusation may be represented by counsel; each party has the opportunity to be heard and cross-examine witnesses. AS 39.52.360(d).

Hearings held under this section are not subject to the Administrative Procedure Act. AS 39.52.360(e). During the hearing itself, technical rules of evidence do not apply but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. AS 39.52.360(f). At the conclusion of the hearing, the hearing officer may direct the submission of proposed orders (AS 39.52.360(g)), and within 30 days after the conclusion of the formal hearing, the hearing officer must file a written report with the personnel board containing the officer's findings of fact, conclusions of law, and recommendation (AS 39.52.360(h)).

Sec. 39.52.370. PERSONNEL BOARD ACTION. Either party to the hearing may protest the hearing officer's decision before the personnel board. Oral argument before the personnel board will be provided if requested. AS 39.52.370(a). The board may, for good cause shown, convene a hearing de novo or further augment the record with additional evidence. AS 39.52.370(b).

The personnel board shall review each report submitted by the hearing officer and any briefs filed and must either adopt or amend the findings of fact, conclusions of law, and recommendation of the hearing officer. AS 39.52.370(c). The deliberations of the personnel board are not open to the public. Id. If the personnel board determines that a violation has occurred, it may impose certain civil penalties. AS 39.52.370(d). If the board determines that a violation has not occurred, it shall issue a written order of dismissal. Id. The personnel board secretary must promptly inform both parties

of the board's action. AS 39.52.370(e). The subject of the accusation may appeal the board's decision by filing an appeal in the superior court. AS 39.52.370(f).

Sec. 39.52.380. SUBPOENAS. This section gives the attorney general, independent counsel retained by the personnel board, the personnel board, and appointed hearing officers certain subpoena powers.

Sec. 39.52.390. SERVICE. This section dictates how service of an accusation and other documents must be accomplished.

#### ARTICLE 5. ENFORCEMENT; REMEDIES.

Article 5 describes the enforcement powers available to both the personnel board and the state when a violation of the ethics Act has occurred. Because we wish the attorney general and the personnel board to be able to take relatively swift action, we have provided for a wide range of civil remedies and penalties, as opposed to providing for criminal penalties for violation of the Act.

Sec. 39.52.410. VIOLATIONS; PENALTIES FOR MISCONDUCT. Under this section, if a public employee is found to have violated AS 39.52, the personnel board has the authority to order the employee to stop engaging in the illegal action; may order divestiture, establishment of a blind trust, restitution, or forfeiture; and recommend that the employee's agency take disciplinary action against that employee. AS 39.52.410(a).

If the personnel board determines that a non-salaried member of a board or commission has violated AS 39.52, it may order the member to refrain from voting, deliberating, or participating in the matter; order restitution; or, in appropriate cases, recommend that the governor remove the offending member from the board or commission. AS 39.52.410(b).

If the board determines that a former public officer has violated AS 39.52, it shall issue a public statement of its findings and seek the attorney general's assistance in pursuing all legal remedies against that individual. AS 39.52.410(c).

Finally, if the board finds the governor or lieutenant governor in violation of AS 39.52, the board shall report the matter to the Alaska State Senate with its findings. AS 39.52.410(d).

Sec. 39.52.420. DISCIPLINARY ACTION FOR VIOLATION. This section states that a violation of the code of ethics contained in AS 39.52 is a valid reason for an executive-branch agency to discipline an employee. AS 39.52.420(a). An agency may initiate appropriate disciplinary action without waiting for the attorney general to file an accusation or the board to complete formal proceedings. AS 39.52.420(b).

Sec. 39.52.430. ACTIONS VOIDABLE. This section describes the actions that may be taken by the state if state grants, contracts, leases, or loans have been entered into or received in violation of AS 39.52.

Sec. 39.52.440. CIVIL PENALTIES. This section provides that the personnel board may impose civil penalties not to exceed \$5,000 on a current or former public officer for a violation of the ethics Act.

Sec. 39.52.450. PAYMENT OF TWICE THE FINANCIAL BENEFIT. This section gives the personnel board the authority to seek from a current or former public officer payment of up to twice the financial benefit realized by a person in violation of AS 39.52.

Sec. 39.52.460. CRIMINAL SANCTIONS ADDITIONAL. This section clarifies that the civil penalties provided for in art. 5 of the ethics Act are in addition to any criminal actions that may be pursued.

#### ARTICLE 6. GENERAL PROVISIONS.

Sec. 39.52.910. APPLICABILITY. This section gives notice that the bill applies generally to all public officers in executive-branch agencies, and that AS 39.52 supersedes the common law on conflicts of interests, including replacement of the common law standard of "the appearance of impropriety" with the specific standards set out in the code of ethics in art. 2 of AS 39.52. AS 39.52.910(a) and (b). This chapter is not subject to collective bargaining. AS 39.52.910(c).

Sec. 39.52.920. AGENCY POLICIES. This section establishes that agencies have the authority to adopt written policies for their employees which are more restrictive than the code of ethics. These agency policies are subject to the attorney general's review and approval.

Sec. 39.52.930. COOPERATION. This section requires agencies in all branches of state government to cooperate fully with the attorney general and the personnel board in the performance of their duties.

Sec. 39.52.940. CONSTRUCTION. This section calls for a liberal construction of the bill's provisions in order to promote high ethical standards in state government.

Sec. 39.52.950. REGULATIONS. Under this section, the attorney general is empowered to adopt necessary regulations to implement AS 39.52.

Sec. 39.52.960. DEFINITIONS. This section of the new chapter sets out definitions for the new code of ethics.

Section 2: This section of the bill amends AS 39.25.060(c) to make the members of the personnel board removable only for cause. The additional responsibilities granted the board under the new ethics law require that the members of the personnel board be free from possible interference in the performance of their duties. Therefore, unless cause can be shown, the governor should be prohibited from freely removing personnel board members from office.

Section 3: This section amends AS 39.25.070, relating to the powers of the personnel board, to add authority to perform the functions granted to the board by the new ethics Act, including authority to appoint hearing officers, review the recommendations of hearing officers, determine whether a violation of the code of ethics had occurred, and impose penalties for a violation of the code.

Section 4: This section of the bill provides for consistency between AS 42.40, regarding employees of the Alaska Railroad, and the new AS 39.52, which covers employees of the railroad as well as directors of the Alaska Railroad Corporation.

Section 5: This section of the bill merely adds attorney general ethics advisory opinions to the list of items to be published in the Alaska Administrative Journal, consistent with the proposed requirement in AS 39.52.240(h) (sec. 1 of the bill).

Section 6: Because the enforcement and remedy provisions in the new ethics law do not take effect until January 1987, this section of the bill clarifies that the attorney general and the personnel board do not have jurisdiction over any alleged violation of the code of ethics occurring before January 1, 1987, unless the violation continues after that date.

Section 7: Under this section of the bill, an agency with an existing policy related to conflicts of interests or the ethical performance of official duties is required to submit that policy to the attorney general for necessary review and approval by January 1, 1987.

Section 8: The sections of the ethics law regarding policy, the issuance of advisory opinions, declarations of potential violations, and the definition section, take effect July 1, 1986.

Section 9: The code of ethics itself, the complaint and hearing procedures, and the law's enforcement and remedy provisions (AS 39.52.110 -- 39.52.190 and AS 39.52.310 -- 39.52.460) will take effect January 1, 1987.

Different effective dates have been provided so that public officers, immediately upon passage of the bill, may seek guidance from the attorney general concerning their standing under the new code of ethics, in order that any reassignments, transfers, or

divestitures that need to occur can be accomplished before the code of ethics, as well as the complaint process, is in force.

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

~~SB 391~~  
SSSB391

April 2, 1986

The Honorable Don Bennett  
President of the Senate  
Alaska State Legislature  
P. O. Box V  
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a sponsor substitute for Senate Bill 391, a bill relating to the ethical conduct of executive-branch officers. This sponsor substitute was necessitated by the substantial costs associated with the original version of SB 391, costs that primarily resulted from the creation of a separate commission to administer the new ethics Act.

While we adjudge the original version of SB 391 to be "perfect world" legislation, the version before you is one of those rarities: a compromise that substantially reduces the level of funding necessary while maintaining the bill's primary goal: the establishment -- in statute -- of a code of ethics for all public officers in the executive branch, and replacement of the relatively unknown and unworkable aspects of the common law on conflicts of interests with concrete standards of conduct.

The sponsor substitute continues to establish in AS 39 a new chapter entitled the "Alaska Executive Branch Ethics Act," but this sponsor substitute removes from the bill the creation of a separate commission to administer the new law. Instead, the bill relies upon two existing entities to shoulder responsibility for enforcement of the code of ethics: the Department of Law and the state's personnel board.

New staff positions in the Department of Law will 1) provide the executive branch with opinions and advice concerning the

substance and intent of the code of ethics, 2) accept and investigate legitimate complaints, and 3) take to formal hearing probable cause violations of the code. The state's personnel board, which has already had some limited experience in evaluating allegations of employee misconduct, will appoint hearing officers or independent counsel and act as the final determiner in matters that have gone to hearing, and will, through the provision of new enforcement powers to the board, order appropriate penalties and remedies.

As a result of conversations with representatives of various departments, language has been added to AS 39.52.130(a), providing for acceptance of travel or hospitality by department personnel if acceptance does not compromise an officer in the proper performance of his or her duties.

In this sponsor substitute, under certain conditions, a non-salaried member of a board or commission is not precluded from participating in personal or financial matters that are regulated by the board or commission on which the member serves. AS 39.52.160(c).

Sections 2 and 3 of the sponsor substitute amend existing statutes relating to the personnel board, to reflect the board's duties and responsibilities under this bill.

In addition, this substitute legislation does not transfer any of the financial disclosure reporting requirements from the current conflict of interests law (AS 39.50) to the new executive ethics chapter. Executive branch officials who currently file conflict of interest statements will continue to file their statements with the Alaska Public Offices Commission.

Because no transfer of financial disclosure reporting requirements is contained in this sponsor substitute, the bill's previous extensive amendments to AS 39.50 have been eliminated. While many of the proposed changes to AS 39.50 deserve the attention of the legislature, many of the changes exist in other bills currently before the legislature, and we have, for that reason, and for the sake of simplicity, dropped them from this substitute bill.

Finally, inasmuch as passage of the "whistleblower" legislation currently pending before the legislature appears likely, I have also removed similar whistleblower provisions from SB 391.

Hence, SSSB 391 is considerably shortened and much leaner than the original. A sectional analysis of the revised legislation follows, for the legislature's use in reviewing the proposed bill and for the use of future researchers.

I believe that this sponsor substitute deserves prompt attention by the legislature. Passage of a code of ethics for the executive branch is a priority of my administration and, I hope, a priority of the legislature as well.

SECTIONAL ANALYSIS  
OF SSSB 391

Section 1: This section of the bill amends AS 39 ("Public Officers and Employees") by adding a new chapter called the "Alaska Executive Branch Ethics Act." The proposed new Act contains six articles:

- Article 1: Declarations
- Article 2: Code of Ethics
- Article 3: Disclosure and Action to Prevent  
Violation of Code
- Article 4: Complaints; Hearing Procedures
- Article 5: Enforcement; Remedies
- Article 6: General Provisions

Because sec. 1 of SB 391 comprises almost the entire bill, we have decided to organize our analysis of sec. 1 by the articles listed above.

ARTICLE 1. DECLARATIONS.

Article 1 of the new chapter sets out legislative declarations. I believe that the important public purpose behind the need for and adoption of an executive-branch ethics statute requires a strong legislative statement in the statute itself.

Sec. 39.52.010. DECLARATION OF POLICY. AS 39.52.010 specifically states the legislature's belief in the value of a code of ethics for executive-branch officers as a safeguard of the public trust. ("Officers" is defined as all employees of executive-branch agencies and all members of boards or commissions.)

ARTICLE 2. CODE OF ETHICS.

Article 2 contains the code of ethics.

Sec. 39.52.110. SCOPE OF CODE. To clarify the intent behind the code of ethics, this section describes its scope. One of the major criticisms heard is that it is difficult to get qualified people to serve in public office. I wanted to make it clear in this section of the bill that the legislature, in enacting the code of ethics, recognizes in a representative democracy, which draws its public officers from society, that those officers cannot and should not be without a personal or financial stake in Alaska, so long as those private interests do not interfere with the full and

faithful discharge of the officer's public responsibilities. Additionally, this section clarifies the intent to distinguish between those minor and insignificant conflicts that are unavoidable in our free society and those conflicts that are substantial and material and must be prohibited.

While the code's subsequent provisions set out stern prohibitions on conduct, public officers are encouraged to have and maintain private interests so long as those interests do not improperly benefit the officers through abuse of the responsibilities given to them by their public office.

The code of ethics establishes eight types of ethical violations: (1) misuse of official position; (2) improper acceptance or solicitation of gifts or benefits; (3) improper use or disclosure of information; (4) improper influence in state grants, contracts, leases, or loans; (5) improper representation; (6) acceptance of certain prohibited employment outside of government positions; (7) prohibited representation in matters after leaving state service; and (8) aiding in a violation of the code. AS 39.52.120 -- 39.52.190.

Sec. 39.52.120. MISUSE OF OFFICIAL POSITION. One of the clearest areas of public concern revolves around the conduct addressed in AS 39.52.120. This section prohibits a public officer from using, or attempting to use, an official position for personal gain or to intentionally secure unwarranted benefits for any person. AS 39.52.120(a).

Several types of actions are specifically mentioned as examples of misuse of official position: e.g., the use of one's position to extract other employment or contracts; the use of state time, property, or equipment to benefit the officer's personal or financial interests; the taking or withholding of official action by an officer in order to benefit the officer's personal or financial interests. This section also addresses the supervisor/subordinate relationship and prohibits activities that have in the past caused problems, including a prohibition against close economic associations between supervisors and subordinates, and activities that could suggest possible coercion of a subordinate by a supervisor. AS 39.52.120(b).

Sec. 39.52.130. IMPROPER GIFTS OR BENEFITS. This section addresses another potential abuse: the receipt of a gift or benefit under circumstances in which it could be inferred that the gift or benefit was intended to improperly influence the officer in the performance of his or her official duties. This section creates an objective -- rather than a subjective -- test by which the propriety of soliciting or receiving a gift or benefit can be judged from the viewpoint of a "reasonable person." Travel or hospitality given to aid a public officer in the performance of official duties may be accepted if the officer's designated

supervisor (defined in AS 39.52.960) determines that acceptance does not interfere with the full and faithful discharge of the officer's public duties and responsibilities. AS 39.52.130(a).

The bill also sets up a reporting requirement for the receipt of a gift or benefit worth over \$25 if the public officer can take or withhold official action that benefits the giver. AS 39.52.130(b).

A designated supervisor may seek advice from the attorney general regarding the acceptance of gifts or benefits. AS 39.52.130(c).

The restrictions relating to gifts or benefits do not apply to campaign contributions to candidates for elected office so long as the contributions comply with the laws and regulations governing elections and campaign disclosure. AS 39.52.130(d).

Sec. 39.52.140. IMPROPER USE OR DISCLOSURE OF INFORMATION. One commonly expressed complaint is that public officers are able to improperly benefit themselves or family members through the improper use of information gained in the course of their employment. The so-called "insider information" problem is the issue addressed in AS 39.52.140. This section specifically prohibits the use or disclosure of information that either has not been "communicated" to the public (AS 39.52.140(a)) or is confidential by law (AS 39.52.-140(b)).

This section sets a fairly high standard. It requires, before officers (or members of their immediate families) can benefit personally or financially from the use or disclosure of information available, that the information first have "been communicated to the public." This means that the information was not simply "available" to the public, but that in some affirmative way the information was first communicated to others outside the agency, whether by newsletter, legislative testimony, a published report, a press release, a legal notice, a speech, etc. It is believed that more than just simple "availability" is necessary to avoid claims that public sector officers are acting improperly because of their access to potentially very beneficial information.

Sec. 39.52.150. IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS, LEASES, OR LOANS. Much public scrutiny has recently been focused on the conduct addressed by this provision of the code of ethics. This section prohibits an officer from improperly influencing state grant, contract, lease, or loan procedures. Specifically, a public officer or member of the officer's immediate family may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract,

lease, or loan if the public officer may take or withhold official action that affects its award, execution, or administration. AS 39.52.150(a). There are exceptions listed to this broad prohibition, which focus on the specific conditions under which the grant, contract, lease, or loan is solicited or awarded. AS 39.52.150(b) -- 39.52.150(c).

In addition, a public officer must report to the commission any personal or financial interests held by the officer or an immediate family member in any state grant, contract, lease, or loan that is awarded by the agency the officer serves. AS 39.52.150(d).

Sec. 39.52.160. IMPROPER REPRESENTATION. Another public concern addressed by the code is the issue of public officers using the advantage of their position in representation before public agencies to benefit their personal or financial interests. This section generally prohibits an officer from representing, advising, or assisting any person concerning a matter pending before the administrative unit that the officer serves. AS 39.52.160(a).

This prohibition does not apply, however, to activities related to collective bargaining, such as the processing of a grievance by an employee representative. AS 39.52.160(b).

In addition, this section clarifies, in the case of a non-salaried member of a board or commission, that the prohibition on representation does not preclude a member of a board or commission from taking responsibility for a matter affecting the member's personal business which is regulated by the very board or commission on which the member serves, so long as the member does not participate, deliberate, or vote on the particular matter when the issue comes before the board or commission for its review or determination. AS 39.52.160(c).

Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. Although AS 39.52.110 makes it clear that holding employment outside of state service is acceptable, the public interest requires that certain restrictions be placed on this privilege. This section prohibits public employees from rendering services or accepting employment outside of their agencies if the outside service or employment is incompatible or in conflict with the proper discharge of their official duties. AS 39.52.170(a). As is currently required by personnel rules, public employees must quarterly report outside employment to their designated supervisor. AS 39.52.170(b).

Sec. 39.52.180. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING STATE SERVICE. The most difficult area to address in this legislation is the post-employment situation. The public interest requires that some restrictions be placed on the

range of activities that former public officers may perform in the private sector. Of course, regardless of whether employment is in the public or private sector, the expertise and knowledge one gains in a job are transferable skills that employees rightfully take with them and that enable the employees to seek more responsible positions. We must also consider that while Alaska has a relatively small workforce, government is the state's largest employer.

The development of a post-employment provision that places legitimate restrictions on the use of one's employment experience is, for these reasons, a difficult task. I believe that the post-employment section of this bill reflects a compromise between competing interests. That compromise protects the state's significant interests but does not unfairly restrict an officer's ability to work in the private sector after leaving state service.

Specifically, AS 39.52.180 prohibits certain types of representation by former public officers for two years after leaving their public positions. The two-year ban is narrowly drawn: an officer is only prohibited from representing, advising, or assisting a person for compensation regarding a matter (1) that was under consideration by the administrative unit directly served and (2) in which the officer participated personally and substantially through the exercise of official action. A "matter" is precisely defined to include a case, proceeding, application, contract, or determination, and does not include activities related to legislation or regulations. AS 39.52.180(a).

This section does not prevent an agency from contracting with a former public officer to act on the state's behalf. AS 39.52.180(b). Additionally, the head of an agency may waive, in writing, application of this section after determining that representation by a former public officer is not adverse to the public interest. A waiver is subject to the approval of the attorney general. AS 39.52.180(c).

Sec. 39.52.190. AIDING A VIOLATION. Finally, the bill simply states that it is an ethical violation for a public officer to knowingly aid another officer in a violation of AS 39.52.

### ARTICLE 3. DISCLOSURE AND ACTION TO PREVENT VIOLATION OF CODE.

Article 3 sets out the various procedures that public officers have available to them for the prevention of a violation of the code of ethics. A major aspect of this legislation is its "preventative" posture. Public officers must be able to seek and receive prompt advice in order to avoid actions that might violate the code. It is these preventative procedures that give the bill its true

strength, because it provides a positive approach to solving potential abuses and appropriately assists officers before the fact, rather than waiting for violations to occur which the attorney general must then prosecute.

Sec. 39.52.210. DECLARATION OF POTENTIAL VIOLATIONS BY PUBLIC EMPLOYEES. This section establishes a procedure for handling a potential violation of the code of ethics. A public employee who believes that he or she may be involved in a matter that could result in a violation of the code of ethics is required to immediately disclose the potential conflict to the designated supervisor and to refrain from taking any official action until a determination is made as to a possible conflict or ethical problem. AS 39.52.210(a).

The employee's designated supervisor shall then make a written determination of whether the employee's involvement could or does violate the code of ethics. AS 39.52.210(b). The supervisor shall reassign duties to cure the employee's violation, or direct the divestiture or removal by the employee of the conflicting personal or financial interests. Id. The supervisor may seek an advisory opinion from the attorney general. AS 39.52.210(c).

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The designated supervisor or the board or commission may request advice from the attorney general. AS 39.52.220(b).

Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. This section states that any person may report a potential violation of the code of ethics to a designated supervisor for review and appropriate action.

Sec. 39.52.240. ADVISORY OPINIONS. This section covers requests by designated supervisors, or boards or commissions, for advice from the attorney general regarding appropriate conduct under AS 39.52. It is important to note that requests for advisory opinions are confidential. AS 39.52.240(g).

Advisory opinions must be issued within 60 days after the attorney general receives a completed request. AS 39.52.240(a). Because, however, there may be instances where delay in the receipt of an opinion would cause substantial inconvenience or detriment to the requesting party, this section allows the attorney general to give oral advice. AS 39.52.240(b). The designated supervisor or board or commission then makes a determination regarding an ethical problem. AS 39.52.240(c). If the attorney general has suggested more than one alternative, the supervisor or board or commission will select the most appropriate way to avoid or correct the problem. Id.

A public officer is not liable under AS 39.52 for any action carried out in accordance with a supervisor's determination. AS 39.52.240(d). The attorney general can revise or revoke an advisory opinion at any time (AS 39.52.240(e)), but anyone may rely on advisory opinions currently in effect (AS 39.52.240(f)). Attorney general opinions will be published in the Alaska Administrative Journal with sufficient deletions to prevent disclosure of the identities of persons involved. AS 39.52.240(h).

Sec. 39.52.250. ADVICE TO FORMER PUBLIC OFFICERS. Former public officers who need advice regarding their standing in relationship to the code of ethics may request an advisory opinion from the attorney general. AS 39.52.250(a). A former public officer who follows the advice of the attorney general is not liable under this new chapter for any action carried out in accordance with that advice, so long as the circumstances were fully disclosed. AS 39.52.250(b).

Sec. 39.52.260. DESIGNATED SUPERVISOR'S REPORT AND ATTORNEY GENERAL REVIEW. This section requires all designated supervisors to report to the attorney general any potential violations reported to them and the disposition of each matter. AS 39.52.260(a). The attorney general is required to review each of the reports filed, and may request additional information. AS 39.52.260(b). The report prepared by the supervisor is confidential and not available for public inspection unless formal proceedings are initiated as a result of a report filed. However, copies of the report will be made available with sufficient deletions to prevent disclosure of a person's identity. AS 39.52.260(c).

#### ARTICLE 4. COMPLAINTS; HEARING PROCEDURES.

Article 4 of the new chapter establishes a complete process for handling complaints regarding violations of the provisions of AS 39.52.

Sec. 39.52.310. COMPLAINTS. This section sets out the procedures for handling a complaint, whether filed with the

attorney general or initiated by the attorney general, and establishes the conditions under which a complaint will be accepted and investigated. The attorney general can initiate a complaint or elect to treat as a complaint a matter referred by a supervisor. AS 39.52.310(a). In addition, any person can file a complaint with the attorney general in writing. AS 39.52.310(b).

If a complaint alleges a violation by the governor, lieutenant governor, or the attorney general, the personnel board shall appoint independent counsel who shall act in place of the attorney general in reviewing the validity of the complaint filed and, if sufficient, taking the matter to hearing. AS 39.52.310(c). The attorney general shall review each complaint filed to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation of AS 39.52. A complaint may be dismissed (AS 39.52.310(d)) or referred to the appropriate supervisor or board chair for resolution (AS 39.52.310(e)).

If the attorney general accepts a complaint for investigation, the attorney general must provide a copy of the complaint to the subject of the complaint for a response. The subject of the complaint must respond within 20 days with full and fair disclosure in writing of all the facts and circumstances pertaining to the alleged violation. AS 39.52.310(f). The attorney general shall investigate to determine whether a violation of the chapter has occurred. AS 39.52.310(g). A violation of AS 39.52 can be investigated only within two years after discovery of the alleged violation. AS 39.52.310(h).

Sec. 39.52.320. DISMISSAL BEFORE FORMAL PROCEEDINGS. If it appears that there is no probable cause to believe that a violation of the chapter has occurred, the attorney general will dismiss the complaint and prepare and file with the personnel board a confidential summary of the matter. The attorney general is required to communicate disposition of this matter promptly to both the complainant and the subject of the complaint.

Sec. 39.52.330. CORRECTIVE OR PREVENTIVE ACTION. This section provides the attorney general with the latitude to recommend action to correct or prevent a violation of the law, if the conduct complained about does not warrant the initiation of formal proceedings. The subject of the complaint is required to comply with the attorney general's recommendation.

Sec. 39.52.340. CONFIDENTIALITY. Information obtained by the attorney general during an investigation is confidential, unless and until formal proceedings are initiated. AS 39.52.340(a). The attorney general and persons contacted

during the course of an investigation are required to maintain confidentiality regarding the existence of the investigation. Id. A person who violates the confidentiality provisions of this section is guilty of a class A misdemeanor. Id.

It is not a violation of this section, however, for a person to contact an attorney or participate in a criminal investigation. AS 39.52.340(b). This section also provides that the subject of the complaint may, if he or she so chooses, waive the confidentiality protections of this section. AS 39.52.340(c).

Sec. 39.52.350. PROBABLE CAUSE. If the attorney general finds that there is probable cause to believe that an officer has violated the code of ethics, the attorney general initiates formal proceedings by serving an accusation upon the subject of the complaint. The accusation must specifically set out the alleged violation and, after service, is a public document. Except for deliberations of the personnel board, all subsequent proceedings are open to the public. AS 39.52.350(a).

The subject of the accusation must file an answer to the accusation. AS 39.52.350(b). If the subject denies that a violation has occurred, the attorney general shall refer the matter to the personnel board for appointment of a hearing officer to conduct a hearing. AS 39.52.350(c). If, however, the subject admits an ethical violation, the attorney general shall refer the matter to the personnel board to impose appropriate penalties. AS 39.52.350(d).

Sec. 39.52.360. HEARINGS. AS 39.52.360 establishes the formal hearing process to be followed if a matter is referred to the personnel board for hearing. The hearing officer appointed by the personnel board may conduct pre-hearing conferences, administer oaths, hold hearings, take testimony, and issue subpoenas upon application by a party. AS 39.52.360(a) and (b).

The attorney general presents the charges and has the burden of demonstrating by a preponderance of evidence that the subject of the accusation has violated the new chapter. AS 39.52.360(c). The subject of an accusation may be represented by counsel; each party has the opportunity to be heard and cross-examine witnesses. AS 39.52.360(d).

Hearings held under this section are not subject to the Administrative Procedure Act. AS 39.52.360(e). During the hearing itself, technical rules of evidence do not apply but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. AS 39.52.360(f). At the conclusion of the hearing,

the hearing officer may direct the submission of proposed orders (AS 39.52.360(g)), and within 30 days after the conclusion of the formal hearing, the hearing officer must file a written report with the personnel board containing the officer's findings of fact, conclusions of law, and recommendation (AS 39.52.360(h)).

Sec. 39.52.370. PERSONNEL BOARD ACTION. Either party to the hearing may protest the hearing officer's decision before the personnel board. Oral argument before the personnel board will be provided if requested. AS 39.52.370(a). The board may, for good cause shown, convene a hearing de novo or further augment the record with additional evidence. AS 39.52.370(b).

The personnel board shall review each report submitted by the hearing officer and any briefs filed and must either adopt or amend the findings of fact, conclusions of law, and recommendation of the hearing officer. AS 39.52.370(c). The deliberations of the personnel board are not open to the public. Id. If the personnel board determines that a violation has occurred, it may impose certain civil penalties. AS 39.52.370(d). If the board determines that a violation has not occurred, it shall issue a written order of dismissal. Id. The personnel board secretary must promptly inform both parties of the board's action. AS 39.52.370(e). The subject of the accusation may appeal the board's decision by filing an appeal in the superior court. AS 39.52.370(f).

Sec. 39.52.380. SUBPOENAS. This section gives the attorney general, independent counsel retained by the personnel board, the personnel board, and appointed hearing officers certain subpoena powers.

Sec. 39.52.390. SERVICE. This section dictates how service of an accusation and other documents must be accomplished.

#### ARTICLE 5. ENFORCEMENT; REMEDIES.

Article 5 describes the enforcement powers available to both the personnel board and the state when a violation of the ethics Act has occurred. Because we wish the attorney general and the personnel board to be able to take relatively swift action, we have provided for a wide range of civil remedies and penalties, as opposed to providing for criminal penalties for violation of the Act.

Sec. 39.52.410. VIOLATIONS; PENALTIES FOR MISCONDUCT. Under this section, if a public employee is found to have violated AS 39.52, the personnel board has the authority to order the employee to stop engaging in the illegal action; may order divestiture, establishment of a blind trust, restitution, or forfeiture; and recommend that the employee's

agency take disciplinary action against that employee. AS 39.52.410(a).

If the personnel board determines that a non-salaried member of a board or commission has violated AS 39.52, it may order the member to refrain from voting, deliberating, or participating in the matter; order restitution; or, in appropriate cases, recommend that the governor remove the offending member from the board or commission. AS 39.52.410(b).

If the board determines that a former public officer has violated AS 39.52, it shall issue a public statement of its findings and seek the attorney general's assistance in pursuing all legal remedies against that individual. AS 39.52.410(c).

Finally, if the board finds the governor or lieutenant governor in violation of AS 39.52, the board shall report the matter to the Alaska State Senate with its findings. AS 39.52.410(d).

Sec. 39.52.420. DISCIPLINARY ACTION FOR VIOLATION. This section states that a violation of the code of ethics contained in AS 39.52 is a valid reason for an executive-branch agency to discipline an employee. AS 39.52.420(a). An agency may initiate appropriate disciplinary action without waiting for the attorney general to file an accusation or the board to complete formal proceedings. AS 39.52.420(b).

Sec. 39.52.430. ACTIONS VOIDABLE. This section describes the actions that may be taken by the state if state grants, contracts, leases, or loans have been entered into or received in violation of AS 39.52.

Sec. 39.52.440. CIVIL PENALTIES. This section provides that the personnel board may impose civil penalties not to exceed \$5,000 on a current or former public officer for a violation of the ethics Act.

Sec. 39.52.450. PAYMENT OF TWICE THE FINANCIAL BENEFIT. This section gives the personnel board the authority to seek from a current or former public officer payment of up to twice the financial benefit realized by a person in violation of AS 39.52.

Sec. 39.52.460. CRIMINAL SANCTIONS ADDITIONAL. This section clarifies that the civil penalties provided for in art. 5 of the ethics Act are in addition to any criminal actions that may be pursued.

## ARTICLE 6. GENERAL PROVISIONS.

Sec. 39.52.910. APPLICABILITY. This section gives notice that the bill applies generally to all public officers in executive-branch agencies, and that AS 39.52 supersedes the common law on conflicts of interests, including replacement of the common law standard of "the appearance of impropriety" with the specific standards set out in the code of ethics in art. 2 of AS 39.52. AS 39.52.910(a) and (b). This chapter is not subject to collective bargaining. AS 39.52.910(c).

Sec. 39.52.920. AGENCY POLICIES. This section establishes that agencies have the authority to adopt written policies for their employees which are more restrictive than the code of ethics. These agency policies are subject to the attorney general's review and approval.

Sec. 39.52.930. COOPERATION. This section requires agencies in all branches of state government to cooperate fully with the attorney general and the personnel board in the performance of their duties.

Sec. 39.52.940. CONSTRUCTION. This section calls for a liberal construction of the bill's provisions in order to promote high ethical standards in state government.

Sec. 39.52.950. REGULATIONS. Under this section, the attorney general is empowered to adopt necessary regulations to implement AS 39.52.

Sec. 39.52.960. DEFINITIONS. This section of the new chapter sets out definitions for the new code of ethics.

Section 2: This section of the bill amends AS 39.25.060(c) to make the members of the personnel board removable only for cause. The additional responsibilities granted the board under the new ethics law require that the members of the personnel board be free from possible interference in the performance of their duties. Therefore, unless cause can be shown, the governor should be prohibited from freely removing personnel board members from office.

Section 3: This section amends AS 39.25.070, relating to the powers of the personnel board, to add authority to perform the functions granted to the board by the new ethics Act, including authority to appoint hearing officers, review the recommendations of hearing officers, determine whether a violation of the code of ethics had occurred, and impose penalties for a violation of the code.

Section 4: This section of the bill provides for consistency between AS 42.40, regarding employees of the Alaska Railroad, and the new AS 39.52, which covers employees of the railroad as well as directors of the Alaska Railroad Corporation.

Section 5: This section of the bill merely adds attorney general ethics advisory opinions to the list of items to be published in the Alaska Administrative Journal, consistent with the proposed requirement in AS 39.52.240(h) (sec. 1 of the bill).

Section 6: Because the enforcement and remedy provisions in the new ethics law do not take effect until January 1987, this section of the bill clarifies that the attorney general and the personnel board do not have jurisdiction over any alleged violation of the code of ethics occurring before January 1, 1987, unless the violation continues after that date.

Section 7: Under this section of the bill, an agency with an existing policy related to conflicts of interests or the ethical performance of official duties is required to submit that policy to the attorney general for necessary review and approval by January 1, 1987.

Section 8: The sections of the ethics law regarding policy, the issuance of advisory opinions, declarations of potential violations, and the definition section, take effect July 1, 1986.

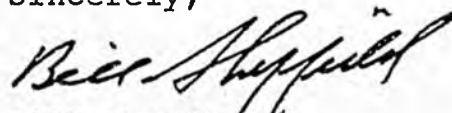
Section 9: The code of ethics itself, the complaint and hearing procedures, and the law's enforcement and remedy provisions (AS 39.52.110 -- 39.52.190 and AS 39.52.310 -- 39.52.460) will take effect January 1, 1987.

I have provided different effective dates so that public officers, immediately upon passage of the bill, may seek guidance from the attorney general concerning their standing under the new code of ethics, in order that any reassignments, transfers, or divestitures that need to occur can be accomplished before the code of ethics, as well as the complaint process, is in force.

#### CONCLUSION

Several attempts have been made in past years to enact legislation providing ethical standards for the executive branch. Most recently at my request, SB 501 was introduced in 1984, but it did not pass during the Thirteenth Alaska Legislature. I strongly endorse this bill and urge its serious consideration and passage this session, especially in its now-revised form.

Sincerely,



Bill Sheffield  
Governor



- a TO appear on 2908  
1986 primary ballot

The above Sponsor is duly  
authorized to circulate

INITIATIVE PETITION

ENTITLED "PRESCRIBING COMPENSATION FOR STATE LEGISLATORS"

PROPOSITION #83-04

If enacted, this proposed bill would amend state law providing for compensation to state legislators. It would establish the monthly salary for legislators at Step A, Range 10 (currently equal to \$1,757) of the salary schedule in AS 39.27.011(a). The bill would also authorize per diem payments for legislators while the legislature is in session. When not in session, legislators on interim committee business would receive reimbursement of actual expenses only. In addition, the proposed bill would require the legislative fiscal officer to report annually to the Office of Management and Budget on all vouchers approving payments to legislators during the year.

WARNING

"A PERSON WHO SIGNS A NAME OTHER THAN HIS OWN ON THIS PETITION, OR WHO KNOWINGLY SIGNS HIS NAME MORE THAN ONCE FOR THE SAME PROPOSITION AT ONE ELECTION, OR WHO SIGNS THE PETITION KNOWING HE OR SHE IS NOT A QUALIFIED VOTER, UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH. (AS 15.45.100)"

(See next page for text of bill.)

RECEIVED  
OCT 1984  
DIRECTOR OF ELECTIONS

COMPLETED

AN INITIATIVE

For An Act Entitled: "An Act relating to the compensation for state legislators."

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

\*Section 1. AS 24.15.010 is reenacted to read:

Sec. 24.15.010. Legislature per diem.

(a) During the legislative session, each member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate during a legislative session if he does not live in his place of permanent residence during the session.

(c) A legislator is entitled to receive per diem at the long-term rate during a legislative session if he lives in his place of permanent residence during the session.

(d) When the legislature is not in session, instead of receiving per diem a legislator is entitled to be reimbursed for actual expenses incurred while he is on committee business for an interim committee of the legislature in a place which is not his place of permanent residence.

(e) In this section

- (1) "long-term rate" means the long-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160;
- (2) "short-term rate" means the short-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160.

\*Section 2. AS 24.15.020 is amended to read:

Sec. 24.15.020. Salary of legislators. The monthly salary for each member of the legislature is equal to Step A, Range 10, [22] of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.

\*Section 3. AS 24.15.040 is amended to read:

Sec. 24.15.040. Method of Payment. Salaries, per diem and additional allowances for members of the legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer. The Legislative fiscal officer shall, by January 31 of each calendar year, file with the Office of Management and Budget a report of all vouchers approved for payment pursuant to this section during the preceding calendar year. The report shall provide, by legislator, the date of each voucher, the amount paid and the basis for approval for payment.

\*Section 4. Any provisions of the Alaska Statutes inconsistent with this Act are hereby repealed.