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CSSB 355(Jud)am

example, the relationship of authority between a child and the child's teacher may continue even during the intervals between classes. On the other hand, an adult who volunteers to chaperon a single school dance does not thereby automatically create a continuing relationship of authority with all students attending the dance."

CSSB 355(Jud)am is on today's calendar.

## House Finance

CSSB 415(Fin)am

The Finance Committee has considered:

CS FOR SENATE BILL NO. 415 (Finance) amended  
"An Act establishing a legislative ethics commission and standards of conduct for legislators, candidates for the legislature, and legislative employees, former legislators and employees, and lobbyists; requiring financial disclosures by legislators, candidates for the legislature, and certain legislative employees; amending legislators' compensation and allowances; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

HOUSE CS FOR CS FOR SENATE BILL NO. 415 (Finance)  
(same title)

Recommending do pass (2): Ulmer, Rieger

Recommending do not pass (2): Swackhammer, Wallis

No recommendation (4): Larson (Co-chairman), Koponen, Brown, Barnes

The following previously published notes apply to HCS CSSB 415(Fin) (May 4, 1990):

Senate fiscal note, Senate Finance Committee  
Senate fiscal note, Alaska Public Offices Commission

CSSB 415(Fin)am appears on today's calendar.

CSSB 434(Fin)

The Finance Committee has considered:

CS FOR SENATE BILL NO. 434 (Finance)  
"An Act establishing a task force to continue state initiatives for the development of a trans-Alaska natural gas pipeline; and providing for an effective date."

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Act establishing a  
Legislative ethics commission  
 Sponsor: Senator Pourchot  
 Requestor: Senate Finance

Agency Affected: Legislative Affairs Agency  
 BRU: Legislative Council  
 Components: Council and Subcommittees  
Legislative Ethics Commission

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

| OPERATING              | FY 91        | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|--------------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES      | 85.0         |       |       |       |       |       |
| TRAVEL                 | 36.0         |       |       |       |       |       |
| CONTRACTUAL            | 24.0         |       |       |       |       |       |
| SUPPLIES               | 3.0          |       |       |       |       |       |
| EQUIPMENT              | 20.5         |       |       |       |       |       |
| Publication            | 20.0         |       |       |       |       |       |
| Phones, Postage        | 5.0          |       |       |       |       |       |
| MISCELLANEOUS          |              |       |       |       |       |       |
| <b>TOTAL OPERATING</b> | <b>193.5</b> | *     | *     | *     | *     | *     |
| <b>CAPITAL</b>         | <b>0</b>     |       |       |       |       |       |
| <b>REVENUE</b>         | <b>0</b>     |       |       |       |       |       |

**FUNDING:** (Thousands of Dollars)

|               |              |  |  |  |  |  |
|---------------|--------------|--|--|--|--|--|
| GENERAL FUND  | 193.5        |  |  |  |  |  |
| FEDERAL FUNDS |              |  |  |  |  |  |
| OTHER         |              |  |  |  |  |  |
| <b>TOTAL</b>  | <b>193.5</b> |  |  |  |  |  |

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

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

This fiscal note funds the commission from January 1, 1991 through June 30, 1991.

\*Funding in succeeding years will be included in the legislative budget

Prepared by: Senator Rick Uehling, Co-chairman Phone: 465-4821  
 Division: Senate Finance Committee Date: May 4, 1990

Approved by Commissioner \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

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

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: An act establishing a legis-  
lative ethics commission  
 Sponsor: Sen. Pourchot  
 Requestor: Senate Finance

Agency Affected: Dept. of Administration  
 BRU: AK Public Offices Commission

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

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

| OPERATING              | FY91         | FY 92        | FY 93        | FY 94        | FY 95        | FY 96        |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES      | 150.4        | 151.2        | 155.7        | 160.2        | 164.9        | 170.0        |
| TRAVEL                 | 3.5          | 0            | 2.0          | 0            | 0            | 0            |
| CONTRACTUAL            | 16.3         | 16.3         | 16.3         | 16.3         | 16.3         | 16.3         |
| SUPPLIES               | 0            | 0            | 0            | 0            | 0            | 0            |
| EQUIPMENT              | 8.0          | 0            | 0            | 0            | 0            | 0            |
| LAND & STRUCTURES      | 6.3          | 6.3          | 6.3          | 6.3          | 6.3          | 6.3          |
| GRANTS, CLAIMS         | 0            | 0            | 0            | 0            | 0            | 0            |
| MISCELLANEOUS          | 0            | 0            | 0            | 0            | 0            | 0            |
| <b>TOTAL OPERATING</b> | <b>184.5</b> | <b>173.8</b> | <b>180.3</b> | <b>182.8</b> | <b>187.5</b> | <b>192.6</b> |
| <b>CAPITAL</b>         | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     |
| <b>REVENUE</b>         | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     | <b>0</b>     |

**FUNDING: (Thousands of Dollars)**

|               |              |              |              |              |              |              |
|---------------|--------------|--------------|--------------|--------------|--------------|--------------|
| GENERAL FUND  | 184.5        | 173.8        | 180.3        | 182.8        | 187.5        | 192.6        |
| FEDERAL FUNDS | 0            | 0            | 0            | 0            | 0            | 0            |
| OTHER         | 0            | 0            | 0            | 0            | 0            | 0            |
| <b>TOTAL</b>  | <b>184.5</b> | <b>173.8</b> | <b>180.3</b> | <b>182.8</b> | <b>187.5</b> | <b>192.6</b> |

**POSITIONS:**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 3 | 3 | 3 | 3 | 3 | 3 |
| PART-TIME | 1 | 1 | 1 | 1 | 1 | 1 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

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

See attached narrative.

Prepared by: Karla Forsythe, Executive Director Phone: 276-4176  
 Division: Alaska Public Offices Commission Date: 5/3/90  
 Approved by Commissioner: Rodman Wilson, Vice Chair (Acting Chair) Date: 5/3/90  
 Agency: Alaska Public Offices Commission

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

## CSSB 415 Narrative

This bill includes several provisions which will create new prohibitions on campaign finance activity by legislative candidates and lobbyists. The Alaska Public Offices Commission will administer the provisions and will investigate and adjudicate alleged violations.

The campaign finance provisions prohibit misuse of campaign contributions, prohibit improper disbursement of surplus campaign funds, and restrict the time period during which funds may be raised. The lobbying provisions prohibit lobbyists from using state property or resources, and from becoming actively involved in campaign management or fundraising.

The commission anticipates it will incur startup costs as it prepares to assume its duties in administering these provisions. Staff time will have to be spent revising forms, manuals, and training materials, and preparing proposed regulation changes for commission review. All of these tasks must be accomplished at the same time that staff is handling the largest election cycle in the agency's history, since the provisions take effect November 6, 1990. Existing staff cannot undertake these startup activities while processing work generated by the election, so new positions must be filled as soon as possible. Printing and distribution costs for new materials could be absorbed with existing funds, since the commission reprints and distributes materials annually.

The commission also will receive ongoing requests for advice about interpretation of the law, including questions such as whether a planned campaign expenditure is permissible, and whether a loan is "bona fide" and therefore can be retired from surplus campaign funds. Staff will also be required to respond to increased questions from local candidates due to confusion over which set of rules apply to them. Staff will need extra funds in FY 93 (the first election during which candidates must comply with the law) to travel to locations throughout the state to conduct training seminars to help candidates comply with the new provisions.

The commission anticipates several new complaints annually alleging that a legislative candidate or a lobbyist has violated one or more of these prohibitions. Potential complaints include allegations that campaign funds have been used for a candidate's personal benefit, that a candidate has knowingly paid more than fair market value for campaign goods or more than fair market wages to family members, that a legislator has solicited contributions outside the prescribed time period, and that a lobbyist is not observing the new fundraising restrictions. The commission anticipates that one complaint annually will proceed to public hearing before the commission, the expense of which cannot be absorbed from funds currently budgeted.

The commission will need to hold a hearing in FY 91 to work on regulatory changes. The expenses of such a hearing are not funded within the current budget.

In order to meet the mandates of the new law, the commission will need to add one professional staff member (Associate Coordinator - Range 18) and one paraprofessional staff member (Paralegal - Range 16) to absorb the ongoing advice and complaint investigation workload. Because the one secretary/receptionist in the Anchorage office cannot absorb additional telephone, front counter, filing and typing tasks which will result from the increased workload, the commission also will need an additional secretary (Range 10). In order to investigate complaints about lobbyists, the single staff member in the Juneau office will require half-time clerical help throughout the year, to free her time for advice to lobbyists about application of the law to their activities, and for investigatory factfinding.

The commission's current office space in Anchorage is too small to house these new positions. Modest-sized space is available across the hall from the Anchorage office, which with minor remodeling could be made functional. The new positions will also need a total of two new computers, two desks and chairs, and telephones.

A detailed breakdown of the costs associated with administration and enforcement of this bill is attached.

Actual Costs FY91

|            |              |          |
|------------|--------------|----------|
| Personnel: | Range 18A    | \$37,548 |
|            | Range 16A    | \$32,580 |
|            | Range 10A    | \$22,140 |
|            | PT Range 08A | \$10,122 |

Benefits Rate: .286

Insurance Rate: \$386.19

|         |   |        |
|---------|---|--------|
| Travel: | 1 regulations hearing<br>& candidate training | \$3500 |
|---------|---|--------|

|          |              |          |
|----------|--------------|----------|
| Hearings | legal fees   | \$12,000 |
|          | witness fees | \$ 250   |
|          | subpoenas    | \$ 3,000 |
|          | transcripts  | \$ 1,000 |
|          | total        | \$16,250 |

|            |                    |        |
|------------|--------------------|--------|
| Equipment: | Computer (2)       | \$6244 |
|            | Desk & Chair (2)   | \$1200 |
|            | Phone Equipment    | \$ 200 |
|            | Phone Installation | \$ 300 |

|                |                 |          |        |
|----------------|-----------------|----------|--------|
| Office Space : | 521 square feet | x \$1.00 | \$6252 |
|----------------|-----------------|----------|--------|

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Gaguine  
5/7/90

Original sponsor(s): SEN. POURCHOT/Select Committee on Legislative Ethics

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 415 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a legislative ethics commission  
7 and standards of conduct for legislators, candidates  
8 for the legislature, and legislative employees,  
9 former legislators and employees, and lobbyists;  
10 requiring financial disclosures by legislators,  
11 candidates for the legislature, and certain legisla-  
12 tive employees; amending legislators' compensation  
13 and allowances; and providing for an effective date."

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

15 \* Section 1. SHORT TITLE. This Act may be known as the Legislative  
16 Ethics Act of 1990.

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

18 CHAPTER 61. LEGISLATIVE ETHICS ACT OF 1990.

19 ARTICLE 1. PURPOSE AND LEGISLATIVE FINDINGS.

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

21 (1) assure the integrity of representative government and  
22 sustain the confidence and trust of the people of this state in their  
23 representatives, the legislature as a whole, and the legislative  
24 process;

25 (2) provide a comprehensive and unified statement of the  
26 ethical principles, considerations, and obligations inherent in the  
27 public trust theory of government service and establish specific  
28 standards of conduct to ensure that those entrusted with public au-  
29 thority avoid conduct that might undermine the people's respect for

1 the legislature; and

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

4 Sec. 24.61.015. LEGISLATIVE FINDINGS. The legislature finds  
5 that

6 (1) high moral and ethical standards among public servants  
7 in the legislative branch of government are essential to the conduct  
8 of fair, open, and responsive representative government;

9 (2) the people of this state need and deserve a legislature  
10 led by outstanding public servants whose devotion and commitment to  
11 pursuing the public interest through established democratic processes  
12 outweigh any competing personal or political considerations;

13 (3) state government relies heavily on part-time citizen  
14 public servants; it is, therefore, essential to attract talented and  
15 principled people willing to provide their time and energy to the  
16 state, often with substantial personal and financial sacrifices;

17 (4) the best way to attract the right people is to ensure  
18 that the government is respected for its honesty and integrity and  
19 that the rules governing their conduct during and after leaving public  
20 service are as clear, fair, and complete as possible; the rules,  
21 however, should not impose unreasonable or unnecessary burdens that  
22 will discourage citizens from entering or staying in government ser-  
23 vice;

24 (5) the political culture of the state is the product of a  
25 unique blend of history, geography, climate, population, and ethnic  
26 influences that must be taken into account in the development of rules  
27 and standards regulating the conduct of legislators, legislative  
28 employees, and those who work regularly with the legislature;

29 (6) the state's commitment to the notion of a citizen

1 legislature requires that legislators be drawn from all parts of  
2 society; they cannot and should not be without personal and financial  
3 interests in the decisions and policies of government, and they are  
4 expected and permitted to earn outside income;

5 (7) as a result of the state's small population and close  
6 sense of community, most legislators and legislative employees have a  
7 network of relationships in and outside the legislature that creates  
8 potential conflicts of interest;

9 (8) the state's vast size requires frequent travel, usually  
10 by air, which increases the expense and burden of public service;

11 (9) the state's cultural diversity is reflected in gift-  
12 giving and hospitality customs that may clash with standards prohibit-  
13 ing acceptance of gratuities;

14 (10) it is important to preserve the vitality of the state's  
15 culture and citizen involvement by assuring that standards of conduct  
16 acknowledge real and practical needs of individual legislators and  
17 legislative employees without compromising vital universal notions of  
18 public service ethics, including the principle that public office is a  
19 public trust;

20 (11) upon taking the oath of office, legislators enter into  
21 a special trust with the people of the state involving extraordinary  
22 powers and equally extraordinary legal and moral obligations; one  
23 aspect of these obligations requires that those entrusted with public  
24 authority unfailingly demonstrate that they are worthy of the public's  
25 respect and are devoted to maintaining the absolute integrity of  
26 government;

27 (12) effective democratic government depends on the will-  
28 ings of the people to exercise responsible citizenship by voluntary  
29 compliance with laws and by active participation in the democratic

1 process; when the public's trust in and respect for government is  
2 high, citizens are more likely to fully participate by voting, becom-  
3 ing better informed, and becoming more active in public debate and  
4 discourse in a way that engenders civic pride and makes government  
5 more representative, more responsive, and more effective;

6 (13) unethical or illegal behavior by a legislator or legis-  
7 lative employee tends to diminish the stature of the legislature and  
8 produce cynicism that erodes public confidence in government; thus,  
9 all who serve the legislature have a solemn responsibility to avoid  
10 improper conduct and prevent improper behavior by colleagues and  
11 subordinates;

12 (14) the principles of public service ethics pervading this  
13 chapter view the ethical obligations of public servants in a positive  
14 way; high standards of conduct and specific regulations to enforce  
15 them are not driven by negative assumptions about the character of  
16 those who serve government, but as expressions of the need for clarity  
17 and uniformity about the higher duties of public service and the noble  
18 dimension of democracy;

19 (15) no code of conduct, however comprehensive, can antici-  
20 pate all situations in which the principles and standards apply, nor  
21 can it prescribe behaviors that are appropriate to those situations;  
22 in addition, laws and regulations regarding ethical responsibilities  
23 cannot legislate morality, eradicate corruption, or eliminate bad  
24 judgment;

25 (16) legislators and legislative employees who are committed  
26 to the ethical principles embodied in the public trust concept of  
27 government must exercise considerable discretion and judgment so as to  
28 adhere to the spirit of the rules and laws; in exercising this judg-  
29 ment it is essential to recognize that an act is not ethical simply

1 because it is legal and that conduct is not proper simply because it  
2 is permissible;

3 (17) legislative decisions must be made in a context of  
4 clashing interests; the growing effect of state laws and regulations  
5 creates incentives for competing special interests to seek to influ-  
6 ence the election and policy-making processes through organized adv-  
7 cacy and through the use of campaign contributions;

8 (18) the cost of running for office has risen dramatically  
9 in recent years; as a result, many public officials, including legis-  
10 lators, spend an increasing amount of time negotiating with special  
11 interests in a way that may unduly enlarge the voice and power of  
12 those interests;

13 (19) legislators and legislative employees must be extremely  
14 cautious and circumspect about accepting a gratuity or favor, especi-  
15 ally from persons or entities that have a substantial interest in  
16 their legislative, administrative, or political actions; even where  
17 there is a genuine personal friendship, the acceptance of personal  
18 benefits from those who could gain advantage by influencing official  
19 actions raises suspicions that tend to undermine public trust;

20 (20) therefore, the state needs a comprehensive ethics  
21 program that responds to the challenges of the contemporary political  
22 climate, preserves and protects the integrity of the legislative  
23 process, and respects the needs of those who serve the legislature.

#### 24 ARTICLE 2. STANDARDS OF CONDUCT.

25 Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL  
26 PRINCIPLE. Inherent in the concept that public office is a public  
27 trust is the principle that legislators and legislative employees  
28 refrain from using or attempting to use their government position to  
29 attain

1 (1) personal financial gain, other than official legisla-  
2 tive compensation;

3 (2) benefits, advantages, or privileges not available to  
4 the public at large, either for themselves, members of their immediate  
5 families, or their friends; or

6 (3) political advantages where the use of office is incon-  
7 sistent with the obligation to use public office only to advance the  
8 public interest.

9 Sec. 24.61.110. IMPROPER BENEFIT FROM PERFORMANCE OF PUBLIC  
10 DUTIES. (a) A legislator or legislative employee may not solicit,  
11 agree to accept, or accept a benefit other than official compensation  
12 for the performance of public duties. This subsection may not be  
13 construed to prohibit lawful solicitation for and acceptance of cam-  
14 paign contributions or the acceptance of a lawful gratuity under  
15 AS 24.61.350. A person who violates this subsection is guilty of  
16 receiving unlawful gratuities under AS 11.56.120 and is subject to  
17 civil sanctions under AS 24.61.560(a).

18 (b) A legislator or legislative employee may not accept anything  
19 of value under circumstances where the legislator or legislative  
20 employee knows or reasonably should know that it is offered with the  
21 intent to influence legislative, administrative, or political action.  
22 A person who violates this subsection is guilty of receiving a bribe  
23 under AS 11.56.110 and is subject to civil sanctions under AS 24.61.-  
24 560(a). In this subsection, "anything of value" has the meaning given  
25 to "benefit" in AS 11.56.130.

26 Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. (a) Legisla-  
27 tors and legislative employees who receive an offer of anything of  
28 value that reasonably appears to have been intended to improperly  
29 influence legislative, administrative, or political action, shall

1 reject the offer and inform the person that there may be a violation  
2 of bribery laws.

3 (b) If the attempt to improperly influence is clear, the person  
4 receiving the offer shall report it to law enforcement authorities.

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

7 Sec. 24.61.130. MISUSE OF STATE PROPERTY AND RESOURCES FOR  
8 PRIVATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative  
9 employee may not use public funds, facilities, equipment, services, or  
10 any other government asset or resource for a nongovernmental purpose  
11 or for the private gain or advantage of either the legislator, legis-  
12 lative employee, or another person. This subsection does not prohibit  
13 (1) the occasional or limited use of state property and resources for  
14 personal purposes if the use does not interfere with the performance  
15 of public duties, the cost or value related to the use is so nominal  
16 that reimbursement procedures would not be justified, and the use does  
17 not create the appearance of impropriety or improper influence; or (2)  
18 the use of mailing lists, computer data, or other information lawfully  
19 obtained from a government agency and available to the public for  
20 nongovernmental purposes. A person who violates this subsection is  
21 subject to civil sanctions under AS 24.61.560(a) and may be prosecuted  
22 for theft under AS 11.46.

23 (b) A legislator or legislative employee may not seek, accept,  
24 use, allocate, grant, or award public funds for a purpose other than  
25 that approved by law, or make a false statement in connection with a  
26 claim, request, or application for compensation, reimbursement, or  
27 travel allowances from public funds. A person who violates this  
28 subsection is subject to civil sanctions under AS 24.61.560(a) and may  
29 be subject to criminal penalties under another law.

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

9 Sec. 24.61.140. MISUSE OF STATE PROPERTY AND RESOURCES FOR  
10 POLITICAL PURPOSES. (a) It is the intent of this section to ensure  
11 that public resources, including funds, facilities, and personnel are  
12 used only for the good of the public at large and not to further  
13 partisan campaign purposes or to influence the outcome of an election;  
14 that elections are fair and open and not distorted by the use of  
15 public resources to the advantage of individual candidates; and that  
16 taxpayers are not forced to subsidize the campaign of an incumbent  
17 legislator.

18 (b) A legislator or legislative employee may not use or author-  
19 ize the use of public funds, facilities, equipment, services, or  
20 another government asset or resource for the purpose of political fund  
21 raising or campaigning. This subsection does not prohibit the use of  
22 mailing lists, computer data, or other public information lawfully  
23 obtained from a government agency and available to the general public  
24 for nongovernmental purposes. A person who violates this subsection  
25 may be prosecuted for theft under AS 11.46.

26 (c) A legislative employee may not on government time assist in  
27 political party activities, campaigning, fund raising, or other parti-  
28 san or personal political activities. A legislator may not require an  
29 employee to perform an act in violation of this subsection.

1 (d) The legislative council shall adopt policies relating to a  
2 legislator's use of public funds for the production of newsletters or  
3 similar publications for distribution to the legislator's constitu-  
4 ents. The policies must address the form and content of these publi-  
5 cations.

6 (e) Unless superseded by policies relating to the use of govern-  
7 ment resources for political purposes developed by the legislative  
8 council and adopted by the commission as regulations under AS 24.61.-  
9 160, the following prohibitions apply:

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

21 (2) unless approved by the commission, public funds may not  
22 be used to print or distribute a mass mailing from or about a legisla-  
23 tor who is a candidate for reelection to the legislature or another  
24 state office during the period beginning 60 days before the primary  
25 election in which the legislator is a candidate, and ending the day  
26 after a general or special election in which the legislator is a  
27 candidate;

28 (3) a legislator, or another person on behalf of the legis-  
29 lator, or a campaign committee of the legislator, may not solicit or

1 accept or authorize the solicitation or acceptance of, a campaign  
2 contribution in a facility or office ordinarily used to conduct state  
3 government business; this provision applies to telephone conversa-  
4 tions, personal meetings, and solicitations by mail; if an unsolicited  
5 contribution is offered it shall be refused or returned promptly; if  
6 an unsolicited contribution is received in the mail, or a lawfully  
7 solicited contribution is misdirected to an office ordinarily used to  
8 conduct state business, if otherwise lawful it may be accepted but it  
9 may not be processed in that office and it shall be delivered promptly  
10 to an appropriate location.

11 (f) Except for a person who violates (e)(1) of this section or a  
12 regulation adopted under AS 24.61.160 that supersedes (e)(1) of this  
13 section and whose conduct may be prosecuted as theft under AS 11.46, a  
14 person who violates (c) or (e)(1) - (3) of this section or a regu-  
15 lation adopted under AS 24.61.160 that supersedes (e)(1) - (3) of this  
16 section is guilty of a class A misdemeanor.

17 (g) In addition to criminal penalties, a person who violates  
18 (b), (c), or (e)(1) - (3) of this section or a regulation relating to  
19 (b), (c), or (e)(1) - (3) of this section is subject to civil sanc-  
20 tions under AS 24.61.560(a).

21 Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM  
22 IMPROPER TASKS. (a) A legislative employee who knows or reasonably  
23 should know that the employee has been asked to perform a personal or  
24 political task in violation of AS 24.61.110 - 24.61.450 shall refuse  
25 to perform the task.

26 (b) If a legislator or legislative employee with supervisory  
27 authority persists in requesting or demanding that a legislative  
28 employee perform prohibited tasks, or if reprisals are threatened or  
29 sanctions imposed as a result of the refusal to perform prohibited

1 tasks, the legislative employee subjected to the requests, threats, or  
2 sanctions shall report the matter to the commission.

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

5 Sec. 24.61.160. REGULATIONS CONCERNING USE OF PUBLIC RESOURCES.

6 (a) The legislative council shall develop and recommend for adoption  
7 by the commission detailed regulations relating to the use of govern-  
8 ment property, resources, and personnel. The legislative council  
9 shall annually review the regulations and recommend necessary changes  
10 to the commission.

11 (b) If the legislative council fails to make recommendations for  
12 the adoption or modification of regulations under (a) of this section,  
13 the commission may develop and adopt the regulations on its own initi-  
14 ative.

15 Sec. 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRI-  
16 VATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative  
17 employee may not use or aid, induce, cause, or encourage others to  
18 use, the authority, title, official letterhead, or prestige of the  
19 legislator's or legislative employee's office for the benefit of the  
20 legislator or legislative employee.

21 (b) A legislator or legislative employee may not solicit or  
22 accept anything of value under terms and conditions where the compen-  
23 sation is not commensurate with the services performed or where a  
24 reasonable person would believe that the authority, title, or prestige  
25 of office had been exploited.

26 (c) A legislator or legislative employee may not endorse commer-  
27 cial products by agreeing to use official letterhead or the legisla-  
28 tor's or employee's title in paid advertisements, unless the endorse-  
29 ment is for a public purpose and the person receives no compensation.

1 (d) Nothing in this section may be construed to prohibit appro-  
2 priate uses of official letterhead. The legislative council shall  
3 adopt a written definition of "official letterhead" and its appropri-  
4 ate uses, which must include, but are not limited to, letters of  
5 recommendation for employment, scholarships, fellowships, internships,  
6 entry into educational institutions, appointments to boards or commis-  
7 sions, and honorary awards.

8 (e) Nothing in this section may be construed to prohibit the use  
9 of a legislator's official title as a part of a political campaign or  
10 political endorsement.

11 (f) A person who violates this section is subject to civil  
12 sanctions under AS 24.61.560(a) in addition to appropriate criminal  
13 penalties under another law.

14 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF  
15 PUBLIC OFFICE BY FORMER LEGISLATORS. (a) A former legislator may  
16 not, during the next regular session of the legislature after leaving  
17 office, act as a lobbyist in seeking to influence a

18 (1) legislator or legislative employee to take or withhold  
19 legislative, administrative, or political action; or

20 (2) state agency, public official, or employee to take or  
21 withhold official action.

22 (b) A former legislator, within one year after leaving office,  
23 may not solicit or accept anything of value under terms and conditions  
24 where the compensation by reasonable objective standards is not com-  
25 mensurate with the services performed or where a reasonable person  
26 would believe that the stature of office had been exploited.

27 (c) A person who violates of this section is guilty of a class A  
28 misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

29 Sec. 24.61.200. ALLOWABLE USES OF CAMPAIGN FUNDS. Campaign

1 funds may be properly expended for an otherwise lawful purpose intend-  
2 ed to influence voters to elect or reelect the legislative candidate  
3 to the legislature including, but not limited to: payment of staff  
4 and consultants; rental of space and rental or purchase of equipment  
5 for a campaign office; purchase of media time and space; design work;  
6 printing of campaign materials; postage; taking polls and interpreting  
7 them; telephone installation and usage; costs of distribution of  
8 materials; advertising in organizational and club bulletins or other  
9 brochures; inscribed promotional materials, including buttons, pen-  
10 cils, pens, and items of clothing; necessary travel and related expen-  
11 ses for the candidate and members of the candidate's staff or immedi-  
12 ate family provided that the travel and lodging are directly related  
13 to attempts to raise campaign funds or influence voters; victory and  
14 thank you celebrations; newsletters and mass mailings promoting the  
15 candidate; and payment of attorney fees and other legal expenses  
16 incurred in the defense of a civil, criminal, or administrative action  
17 arising directly out of the conduct of the campaign or election pro-  
18 cess or out of the performance of activities within the scope of a  
19 candidate's legislative duties.

20 Sec. 24.61.205. PROHIBITED USES OF CAMPAIGN FUNDS. (a) A  
21 candidate for the legislature may not

22 (1) use funds raised and designated as campaign funds for  
23 the personal benefit of the candidate or another person, or for pay-  
24 ment of attorney fees and other legal expenses arising from civil,  
25 criminal, or administrative actions based on conduct not directly  
26 related to the campaign or official duties;

27 (2) convert surplus campaign funds or interest earned on  
28 campaign funds to personal income;

29 (3) seek or claim a tax deduction or other economic benefit

1 for surplus funds disbursed to a charity under law.

2 (b) A legislative candidate may not borrow from campaign funds  
3 or loan them to another person or group.

4 (c) A legislative candidate, or another person on behalf of the  
5 legislative candidate, or a campaign committee of the legislative  
6 candidate, may not knowingly pay more than the fair market value for  
7 goods or services purchased for the campaign.

8 (d) Campaign funds may not be paid to a member of the candi-  
9 date's immediate family as an employee or for goods or services pro-  
10 vided to the campaign unless the amounts paid do not exceed the fair  
11 market value of the goods or services provided.

12 (e) Except for funds received or postmarked before a general or  
13 special election, a legislative candidate, and a committee related to  
14 the election, may not accept campaign contributions. A post-election  
15 contribution must be returned.

16 (f) A legislative candidate and a committee controlled by a  
17 legislative candidate may not use campaign funds to make a contribu-  
18 tion to another candidate running for office or to a committee sup-  
19 porting or opposing a candidate for office.

20 (g) Campaign funds may not be used to pay fines or other mone-  
21 tary penalties or costs assessed against a candidate by a court or  
22 other body, unless the fine, penalty, or cost is assessed as a result  
23 of proscribed actions by a member or employee of a campaign committee  
24 or another person acting on behalf of the candidate under circum-  
25 stances where the candidate did not know of those actions.

26 Sec. 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. (a) If  
27 a legislative candidate ceases to be a candidate or if there remains a  
28 balance in the account of the candidate or a committee controlled by  
29 the candidate after the date of the election, unexpended funds may be

1 used as provided in this subsection or to pay for a victory or thank  
2 you party. Within 60 days after the end of the candidacy or the  
3 election, unexpended funds shall be

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

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

10 (3) donated to the general fund of the state or of a munic-  
11 ipality;

12 (4) donated to one or more organizations that qualify as  
13 charitable organizations under 26 U.S.C. 501(c)(3) provided that the  
14 charity is not one that is controlled by the candidate or a member of  
15 the candidate's immediate family or in which the candidate or a member  
16 of the candidate's immediate family is personally involved as a direc-  
17 tor, trustee, member of the board, officer, or other position of  
18 responsibility;

19 (5) transferred to an ongoing political account controlled  
20 by the candidate, but only in the amounts and according to the re-  
21 quirements set out in (b) of this section; or

22 (6) transferred to a legislative office account, for expen-  
23 ditures qualifying as business expenses under 26 U.S.C. 162.

24 (b) A maximum of \$2,500 for candidates for the house and \$5,000  
25 for candidates for the senate of surplus campaign funds may be trans-  
26 ferred to an ongoing political account controlled by the candidate.

27 (c) Funds carried over under (b) of this section may be expended  
28 for any political purpose for which campaign funds can otherwise  
29 properly be used.

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1           Sec. 24.61.220. PAYMENT OF LEGAL EXPENSES; LEGAL DEFENSE FUNDS.

2           (a) A legislative candidate, legislator, or legislative employee may  
3 establish a legal defense fund to assist with the payment of attorney  
4 fees and other costs arising from the legislator's or employee's  
5 defense of a civil, criminal, or administrative action brought against  
6 the legislator or employee. Contributions to a legal defense fund  
7 that meet the requirements of this section are not subject to the  
8 restrictions in AS 24.61.350.

9           (b) A legislative candidate, legislator, or legislative employee  
10 who wishes to establish a legal defense fund account shall file a  
11 statement of organization for the legal defense fund with the commis-  
12 sion. The statement of organization must identify the specific civil,  
13 criminal, or administrative proceeding or proceedings for which the  
14 legal defense fund is established.

15           (c) The legal defense fund shall establish a single account at  
16 an office of a financial institution located in the state. A donation  
17 to the candidate, legislator, or legislative employee for legal expen-  
18 ses shall be deposited into that account if the donation meets the  
19 requirements of (d) of this section.

20           (d) Only a donation that is specifically designated by the donor  
21 as being for the legal defense fund and is made payable to the legal  
22 defense fund may be deposited in the legal defense fund account. A  
23 donation that the recipient believes is intended for the legal defense  
24 fund but that does not meet the requirements of this subsection shall  
25 be returned to the donor.

26           (e) Expenditures from the legal defense fund account may be made  
27 only for legal costs directly related to the civil, criminal, or  
28 administrative proceeding or proceedings for which the legal defense  
29 fund is established. Expenditures from the legal defense fund account

1 may not be used to pay or reimburse fines, penalties, judgments, or  
2 settlements in connection with a criminal prosecution or a civil or  
3 administrative action in which the legislative candidate, legislator,  
4 or legislative employee is found to have committed, or admits to  
5 having committed a violation of the law.

6 (f) Surplus funds remaining in the legal defense fund account  
7 after the proceeding or proceedings for which the account is estab-  
8 lished have concluded may not be used for another purpose. These  
9 funds shall, within six months after the conclusion of the proceeding  
10 or proceedings, be

11 (1) returned to donors on a pro rata basis as to contribu-  
12 tions in excess of \$100 in the aggregate;

13 (2) donated to the state or to a municipality; or

14 (3) donated to a charitable organization that meets the  
15 requirements of AS 24.61.210(a)(4).

16 (g) This section constitutes the sole means for legislators,  
17 candidates for the legislature, and legislative employees to solicit  
18 or accept donations for legal costs that may not be paid from campaign  
19 funds under AS 24.61.202. Except for AS 24.61.240(b) and (c), the  
20 provisions of this chapter relating to the solicitation and acceptance  
21 of campaign funds apply to the solicitation and acceptance of contri-  
22 butions to a legal defense fund established under this section. The  
23 commission may adopt regulations limiting the dollar amount of contri-  
24 butions under this section and shall adopt regulations requiring the  
25 disclosure of donors to a legal defense fund.

26 (h) Funds received from fund-raising events must be clearly  
27 designated in advance as either for campaign purposes or for the legal  
28 defense fund and all proceeds shall be dealt with as required by this  
29 chapter.

1 (i) A person who violates this section is guilty of a class A  
2 misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

3 Sec. 24.61.230. COERCION. (a) A legislator may not, directly  
4 or by authorizing another to act on the legislator's behalf, state or  
5 imply that the legislator's consideration of an issue, cause, or piece  
6 of legislation, or the legislator's willingness to meet with a person,  
7 is dependent on the person making a campaign contribution, donating to  
8 a cause favored by the legislator, or providing a thing of value to  
9 the legislator.

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

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

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

20 (c) Unless the conduct violates a provision of AS 11 and the  
21 person is subject to prosecution under that provision, a person who  
22 violates (a) or (b) of this section is guilty of a class A misde-  
23 meanor.

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

26 Sec. 24.61.240. FUND RAISING LIMITATIONS. (a) A legislator may  
27 not, either directly, through a campaign committee, or other means,  
28 solicit or accept a campaign contribution or a promise or pledge to  
29 make a contribution while the legislature is in regular session, nor

1 may a legislator solicit campaign funds or host a campaign fund-  
2 raising event for another person while the legislature is in session.  
3 This subsection does not prevent fundraising activity for a charitable  
4 organization if the activity does not violate AS 24.61.230.

5 (b) A legislator or a candidate for the legislature may not,  
6 either directly, through a campaign committee, or other means, solicit  
7 or accept a campaign contribution or a promise or pledge to make a  
8 contribution relating to candidacy for the legislature in an election  
9 other than a special election under AS 15.40 except during the follow-  
10 ing periods:

11 (1) legislators, and other incumbent elected public offi-  
12 cials intending to run for the legislature, may raise funds from  
13 June 1 until December 31 in the year before the year of an election in  
14 which they intend to be a candidate, and from June 1 through the  
15 general election in November in the year of the election; in this  
16 paragraph, "public official" means a person required to file a cam-  
17 paign disclosure statement under AS 15.13;

18 (2) candidates for the legislature who are not in public  
19 office at the time of their candidacy may raise funds from June 1 in  
20 the year before the year of an election in which they intend to be a  
21 candidate through the general election in November in the year of the  
22 election.

23 (c) This section does not prohibit a legislator or a candidate  
24 for the legislature from making an otherwise lawful contribution or  
25 from attending an otherwise lawful fund-raising activity at any time.

26 Sec. 24.61.245. ENFORCEMENT OF CAMPAIGN FUND PROVISIONS. The  
27 Alaska Public Offices Commission shall enforce AS 24.61.205, 24.61.-  
28 210, and 24.61.240. A person who believes that AS 24.61.205, 24.61.-  
29 210, or 24.61.240(a) or (b) has been violated may file a complaint

1 under AS 15.13.120(d) with the Alaska Public Offices Commission, which  
2 shall handle the complaint in the same manner as a complaint alleging  
3 a violation of AS 15.13. The penalties for a violation of AS 24.61.-  
4 205, 24.61.210, and 24.61.240(a) and (b) are those set out in AS 15.-  
5 13.120(a). In addition, if the Alaska Public Offices Commission  
6 determines after a hearing under AS 15.13.120(d), or if a legislator  
7 admits, that the legislator violated or caused, induced, aided, or  
8 encouraged a violation of AS 24.61.205, 24.61.210, or 24.61.240(a) or  
9 (b), the legislator is subject to civil sanctions under AS 24.61.-  
10 560(a).

11 Sec. 24.61.255. FINANCIAL CONFLICTS OF INTEREST DEFINED. A  
12 financial conflict of interest exists when a person or a member of  
13 that person's immediate family has substantial financial interests  
14 that may be materially affected by an official action or decision they  
15 might make. The interest must be so substantial and the potential  
16 effect on that interest must be so material that a reasonable person  
17 is likely to believe that the ability of the person with the financial  
18 interest to make an objective, fair, and impartial professional judg-  
19 ment will be impeded by self-interest. It is not a conflict of inter-  
20 est as to a specific matter if

21 (1) the person's economic interest is not substantial;

22 (2) the person's authority in relation to the interest is  
23 such that an action or decision is not likely to materially affect the  
24 financial interest; or

25 (3) the economic effect an official action or decision  
26 might have on a person's private financial interests is no greater  
27 than the effect on a substantial class of persons to which the person  
28 belongs as a member of a profession, occupation, industry, or region.

29 Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE,

1 ADMINISTRATIVE, OR POLITICAL ACTION DEFINED. Persons, including  
2 governmental entities, have a substantial interest in legislative,  
3 administrative, or political action if they

4 (1) will be directly and substantially affected, either  
5 financially or personally, by a legislative, administrative, or polit-  
6 ical action in a way that is greater than the effect on a substantial  
7 class of persons to which the person belongs as a member of a profes-  
8 sion, occupation, industry, or region;

9 (2) have or seek contracts in excess of \$10,000 annually  
10 for goods or services with the legislature or with an agency of state  
11 government;

12 (3) are lobbyists; or

13 (4) represent, with or without compensation, a person or  
14 organization described in (1) - (3) of this section.

15 Sec. 24.61.265. CLOSE ECONOMIC ASSOCIATION DEFINED. "Close  
16 economic association" refers to a financial relationship between two  
17 or more persons that creates economic interests in a legislator or  
18 legislative employee that either (1) conflict with public duties and  
19 the obligation to exercise objective independent judgment; or (2)  
20 create the appearance that the person may have access to confidential  
21 information or otherwise receive favored treatment regarding public  
22 actions. "Close economic association" includes, but is not limited  
23 to, relationships involving compensation as an employee, agent, rep-  
24 resentative, counselor, adviser, or consultant, including professional  
25 services provided by a lawyer or a financial planner to a client; a  
26 financial interest resulting from an investment, business enterprise,  
27 or interest in real property as a partner, investor, associate, or  
28 major stockholder; a landlord and tenant or co-tenants sharing housing  
29 expenses; a debt, loan, or loan guarantee; or another relationship in

1 which a legislator or legislative employee has a substantial economic  
2 involvement with another person. In this section, "person" includes  
3 governmental entities.

4 Sec. 24.61.270. FINANCIAL CONFLICTS. Except in the relatively  
5 few cases in which certain transactions or relationships are prohibit-  
6 ed by this chapter or where divestiture may be ordered by the commis-  
7 sion, conflicts of interest are dealt with primarily as a matter of  
8 required public disclosure and voluntary restraint.

9 Sec. 24.61.290. RESTRICTED RELATIONSHIPS: NEPOTISM. (a) A  
10 member of the immediate family of a legislator may not be employed for  
11 compensation

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

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

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

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

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

22 (c) In cases where a member of the immediate family of a legis-  
23 lator or legislative employee is uniquely qualified to perform a task,  
24 or another extraordinary circumstance exists under which it would be  
25 in the state's interest to waive the limitation of this section, a  
26 waiver of a provision of this section may be sought under AS 24.61.-  
27 530.

28 (d) For purposes of this section, a legislator is not an employ-  
29 ee of the legislature.

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

3 Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-  
4 TORS, LEGISLATIVE CANDIDATES, AND LEGISLATIVE ASSISTANTS. (a) A  
5 legislator or a legislative candidate may not solicit or knowingly  
6 permit a lobbyist to actively engage in fund-raising activities for a  
7 legislative campaign or for a legal expense fund under AS 24.61.220,  
8 which activities include (1) serving as a campaign manager or direc-  
9 tor; (2) serving as a campaign treasurer or deputy campaign treasurer  
10 on a finance or fund-raising committee; (3) hosting a fund-raising  
11 event. This subsection may not be construed to prohibit a lobbyist  
12 from making personal contributions to or personally advocating on  
13 behalf of a candidate. A legislator or a legislative candidate may  
14 not seek to evade the purposes of this subsection by soliciting or  
15 knowingly permitting a member of a business entity retained to lobby,  
16 or an employee of a lobbyist to perform similar fund-raising services.

17 (b) Legislators and legislative assistants who have a close  
18 economic association with a lobbyist shall make a written disclosure  
19 of the association in confidence to the commission. The disclosure  
20 shall be made during the first week of each session. If a legislator  
21 or legislative assistant is not in office or employed during the first  
22 week of the session, or if the association did not exist during the  
23 first week of the session, the disclosure shall be made within 30 days  
24 after taking office or being employed or the creation of the associa-  
25 tion.

26 (c) The written disclosure must state the name of the persons  
27 involved, the nature of the association, and a brief narrative of the  
28 matters the legislator or legislative assistant is working on that  
29 could create an actual conflict of interest. If the commission

1 requests additional information necessary to determine whether the  
2 nature of the association creates a conflict of interest, it shall be  
3 promptly provided.

4 (d) The commission shall make a determination as to whether the  
5 association creates a conflict of interest that warrants restrictions  
6 or disclosure. After making the determination, the commission may  
7 elect to

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

12 (e) A legislator or legislative assistant may not provide per-  
13 sonal services for compensation for or on behalf of a lobbyist or a  
14 business entity retained to lobby, and may not have a financial inter-  
15 est in a business that receives a substantial part of its income from  
16 lobbyists and business entities retained to lobby.

17 (f) A person who violates this section is subject to civil  
18 sanctions under AS 24.61.560(a) and other penalties authorized under  
19 AS 24.45 (regulation of lobbying).

20 Sec. 24.61.310. DISCLOSABLE RELATIONSHIPS: BOARD MEMBERSHIPS  
21 AND OTHER PUBLIC OFFICES. (a) A legislator may not serve on a gov-  
22 erning or advisory board of a nongovernmental organization that regu-  
23 larly has a substantial interest in the legislative, administrative,  
24 and political actions of the legislator.

25 (b) A legislative assistant may not serve in a position that  
26 requires confirmation by the legislature. A legislative assistant may  
27 serve on a board of an organization, including a governmental entity,  
28 that regularly has a substantial interest in the legislative activi-  
29 ties of the assistant, if the assistant discloses the board membership

1 to the commission. A legislative assistant may not, as part of the  
2 assistant's employment, be personally involved in an issue or take a  
3 specific action that directly relates to an organization of which the  
4 assistant is a board member.

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

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

10 Sec. 24.61.320. RESTRICTED FINANCIAL INTERESTS. (a) Unless  
11 required by the Uniform Rules of the Alaska State Legislature, a  
12 legislator or legislative employee may not participate in legislative,  
13 administrative, or political action if the legislator or legislative  
14 employee has an equity or ownership interest in a business, invest-  
15 ment, real property, lease, or other enterprise if the interest is  
16 substantial and the effect of the action on that interest is greater  
17 than the effect on a substantial class of persons to which the legis-  
18 lator or legislative employee belongs as a member of a profession,  
19 occupation, industry, or region.

20 (b) In extraordinary situations where the criteria for an ex-  
21 emption exists, a legislator or legislative employee may seek a waiver  
22 of the provisions of this section under AS 24.61.530.

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

25 Sec. 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REP-  
26 RESENTATIVE. (a) A legislator or legislative assistant may not for  
27 compensation represent, as an advocate, advisor, or consultant, a  
28 person in a matter involving an agency, board, or commission of the  
29 state, unless the agency, board, or commission is acting

1 quasi-judicially and there is no reasonable basis to conclude that the  
2 side represented by the legislator or legislative assistant has an  
3 unfair advantage. This provision does not prohibit an attorney from  
4 representing a client in a judicial action or prevent a legislator or  
5 legislative assistant from representing personal interests in an  
6 otherwise proper proceeding. This subsection may not be construed to  
7 permit compensated representation for purposes of obtaining or retain-  
8 ing a state or local license, permit, franchise, grant, loan, or other  
9 benefit, whether or not other parties contending for the benefit are  
10 represented, unless the granting of the benefit is a purely ministeri-  
11 al matter requiring little or no discretion.

12 (b) This section may not be construed to prohibit a legislator  
13 or legislative assistant from informally advising a constituent about  
14 the procedures or appropriateness of bringing an action against the  
15 state or a local government. If a legislator or legislative assistant  
16 in an otherwise proper manner advises a constituent or another in an  
17 action against the state or a local government or before a state or  
18 local government agency, the legislator or legislative assistant may  
19 not reveal confidential information.

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

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

25 Sec. 24.61.340. RESTRICTED TRANSACTIONS: INTEREST IN STATE  
26 CONTRACTS OR LEASES. (a) A legislator, a legislative assistant, or a  
27 member of the immediate family of a legislator may not be a party to,  
28 or have a financial interest in, a state contract or lease unless the  
29 contract or lease is permitted under (b), (c), or (d) of this section.

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

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

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

1 assistant's immediate family belongs.

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

5 (f) A legislator, legislative assistant, or former legislator or  
6 legislative assistant, within one year of leaving legislative service,  
7 may not seek or accept a contract with a person that does a substan-  
8 tial portion of its business with the state for goods or personal  
9 services concerning a matter on which the legislator or legislative  
10 assistant participated personally and substantially within the last  
11 year of service if a reasonable person would conclude that the con-  
12 tract constituted a reward for services performed while serving as a  
13 legislator or legislative assistant or otherwise was an improper use  
14 of the office.

15 (g) A person who violates this section is subject to civil  
16 sanctions under AS 24.61.560(a) and may be subject to criminal penal-  
17 ties under another law.

18 Sec. 24.61.345. PARTICIPATION IN GENERAL STATEWIDE PROGRAMS  
19 PERMISSIBLE. (a) A legislator or legislative employee may, without  
20 disclosure to the commission, participate in a statewide benefit  
21 program or receive a loan from the state if the program or loan is  
22 generally available to members of the public, is subject to fixed,  
23 objective eligibility standards, and requires minimal discretion in  
24 determining qualification.

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

28 (c) A legislator or legislative employee who participates in a  
29 program or receives a loan that is not exempt from disclosure under

1 (a) of this section shall file a written report with the commission by  
2 the first Monday in February of each year stating the amounts of the  
3 loans or other benefits received during the preceding calendar year  
4 from nonqualifying programs. If the commission requests additional  
5 information necessary to determine the propriety of participating in  
6 the program or receiving the loan, it shall be promptly provided. The  
7 commission shall promptly compile a list of the statements indicating  
8 the loans and programs and amounts and send it to the presiding offi-  
9 cer of each house who shall have it published in the supplemental  
10 journals within three weeks of the filing date.

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

23 (e) If the commission determines that the nature and circum-  
24 stances under which the legislator or legislative employee received a  
25 state benefit or loan raises an appearance of impropriety or was in  
26 fact the result of unfair or improper influence it shall be treated as  
27 a violation of this section. In addition, the commission shall report  
28 the violation to the attorney general for action under other civil or  
29 criminal laws.

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

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

12 (h) A person who violates this section is subject to civil  
13 sanctions under AS 24.61.560(a) and may be subject to criminal penal-  
14 ties under another law.

15 Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a) A  
16 legislator or legislative employee may not accept or receive, directly  
17 or indirectly, a benefit as a gratuity from a person except as pro-  
18 vided in this section. Notwithstanding the provisions of (b) and (c)  
19 of this section, this section does not permit the acceptance of a  
20 benefit in any amount if the acceptance of the benefit would violate  
21 AS 24.61.110(b).

22 (b) A legislator or legislative employee may accept gratuities  
23 in the form of personal gifts, free or subsidized travel, tickets to  
24 entertainment or sporting events, unsolicited subscriptions to publi-  
25 cations, lodging, pens, calendars, candy, fruit baskets, flowers, or  
26 any other benefit, provided that the aggregate value in a calendar  
27 year may not exceed \$100 from a single source except as provided in  
28 this subsection. The following benefits may be accepted as gratuities  
29 without regard to \$100 limit and they need not be reported except as

1 noted:

2 (1) gifts from immediate family members;

3 (2) birthday, wedding, anniversary, and similar ceremonial  
4 gifts if the donor does not have a substantial interest in the legis-  
5 lative, administrative, or political action of the recipient;

6 (3) unsolicited tokens or awards of appreciation or recog-  
7 nition with a value of more than \$100 in the form of a plaque, trophy,  
8 clock, watch, desk item, wall memento, or similar item if the award  
9 has been approved by the commission upon a finding that the gift does  
10 not create an impermissible conflict of interest;

11 (4) food or foodstuffs indigenous to the state that are  
12 shared generally as a cultural or social norm, and meals and beverages  
13 provided and consumed at social or fund-raising events, conferences,  
14 or professional meetings, at a restaurant or club, or as part of  
15 personal hospitality at the residence or place of business of the  
16 host; gratuities under this paragraph with a value of more than \$100  
17 shall be reported on financial disclosure forms; this paragraph may  
18 not be construed to exclude from the \$100 limit gifts of packaged  
19 liquor, wine, or foodstuffs, nor does it exclude from the \$100 limit  
20 the acceptance of a restaurant meal not consumed with the person  
21 providing the gift;

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

29 (6) reasonable and necessary expenses, including

1 reimbursement for travel and related food and lodging, when they are  
2 incidental to a trip paid for by a government agency or a nonprofit  
3 educational, charitable, or political institution for governmental or  
4 educational purposes; the commission shall adopt regulations imple-  
5 menting this paragraph, including regulations relating to the payment  
6 of expenses for the members of a person's immediate family;

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

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

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

29 (10) the portion of a student loan forgiven under former

1 AS 14.43.120(j).

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

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

8 Sec. 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOY-  
9 MENT AND HONORARIA. (a) A legislator or legislative assistant may  
10 not seek, accept, or retain employment, including as an advisor or  
11 consultant, that

12 (1) is likely to involve the disclosure or use of confi-  
13 dential information acquired in the course of legislative service;

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

17 (3) involves payments that by reasonable objective stan-  
18 dards are not commensurate with the services rendered and appear to  
19 involve a premium as a result of the legislator's or legislative  
20 assistant's position in the legislature;

21 (4) is likely to require the legislator or legislative  
22 assistant, under conflict of interest and disqualification require-  
23 ments, to refrain from taking legislative, administrative, or politi-  
24 cal actions in an undue number of situations;

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

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

29 (b) A legislator or legislative assistant may not receive

1 compensation for personal services from a state entity other than the  
2 legislature except as specifically provided in this chapter or ap-  
3 proved by the commission. A legislator or legislative assistant is  
4 not precluded by this subsection from earning compensation at a state-  
5 funded school or university, provided that influence was not used to  
6 obtain the position.

7 (c) A legislator or legislative assistant who accepts otherwise  
8 permissible employment with a person that has a substantial interest  
9 in legislative, administrative, or political actions is subject to  
10 special disclosure provisions under AS 24.61.405 and shall avoid  
11 conduct that would lead a reasonable person to believe that the legis-  
12 lator or legislative assistant is unable or unwilling to exercise  
13 independent, objective, and impartial judgment in considering matters  
14 that affect the interests of the legislator's or legislative assis-  
15 tant's employer.

16 (d) A legislator or legislative assistant may not seek or accept  
17 an honorarium from a person or entity that has a substantial interest  
18 in legislative, administrative, or political action. This subsection  
19 does not prevent a legislator or legislative assistant from accepting  
20 an honorarium from a governmental entity outside of the state, from a  
21 university other than the University of Alaska, or from another non-  
22 profit educational or civic institution, provided that the amount paid  
23 is reasonable and commensurate with the services performed and that  
24 the circumstances under which the services are to be performed do not  
25 create a conflict of interest or appearance of impropriety. Honoraria  
26 shall be reported on required disclosure forms. Under other pro-  
27 visions of this chapter, a legislator or legislative assistant is  
28 permitted to accept travel and related expenses incurred as the result  
29 of an otherwise permissible activity.

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

4 (f) A person who violates this section is subject to civil  
5 sanctions under AS 24.61.560(a).

6 Sec. 24.61.380. [INTERCESSION ON BEHALF OF CONSTITUENTS. (a) A  
7 legislator, either directly or indirectly, should not interfere with  
8 the ability or willingness of a state or municipal government body,  
9 official, or employee to make official decisions or take appropriate  
10 actions on the merits, based on independent objective judgment.

11 (b) A legislator may not directly use or appear to use political  
12 influence in a way that is likely to cause a public official to con-  
13 sider inappropriate factors in exercising public authority. Acts  
14 either intended to or likely to be construed as enticement, trade-  
15 offs, ingratiation, threats, intimidation, or coercion are improper.  
16 A legislator may not directly and improperly interfere with or seek to  
17 influence

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

20 (2) a decision regarding the commencement, scope, or ter-  
21 mination of an investigatory process of a governmental agency; or

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

25 (c) This section may not be construed to prevent a legislator  
26 from

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

29 (2) making inquiries about the status of a matter or

1 helping a constituent get a benefit or service that the legislator be-  
2 lieves the constituent is entitled to as a matter of right;

3 (3) openly advocating the position of constituents on the  
4 merits, provided that no effort is made to influence the decision  
5 making process by express or implied political pressure in matters  
6 involving discretionary decisions of administrative bodies that will  
7 have direct and significant economic or social effect on the legisla-  
8 tor's district; or

9 (4) exercising vigilant oversight with respect to the  
10 policies, regulations, procedures, and implementation practices of an  
11 agency, provided that the oversight activities are conducted through  
12 the normal committee processes of the legislature and that the focus  
13 is on the policies, procedures, and practices of the agency and not  
14 the handling of a particular matter.

15 (d) A person who violates (b) of this section is subject to  
16 civil sanctions under AS 24.61.560(a) and may be subject to criminal  
17 penalties under another law.

18 Sec. 24.61.390. CONFLICT OF INTEREST DISCLOSURE: STATEMENT OF  
19 PURPOSE. The purpose of financial disclosure by legislators, candi-  
20 dates for the legislature, and legislative assistants is to

21 (1) discourage legislators and legislative assistants from  
22 acting on a private or business interest in the performance of a  
23 public duty;

24 (2) assure that legislators and legislative assistants  
25 exercise their legislative function free of the influence of undis-  
26 closed private or business interests;

27 (3) develop public confidence in persons seeking or holding  
28 legislative office, enhance the dignity of the legislature, and make  
29 it attractive to citizens who are motivated to public service;

1 (4) develop accountability in government by permitting  
2 public access to information necessary to judge the credentials and  
3 performance of those who hold public office; and

4 (5) provide the public the financial disclosure required to  
5 meet the purposes listed in (1) - (4) of this section while preserving  
6 the maximum amount of privacy to legislators, candidates for the  
7 legislature, and legislative assistants.

8 Sec. 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS,  
9 CANDIDATES FOR THE LEGISLATURE, AND LEGISLATIVE ASSISTANTS; "CATEGORY  
10 A" AND "CATEGORY B" INCOME SOURCES DEFINED. (a) A legislator, a  
11 candidate for the legislature, and a legislative assistant shall  
12 disclose financial interests that would cause a reasonable person to  
13 believe that the legislator's, candidate's, or legislative assistant's  
14 objectivity and ability to exercise independent judgment in the public  
15 interest have been adversely affected by those interests.

16 (b) A legislator, a candidate for the legislature, and a legis-  
17 lative assistant shall file with the commission the reports required  
18 under AS 24.61.400 - 24.61.410. A candidate for the legislature,  
19 including an incumbent legislator, shall file the reports at the time  
20 required under AS 15.25.030 or 15.25.180. In addition, legislators  
21 and legislative assistants shall file annual reports on or before  
22 April 15. The commission shall adopt filing guidelines and develop  
23 forms that are compatible with financial disclosure forms required to  
24 be filed with the Alaska Public Offices Commission under AS 39.50.030.

25 (c) A legislator, a candidate for the legislature, and a legis-  
26 lative assistant shall disclose to the commission the information  
27 required under AS 24.61.405 and 24.61.410 and the guidelines and  
28 regulations adopted by the commission under (b) and (d) of this sec-  
29 tion, on the sources and amounts of outside income received by them,

1 their spouses, and their dependent children, except that disclosure of  
2 the amount of income received by a legislator's or assistant's spouse  
3 or dependent children is not required. If the spouse or dependent  
4 child receives income from a category A source, the legislator or  
5 legislative assistant shall file a statement with the commission  
6 stating that (1) all the funds earned by the spouse or dependent child  
7 were reasonable payments for services actually rendered, and (2)  
8 employment of the spouse or dependent child was not related to any  
9 attempt to influence or do any favor for the legislator or legislative  
10 assistant. A legislator, candidate for the legislature, or legisla-  
11 tive assistant shall also report the information relating to income  
12 and assets that a public official is required to report under AS 39.-  
13 50.030.

14 (d) The commission shall adopt regulations relating to the  
15 definitions of category A and B income and the reporting requirements  
16 imposed by AS 24.61.400 - 24.61.410. The regulations must include  
17 provisions that distinguish between income received for personal  
18 services, income received from the ownership of property, income  
19 received directly by the legislator, candidate for the legislature, or  
20 legislative assistant, and income received by an entity in which the  
21 legislator, candidate, or legislative assistant has an ownership  
22 interest. The regulations may exclude from category A income, income  
23 from sources such as interest on deposit accounts in regulated finan-  
24 cial institutions.

25 (e) In AS 24.61.400 - 24.61.410,

26 (1) "category A source" means a person who is known or  
27 reasonably should be known to have a substantial interest in legisla-  
28 tive, administrative, or political actions; the legislature or an  
29 agency of the legislature is not a category A source;

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

3 (3) "income" means benefits received, in the form of mone-  
4 tary compensation or another thing of value.

5 Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to income  
6 received from category A sources, a person required under AS 24.61.400  
7 to report shall file with the commission a statement that must in-  
8 clude,

9 (1) as to all income received as compensation for services  
10 in excess of \$100, the name and address of the source, a brief state-  
11 ment describing the nature of the services performed including suffi-  
12 cient detail to permit the commission to determine whether the nature  
13 of the work created or would create a conflict of interest, and the  
14 amount paid;

15 (2) as to each gratuity received and required to be re-  
16 ported under AS 24.61.350(b)(4), (7), and (8), the name and address of  
17 the person providing the gratuity, a brief description of its nature,  
18 and a good faith statement of its fair market value; if exact values  
19 are not known, and cannot be found out without undue hardship or  
20 expense, reasonable good faith estimates are acceptable;

21 (3) the name and address of the source and the cash value  
22 of reimbursement for expenses aggregating more than \$100 in the re-  
23 porting period;

24 (4) as to each loan or loan guarantee yielding loan pro-  
25 ceeds of \$100 or more in the reporting period and the lender or guar-  
26 antor is a person with a substantial interest in legislative, adminis-  
27 trative, or political actions, the name and address of the person  
28 making the loan or guarantee, the amount of the loan, the terms and  
29 conditions under which the loan or guarantee was given, the amount

1 outstanding at the time of filing, and whether or not a written loan  
2 agreement exists;

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

6 (6) if the source of a reported benefit is a partnership or  
7 association doing business under a fictitious name, the names of the  
8 principals; and

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

11 (b) The commission shall review category A statements to deter-  
12 mine whether an impermissible conflict exists or would exist and  
13 whether special orders or restrictions are required.

14 (c) Category A statements are public records and shall be made  
15 available for public inspection.

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

19 Sec. 24.61.410. REPORTING CATEGORY B INCOME. (a) A person  
20 required under AS 24.61.400 to report shall file a statement listing  
21 the items in AS 24.61.405(a) that the person has received from a  
22 category B source, except that the person shall disclose only those  
23 income sources providing benefits worth \$1,000 or more. The person is  
24 not required to report the amount of income from a reportable source.  
25 As to gratuities, the requirements of AS 24.61.350(b)(4), (7), and  
26 (8) control, but apply to a candidate for the legislature as to dis-  
27 closure requirements only.

28 (b) The commission shall review category B statements to deter-  
29 mine whether an impermissible conflict exists or would exist, whether

1 special orders or restrictions are required, and whether the state-  
2 ments shall be considered to be public records and made available for  
3 public inspection.

4 (c) If the person filing a statement under this section is a  
5 legislator, or a candidate for the legislature, the statement is  
6 presumptively public, which means that it will be made part of the  
7 public record unless the legislator or candidate submitting it re-  
8 quests that it be kept confidential, states the reasons for the re-  
9 quest, and the commission finds that no valid public purpose would be  
10 advanced by publication.

11 (d) If the person filing a statement under this section is a  
12 legislative assistant, the statement is presumptively confidential,  
13 which means that it shall be kept confidential unless the commission  
14 determines that the public benefit in disclosure substantially out-  
15 weighs the individual's interest in privacy.

16 Sec. 24.61.420. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a)  
17 A person required to make a disclosure under AS 24.61.100 - 24.61.420  
18 may not knowingly make a false or deliberately misleading or incom-  
19 plete disclosure to the commission, or file a disclosure after a  
20 deadline set by this chapter or by a regulation adopted by the commis-  
21 sion.

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

24 (c) In addition to the sanctions in (b) of this section, if the  
25 commission finds that a candidate for the legislature, including an  
26 incumbent legislator, has committed a substantial violation of this  
27 section, the commission shall notify the lieutenant governor. The  
28 lieutenant governor shall return the candidate's filing fee and shall  
29 remove the candidate's name from the filing records. In this

1 subsection "substantial violation" includes the refusal or failure to  
2 make a filing required under AS 24.61.400 - 24.61.410.

3 Sec. 24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a)  
4 Legislators shall abide by AS 44.62.310 - 44.62.312 (open meetings  
5 law) and exercise the authority of their offices openly so that the  
6 public is informed about governmental decisions and can hold them  
7 accountable for their actions.

8 (b) A person who violates this section is subject to an adminis-  
9 trative sanction under AS 24.61.560(b).

10 Sec. 24.61.440. ACCOUNTABILITY: WHISTLE BLOWING, AND PROTECTION  
11 OF WHISTLE BLOWERS. (a) It is the intent of the legislature that

12 (1) legislators and legislative employees should maintain  
13 the integrity and trustworthiness of government, and should act to  
14 prevent unethical practices, unlawful conduct, corruption, mismanage-  
15 ment, improper use of public funds, danger to public safety, or anothe-  
16 er abuse of public position, authority, or resources; and

17 (2) legislators and legislative employees who have a good  
18 faith belief that the public interest requires the disclosure of  
19 governmental policies or actions thought to be unlawful or improper  
20 should reveal their information to appropriate authorities.

21 (b) A legislator or legislative employee may not, directly or  
22 indirectly, subject a person who reports to the commission or another  
23 government entity conduct the person reasonably believes is a viola-  
24 tion of this chapter or any other state law, to reprisal, retaliation,  
25 harassment, discrimination, or ridicule. A legislative employee who  
26 is discharged, disciplined, involuntarily transferred, or otherwise  
27 penalized by a legislator or another legislative employee in violation  
28 of this subsection may

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

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

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

6 Sec. 24.61.450. DUTY TOWARD COLLEAGUES AND SUBORDINATES. (a) A  
7 legislator or legislative employee may not engage in acts of dis-  
8 crimination in violation of AS 18.80.220.

9 (b) A person who violates this section is subject to the admin-  
10 istrative sanctions authorized under AS 24.61.560(b), and may be  
11 subject to liability under another criminal law or civil action aris-  
12 ing from the conduct.

13 ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.

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

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

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

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

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

25 (b) Commissioners serve staggered terms of five years. A com-  
26 missioner is eligible for reappointment; however, a commissioner may  
27 not serve more than two consecutive five-year terms. A commissioner  
28 whose term has expired continues in office until a successor has been  
29 appointed and certified.

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

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

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

12 Sec. 24.61.502. CERTIFICATION; LEGISLATIVE DECERTIFICATION OR  
13 REMOVAL FROM OFFICE. (a) Upon appointment, a person appointed to the  
14 commission shall execute a written oath that includes the following  
15 undertaking:

16 I do solemnly swear (or affirm) that I will support  
17 and defend the Constitution of the United States and  
18 the Constitution of the State of Alaska, and that I  
19 will faithfully discharge my duties as commissioner  
20 to the best of my ability.

21 Upon executing the oath, an appointee shall be certified as a commis-  
22 sioner and is immediately considered to have begun serving the ap-  
23 pointed term.

24 (b) Within 45 days after certification, a commissioner may be  
25 decertified by a majority vote of both houses of the legislature, if  
26 the legislature is in session, or by a two-thirds vote of the members  
27 of the legislative council if the legislature is not in session. If  
28 decertified, the commissioner is disqualified and that seat on the  
29 commission is vacant.

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

6 Sec. 24.61.504. MEETINGS; COMPENSATION. (a) The commission  
7 shall meet at the call of the chair or a majority of the commission-  
8 ers. The commission shall meet at least once every three months.

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

12 (c) The commission may meet by teleconference.

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

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

22 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The commis-  
23 sion shall hire an executive director and determine the director's  
24 salary. The executive director serves at the pleasure of the commis-  
25 sion.

26 (b) The executive director may employ and determine the compen-  
27 sation of necessary employees, subject to the budget approved by the  
28 commission. The executive director may, subject to the approval of  
29 the commission, contract for services when those services are

1 temporary or specialized in nature, or it is in the best interest of  
2 the state.

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

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

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

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

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

27 (c) In addition to the requirements of this chapter, a commis-  
28 sioner, employee of the commission, or person under contract to pro-  
29 vide personal services to the commission may not

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

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

5 (A) a candidate for the legislature;

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

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

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

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

18 (d) A violation or alleged violation of (b) or (c) of this  
19 section shall be treated as any other violation of this chapter and  
20 shall be dealt with by the commission accordingly. During the pend-  
21 ency of a complaint against a commissioner, commission employee, or  
22 commission contractor, the person complained against may not partici-  
23 pate in official action of the commission.

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

26 Sec. 24.61.510. GENERAL POWERS AND DUTIES OF THE COMMISSION.

27 (a) The commission shall

28 (1) administer the provisions of this chapter;

29 (2) authorize and train its staff to give informal or

1 written advice regarding the spirit and requirements of this chapter;

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

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

7 (5) investigate and adjudicate complaints and recommend  
8 disciplinary actions to the legislature;

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

13 (7) prepare and distribute an ethics manual to legislators,  
14 legislative employees, and registered lobbyists as provided in this  
15 chapter;

16 (8) mail by certified mail a copy of this chapter to a  
17 candidate for the legislature upon the receipt of notice of the candi-  
18 date's declaration of candidacy under AS 15.25.030 or petition under  
19 AS 15.25.150;

20 (9) prepare a biennial report to the legislature summariz-  
21 ing its activities over the previous two years, evaluating the effec-  
22 tiveness of this chapter in accomplishing its stated purposes, and  
23 recommending legislative reforms it thinks necessary to improve the  
24 administration of this chapter and to better advance its goals.

25 (b) The commission may

26 (1) adopt regulations as required under specific provisions  
27 of this chapter and to interpret and implement this chapter; in adopt-  
28 ing regulations, the commission shall follow procedures that are  
29 consistent with AS 44.62 (Administrative Procedure Act);

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

4 Sec. 24.61.512. GUIDELINES AND COMMENTARY. The commission shall  
5 prepare guidelines and commentary to explain, clarify, and illustrate  
6 the provisions of this chapter. The guidelines and commentary shall  
7 be presented to the legislature for approval prior to publication.

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

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

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

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

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

29 (b) Requests for written advisory opinions shall be in writing

1 and must set out with reasonable specificity the facts and circum-  
2 stances of a real or hypothetical case.

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

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

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

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

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

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

29 (i) Advisory opinions issued by the commission are public

1 records. If the requester of the opinion has not waived confidential-  
2 ity under (h) of this section, the advisory opinion shall be written  
3 so that the identity of the requester cannot be ascertained.

4 Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR  
5 ADVICE. The commission may not bring a complaint against a person  
6 based upon information voluntarily given to the commission by the  
7 person in connection with a good faith request for advice under  
8 AS 24.61.520 or 24.61.525, and may not use that information against  
9 the person in a proceeding under AS 24.61.545 or 24.61.550. This  
10 subsection does not preclude the commission from acting on a complaint  
11 concerning the subject of a person's request for advice if the com-  
12 plaint is brought by another person, or if the complaint arises out of  
13 conduct taking place after the advice is requested, and does not  
14 preclude the commission from using information or evidence obtained  
15 from an independent source, even if that information or evidence was  
16 also submitted with a request for advice.

17 Sec. 24.61.530. EXEMPTIONS PROCESS. (a) In situations in which  
18 principles of fundamental fairness are best served by exempting cer-  
19 tain individuals or acts from specified provisions of this chapter,  
20 the commission may grant full or partial exemptions.

21 (b) The commission shall provide a simple form for petitions for  
22 exemptions. A petition must include

- 23 (1) the name and address of the petitioner;
- 24 (2) relevant provisions involved in the exemption request;
- 25 (3) essential facts on which an exemption is requested;
- 26 (4) specific nature of the exemption sought;
- 27 (5) anticipated unfair or unreasonable consequences that  
28 would result from a failure to grant the petition; and
- 29 (6) a certification that the petitioner verifies under

1 penalty of unsworn falsification that the facts stated are true to the  
2 best of the petitioner's knowledge.

3 (c) The commission may, by official action, grant an exemption  
4 upon a finding that the petitioner, by a preponderance of the evi-  
5 dence, has shown that the

6 (1) harm caused by strict application of this chapter  
7 substantially outweighs the benefit of its enforcement in the partic-  
8 ular situation;

9 (2) application of the regulation or provision under the  
10 circumstances presented would be inconsistent with the spirit and  
11 purpose of the regulation or provision or of this chapter as a whole;  
12 or

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

15 (d) The commission may request or permit the appearance of the  
16 petitioner before the commission, in person or by teleconference, and  
17 hold hearings regarding the exemption request.

18 (e) Unless a shortened or expanded time is considered necessary  
19 or appropriate by the commission, decisions on petitions for exemp-  
20 tions shall be made within 30 days after filing the petition. Unless  
21 the petitioner consents, extensions of time ordered by the commission  
22 may not exceed an additional 60 days.

23 Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PRO-  
24 CESSES. (a) It is the purpose of this section to assure that com-  
25 plaints provide sufficient information on which to proceed, yet not be  
26 so complex or burdensome that the requirements unduly discourage or  
27 screen out valid good faith complaints.

28 (b) A complaint may be initiated by any person or by the commis-  
29 sion on its own motion.

1 (c) The commission shall provide a simple form for complaints.

2 A complaint must include

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

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

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

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

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

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

29 (g) Once a complaint has been determined to be formally

1 sufficient, commission staff shall evaluate the complaint and advise  
2 the chair as to its opinion as to whether it states a valid complaint  
3 that should be investigated. If the executive director is a member of  
4 the bar, the executive director may provide the advice. Otherwise,  
5 the executive director shall appoint a duly qualified legal counsel to  
6 assist in making the determinations required under this subsection.  
7 To be valid, the complaint must allege

8 (1) facts that, if true, establish a violation of a pro-  
9 vision of this chapter for which civil or administrative sanctions are  
10 authorized;

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

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

14 (B) if the person charged with misconduct intention-  
15 ally concealed or otherwise sought to prevent discovery of the  
16 relevant facts within one year of the discovery of the relevant  
17 facts and within eight years of the complaint; and

18 (3) that the person charged with misconduct is either a  
19 legislator or legislative employee at the time of the filing of the  
20 complaint or was a legislator or legislative employee within one year  
21 of the filing.

22 (h) Within 20 days after the filing of the complaint, or within  
23 45 days if the chair of the commission certifies additional time is  
24 required, a determination shall be made on the substantive validity of  
25 the complaint. If the chair concludes that there is no substantial  
26 reason to question the opinion of staff as to the validity of a com-  
27 plaint, the complaint shall either be dismissed or certified for  
28 further consideration in accordance with the opinion. The chair or a  
29 commissioner, however, may request a hearing on the validity of the

1 complaint at a meeting of the commission.

2 (i) If a complaint is dismissed because of invalidity, it shall  
3 be returned to the complainant with a notice of dismissal stating in  
4 detail the reason for dismissal. If the commission finds that the  
5 complaint was frivolous, malicious, or was filed in bad faith, it  
6 shall so state in the notice of dismissal. If the commission finds  
7 that the complaint alleges violations outside the scope of this chap-  
8 ter, it shall so state and may forward the complaint to the appropri-  
9 ate enforcement body for disposition. A copy of the notice of dismis-  
10 sal shall be sent to the respondent. The notice of dismissal is a  
11 public record.

12 (j) If the commission concludes that some or all of the alle-  
13 gations of the complaint, if proven, would constitute a violation of  
14 this chapter, or if the commission has initiated the complaint, the  
15 complaint shall be certified and a factual investigation shall com-  
16 mence. The record of certification for further consideration is  
17 confidential subject to subsequent actions that may make it part of  
18 the public record.

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

23 (b) Before commencing an investigation, the commission shall  
24 adopt a written resolution defining the scope of the investigation, a  
25 copy of which shall be supplied to the respondent. If, during the  
26 investigation, additional facts are discovered that justify an expan-  
27 sion of the investigation and the possibility of additional charges  
28 beyond those alleged in the complaint, the resolution shall be amended  
29 accordingly with copies sent to respondent. The resolution, and the

1 fact that an investigation has been undertaken, shall be kept confi-  
2 dential by the commission except that, upon inquiry, the commission  
3 may verify that it is investigating a complaint along with a statement  
4 that no finding of probable cause has been made and that no adverse  
5 inference of impropriety or guilt should be drawn from the decision to  
6 investigate. Additional facts concerning the nature or results of the  
7 investigation may not be revealed except as provided in AS 24.61.545  
8 after a determination of probable cause has been made.

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

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

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

1 (f) Upon completion of the investigation, a confidential report  
2 summarizing the evidence, evaluating its credibility, and detailing  
3 findings on each of the allegations investigated shall be submitted to  
4 the commission along with recommendations as to whether the complaint,  
5 or a portion of it, should be dismissed or whether the matter should  
6 proceed to the full hearing stage. The report shall be prepared so as  
7 to exclude unreliable information and uncorroborated and irresponsible  
8 allegations. The investigator's notes, records of interviews, and  
9 other investigatory matter considered unreliable or unduly prejudicial  
10 by the commission shall remain confidential.

11 Sec. 24.61.545. PROBABLE CAUSE DETERMINATION. (a) The commis-  
12 sion shall consider the investigator's report in closed session and  
13 determine whether substantial credible evidence exists to believe that  
14 it is probable that a violation of a provision of this chapter for  
15 which civil or administrative sanctions are authorized has occurred.

16 (b) If the commission does not find that substantial credible  
17 evidence exists to warrant a full adjudicatory hearing, it shall  
18 dismiss the complaint and so notify the complainant with a notice of  
19 dismissal stating in detail the reason for dismissal. If the commis-  
20 sion finds that the charges were frivolous, malicious, made in bad  
21 faith, or that, in its opinion the respondent should be exonerated of  
22 the charges, it shall so state in the notice of dismissal. If the  
23 commission finds that the evidence supports violations outside the  
24 scope of this chapter, it shall so state and may forward the complaint  
25 and its report to the appropriate enforcement body for disposition.

26 (c) A copy of the notice of dismissal shall be sent to the  
27 respondent. The notice of dismissal and the investigator's report  
28 containing findings and recommendations, but not the underlying in-  
29 vestigatory materials, shall be made public unless the commission

1 determines that this would unfairly prejudice either the respondent or  
2 complainant. This subsection may not be construed to prevent the  
3 respondent from making the notice of dismissal and the report public.

4 (d) If the commission finds that substantial credible evidence  
5 exists establishing probable cause that a violation of a provision of  
6 this chapter for which civil or administrative sanctions are autho-  
7 rized has occurred, it shall serve on the respondent in a manner  
8 consistent with the service of summons under the rules of civil proce-  
9 dure, a formal charge stating the specific allegations and a proposed  
10 hearing date.

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

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

26 (g) Upon determining that probable cause exists to conduct a  
27 full adjudicatory hearing, the commission shall make public the inves-  
28 tigator's report containing findings and recommendations, but not the  
29 underlying investigatory materials.

1           Sec. 24.61.550. ADJUDICATORY HEARING. (a) A formal hearing on  
2 ethics charges against a respondent shall be conducted in a manner  
3 that inspires confidence in the integrity and objectivity of the  
4 process and demonstrates full consideration for the rights and reputa-  
5 tion of the respondent.

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

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

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

24           (e) A hearing board may

25                 (1) administer oaths and affirmations and subpoena indi-  
26 viduals, including the respondent, to testify or to submit to written  
27 interrogatories under oath;

28                 (2) compel the production of documentary or tangible evi-  
29 dence;

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

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

5 (f) The respondent may

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

8 (2) personally, or through counsel, subpoena, examine and  
9 cross-examine witnesses, raise objections, and make arguments;

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

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

18 (b) As to each charge on which the evidence was found to be  
19 insufficient to establish a violation, the hearing board shall include  
20 its findings in its written opinion. If the board finds that the  
21 charges were frivolous, malicious, made in bad faith, or that, in its  
22 opinion the respondent should be exonerated of the charges, it shall  
23 so state in its opinion. The respondent's reasonable legal fees  
24 should be paid in full from public funds if the respondent is exoner-  
25 ated.

26 (c) As to each charge on which the evidence was found to be  
27 sufficient to establish a violation, the hearing board shall include  
28 its findings of fact and law in its written opinion, along with rec-  
29 ommendations as to appropriate sanctions.

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

7           (1) a civil penalty of not more than \$5,000 for each of-  
8 fense, or twice the amount improperly gained by the misconduct, which-  
9 ever is greater;

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

12           (3) detailed disclosure, with or without additional period-  
13 ic reporting requirements;

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

16           (5) restitution or reimbursement;

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

18           (7) probationary status;

19           (8) a written reprimand;

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

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

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

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

29           (b) When a provision of this chapter provides for the imposition

1 of administrative sanctions under this subsection, the commission may  
2 recommend any of the civil sanctions set out in (a) of this section  
3 except sanctions under (a)(1) and (10).

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

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

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

18 (c) If the legislature is not in session or is not within 30  
19 days of convening in regular session, the presiding officer may re-  
20 quest a special session under AS 24.05.100 to put the matter to a  
21 vote. If expulsion is recommended, a special session should be con-  
22 vened.

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

26 (e) In determining the sanctions, if any, to impose, the legis-  
27 lature should scrupulously observe the rule of nonpartisanship. It  
28 should not retry the basic facts nor question the hearing board's  
29 findings of fact. The only issue before it should be the

1 determination of the appropriate sanction assuming the validity of the  
2 board's findings.

3 Sec. 24.61.570. RECOMMENDATIONS WHERE VIOLATOR IS A LEGISLATIVE  
4 EMPLOYEE. If the person found to have violated this chapter is or  
5 was a legislative employee, the hearing board's recommendations shall  
6 be forwarded to the appropriate appointing authority which shall, as  
7 soon as is reasonably possible, determine the sanctions, if any, to be  
8 imposed. The appointing authority may not question the hearing  
9 board's findings of fact. The appointing authority shall assume the  
10 validity of the board's findings, and determine and impose the appro-  
11 priate sanctions.

12 Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL. (a) The  
13 attorney general may independently bring civil or criminal actions  
14 relating to violations under this chapter regardless of the outcome or  
15 settlement of a charge before the commission, provided that (1) the  
16 attorney general may not bring an independent civil action under this  
17 chapter if the provision violated is subject only to administrative  
18 sanctions under AS 24.61.560(b); and (2) the cumulative civil penal-  
19 ties imposed for a violation may not exceed the amount that could be  
20 imposed in an action before the commission. This subsection does not  
21 prohibit the attorney general from bringing an action under another  
22 civil or criminal law.

23 (b) A citizen may make a written request that the attorney  
24 general commence a civil action authorized under (a) of this section  
25 against a person for a violation of this chapter.

26 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may  
27 publicly respond to a statement or interpretation made concerning the  
28 contents of an advisory opinion or decision it has issued. A person  
29 who requests an advisory opinion and makes that fact public is

1 considered to have waived the confidentiality of the person's identi-  
2 ty.

3 ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

4 Sec. 24.61.700. ETHICS EDUCATION PROGRAM. The commission shall  
5 oversee and develop the following components of a comprehensive ethics  
6 education program:

- 7 (1) publish an ethics education manual;  
8 (2) establish an education advisory committee; and  
9 (3) design and implement a legislative orientation training  
10 course, a current issues and applications seminar, and a lobbyist  
11 training course.

12 Sec. 24.61.710. ETHICS EDUCATION MANUAL. (a) The commission  
13 shall prepare and publish a legislative ethics manual, which must  
14 contain all ethics statutes, regulations, and related information,  
15 including detailed explanations of technical and specific legal re-  
16 quirements as well as the underlying purposes and ethical principles  
17 that comprise the spirit of the requirements. The manual must include  
18 realistic examples with recommended actions, as well as questions and  
19 answers regarding common problems and situations.

20 (b) The commission shall issue a revised and updated version of  
21 the manual no later than 30 days after the commencement of each legis-  
22 lature.

23 (c) The manual shall be distributed to all legislators, legisla-  
24 tive employees, and registered lobbyists. The manual shall also be  
25 available to the public.

26 Sec. 24.61.720. EDUCATION ADVISORY COMMITTEE. (a) The commis-  
27 sion chair shall appoint five members to an education advisory commit-  
28 tee, that shall include at least two members of the commission, a  
29 legislator, and a legislative employee. The education advisory

1 committee may also include an Alaskan expert in the field of ethics.

2 (b) The education advisory committee shall oversee the implemen-  
3 tation of, and recommend the content for, the following ethics educa-  
4 tion programs:

5 (1) legislative orientation training course;

6 (2) current issues and applications seminar;

7 (3) lobbyist ethics course; and

8 (4) commission and commission staff training course.

9 Sec. 24.61.730. LEGISLATIVE ORIENTATION TRAINING COURSE. (a)  
10 The commission shall conduct a legislative orientation training  
11 course. The course shall be offered in January of each year. A  
12 legislator and a legislative employee shall attend and complete the  
13 first course offered after their initial election, appointment, or  
14 hiring date.

15 (b) The education advisory committee shall determine the specif-  
16 ic content of the course, and it shall cover the ethics laws, internal  
17 rules and policies, as well as the technical and specific legal re-  
18 quirements that legislators and legislative employees must follow.  
19 The course shall also cover the underlying purposes and ethical prin-  
20 ciples of all ethics laws, internal rules and policies, and other  
21 related regulations. The course shall highlight the principles of  
22 public service ethics and the intent of ethics laws, including their  
23 application to practical situations.

24 (c) The commission shall offer separate sessions of the course  
25 for legislators and for legislative employees, and shall offer as many  
26 sessions as necessary to accommodate the number of people required to  
27 take the course.

28 Sec. 24.61.740. CURRENT ISSUES AND APPLICATIONS SEMINAR. (a)  
29 The commission shall conduct a current issues and applications seminar

1 in January of each odd-numbered year. The seminar is mandatory for  
2 all legislators and legislative employees who have previously complet-  
3 ed the legislative ethics orientation training course.

4 (b) The specific content of the seminar shall be determined by  
5 the education advisory committee, and shall include an overview of all  
6 new substantive changes in the laws in the form of amendments, re-  
7 visions, and new ethics advisory opinions. The seminar shall include  
8 discussions on problem solving skills, practical ethical issues likely  
9 to confront a legislator or legislative employee, and the underlying  
10 principles of public service ethics.

11 (c) The commission shall offer separate sessions of the seminar  
12 for legislators and for legislative employees, and shall offer as many  
13 sessions as necessary to accommodate the number of people required to  
14 take the seminar.

15 (d) The course must also include a discussion of the Constitu-  
16 tion of Alaska that will include material on the constitutional limi-  
17 tations and prerogatives of the legislative, executive, and judicial  
18 branches.

19 Sec. 24.61.750. LOBBYIST ETHICS COURSE. (a) Lobbyists shall  
20 complete a lobbyist ethics course conducted by the commission as a  
21 condition of registering as a lobbyist under AS 24.45. A person who  
22 first engages in activities requiring the person to register as a  
23 lobbyist either before the commission has offered the ethics course  
24 for that year, or after the ethics course has been offered for that  
25 year, may be authorized by the commission to conditionally register  
26 under AS 24.45 unless the person reasonably should have known that the  
27 person was likely to engage in lobbying activities and could have  
28 attended the most recent ethics course. A person with a conditional  
29 registration must successfully complete the next ethics course offered

1 or the registration shall be revoked.

2 (b) The specific content of the ethics course shall be deter-  
3 mined by the education advisory committee, and shall include a review  
4 of all ethics statutes, the rules and regulations relating to appro-  
5 priate lobbyist conduct, and the principles of public service ethics.

6 (c) The commission shall certify to the Alaska Public Offices  
7 Commission the names of persons successfully completing the ethics  
8 course, including persons taking the course under (d) of this section.

9 (d) Lobbyists shall repeat the ethics course at least once every  
10 three years and the commission shall update the course accordingly.

11 (e) At the commission's discretion, lobbyists may be charged  
12 reasonable fees to attend the ethics course.

13 Sec. 24.61.760. ADMINISTRATIVE PROVISIONS. (a) The commission  
14 shall assure the continued implementation, improvement, and modifica-  
15 tion of the ethics education programs. The commission shall develop  
16 procedures to assure the attendance of, and course completion by, all  
17 legislators, legislative employees, and lobbyists.

18 (b) The commission shall assure the attendance of legislative  
19 employees who are not in and cannot travel to Juneau by offering the  
20 programs by teleconference. When a teleconference connection is  
21 unavailable, the commission shall distribute video tapes to the em-  
22 ployees or arrange to have them travel to a site where a live or  
23 teleconference course is available.

24 (c) The commission may recommend sanctions, including suspension  
25 of pay and dismissal of legislative employees, disciplinary action for  
26 legislators, and revocation of lobbyist registrations, for any legis-  
27 lator, legislative employee, or lobbyist who fails to complete the  
28 ethics education requirements within a reasonable amount of time, as  
29 determined by the commission.

1 (d) The commission shall supply the presiding officer of each  
2 house with the names of those legislators and legislative employees  
3 who have not complied with the ethics education requirements.

4 (e) The commission shall offer all of the education programs at  
5 appropriate times and locations and shall provide adequate notice of  
6 them.

7 (f) The commission may grant an exemption from the requirements  
8 of AS 24.61.730 - 24.61.750 upon a showing of good cause for the  
9 exemption.

10 ARTICLE 5. GENERAL PROVISIONS.

11 Sec. 24.61.900. RELATIONSHIP TO COMMON LAW AND OTHER LAWS. (a)  
12 The provisions of this chapter specifically replace, supersede, and  
13 where necessary repeal provisions of the common law relating to legis-  
14 lative conflict of interest.

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

18 Sec. 24.61.910. APPLICABILITY. (a) Unless otherwise specifi-  
19 cally stated, the provisions of this chapter apply to legislators and  
20 legislative employees.

21 (b) Certain specified provisions apply to former members of the  
22 legislature, candidates for the legislature, former legislative em-  
23 ployees, persons who have transactions with legislators or legislative  
24 employees, and lobbyists.

25 Sec. 24.61.930. MENTAL STATE REQUIRED FOR CRIMINAL ACTIONS.  
26 When a provision of this chapter is made subject to criminal penal-  
27 ties, unless the provision specifically provides for another mental  
28 state, the defendant in a criminal prosecution must be shown to have  
29 acted with criminal negligence, as that term is defined in

1 AS 11.81.900(a). AS 11.81.610(c) applies to this section.

2 Sec. 24.61.940. MAINTENANCE OF DOCUMENTS. Documents filed with  
3 or produced by the commission as public records shall be retained for  
4 at least six years.

5 Sec. 24.61.950. COOPERATION OF OTHERS. If the commission re-  
6 quests their cooperation, a state agency, official, employee, or a  
7 person whose conduct is regulated by this chapter shall cooperate with  
8 the commission. An individual shall make information reasonably  
9 related to an investigation available to the commission on written  
10 request. The commission may request and shall receive from every  
11 officer, department, division, board, agency, commission, house of the  
12 legislature, or other agency of the state, cooperation and assistance  
13 in the performance of its duties.

14 Sec. 24.61.960. CONFIDENTIALITY. A person subject to the pro-  
15 visions of this chapter may not knowingly make an unauthorized disclo-  
16 sure of confidential information acquired in the course of official  
17 duties. A person who violates this section is subject to civil sanc-  
18 tions under AS 24.61.560(a) and may be subject to prosecution under  
19 AS 11.56.860 or another law.

20 Sec. 24.61.990. DEFINITIONS. In this chapter,

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

26 (2) "anything of value," "benefit," or "thing of value"  
27 includes all matters, whether tangible or intangible, that could  
28 reasonably be considered to be a material advantage, of material  
29 worth, use, or service to the person to whom it is conferred; the

1 terms are intended to be interpreted broadly and encompass all matters  
2 that the recipient might find sufficiently desirable to do something  
3 in exchange for;

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

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

1 recreational or lodging facilities;

2 (xxi) intangible rights such as a cause of action;

3 (xxii) licenses, patents, copyrights, or an interest  
4 in them;

5 (xxiii) any other item, tangible or intangible,  
6 having economic value;

7 (B) "anything of value," "benefit," or "thing of  
8 value" does not include

9 (i) an item listed in AS 24.61.350(b);

10 (ii) campaign contributions, pledges, political  
11 endorsements, support in a political campaign, or a promise  
12 of endorsement or support;

13 (iii) contributions to a cause or organization,  
14 including a charity, made in response to a direct solicita-  
15 tion from a legislator or a person acting at the legisla-  
16 tor's direction;

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

18 (3) "business entity retained to lobby" means a firm,  
19 corporation, or other business entity that is retained for the primary  
20 purpose of influencing legislative or administrative action;

21 (4) "charitable organization" means an organization that  
22 qualifies for a federal tax exemption under 26 U.S.C. 501(c)(3);

23 (5) "close economic association" has the meaning given in  
24 AS 24.61.265;

25 (6) "commission" means the Legislative Ethics Commission;

26 (7) "compensation" means remuneration for personal services  
27 rendered, including salary, fees, commissions, bonuses, and similar  
28 payments, but excluding reimbursement for actual expenses incurred by  
29 a person;

1 (8) "confidential information" means information that has  
2 been classified confidential by law;

3 (9) "exonerate" means to free from a charge or the imputa-  
4 tion of guilt, or to prove blameless;

5 (10) "financial conflict of interest" has the meaning given  
6 in AS 24.61.255;

7 (11) "honorarium" means anything of value, other than reim-  
8 bursement of travel expenses, given to a person for making a speech,  
9 panel presentation, personal appearance, or similar activity;

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

13 (13) "intent to influence legislative, administrative, or  
14 political action" means that an act, including the offering or confer-  
15 ring of a thing of value to a public official, is done with the intent  
16 to induce the official to do or refrain from doing an act;

17 (14) "knowingly" has the meaning given in AS 11.81.900;

18 (15) "legislative action" means conduct relating to the  
19 development, drafting, consideration, sponsorship, enactment or de-  
20 feat, support or opposition to or of a law, amendment, resolution,  
21 report, nomination, or other matter affected by legislative action or  
22 inaction;

23 (16) "legislative assistant" means a legislative employee  
24 whose assigned duties involve the exercise of substantial discretion  
25 and judgment; it does not include employees who perform purely cler-  
26 ical or ministerial functions; the legislative council shall propose  
27 policies relating to the interpretation of this definition, and the  
28 commission shall consider the adoption of these guidelines as regula-  
29 tions;

1 (17) "legislative employee" means a person, other than a  
2 legislator, who is compensated by the legislative branch in return for  
3 regular or substantial personal services, regardless of the person's  
4 pay level or technical status as a full-time or part-time employee,  
5 independent contractor, or consultant; it includes members and staff  
6 of the commission; it does not include individuals who perform func-  
7 tions that are incidental to legislative functions, such as security,  
8 messengers, maintenance, and print shop employees; for purposes of  
9 this paragraph, "regular or substantial" means work that is expected  
10 to involve, or does involve, at least 400 hours in a calendar year or  
11 300 hours during a regular legislative session; the legislative coun-  
12 cil shall propose policies relating to the interpretation of this  
13 definition, and the commission shall consider the adoption of these  
14 guidelines as regulations;

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

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

22 (20) "political action" means conduct in which public offi-  
23 cials, including legislators or legislative employees, use their  
24 official position or political contacts to exercise influence on state  
25 and local government employees or entities; it includes but is not  
26 limited to intervening on behalf of constituents with a government  
27 agency, endorsing, and pledging support or actively supporting a  
28 legislative matter, a nominee, or a candidate for public office;

29 (21) "reasonably should know" means that, under the

1 circumstances, a reasonable person would know a fact;

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

4 (23) "representation" means action taken on behalf of anothe-  
5 er, whether for compensation or not, including but not limited to  
6 telephone calls and meetings and appearances at proceedings or meet-  
7 ings;

8 (24) "substantial interest in legislative, administrative,  
9 or political action" has the meaning given in AS 24.61.260.

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

11 (a) A person commits the crime of false accusation if the person  
12 knowingly or intentionally initiates a false complaint with the [SE-  
13 LECT COMMITTEE ON] Legislative Ethics Commission established under  
14 AS 24.61 [IN AS 24.60].

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

16 (b) A person filing a declaration of candidacy under this sectio  
17 other than for a state legislative office shall simultaneously file  
18 with the director a statement of income sources and business interests  
19 that complies with the requirements of AS 39.50. A person filing a  
20 declaration of candidacy for state legislative office shall simulta-  
21 neously file with the director a disclosure statement that complies  
22 with the requirements of AS 24.61.400 - 24.61.410.

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

24 (c) An incumbent public official other than a legislator who has  
25 a current statement of income sources and business interests on file  
26 with the Alaska Public Offices Commission, or an incumbent legislator  
27 who has a current disclosure statement on file with the Legislative  
28 Ethics Commission, is not required to file a statement of income  
29 sources and business interests or a disclosure statement with the

1 declaration of candidacy under (b) of this section.

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

3 (b) A person filing a nominating petition under this section  
4 other than for a state legislative office shall also file with the  
5 director a statement of income sources and business interests that  
6 complies with the requirements of AS 39.50 within 30 days of filing  
7 the petition. A person filing a nominating petition for state legis-  
8 lative office shall file with the director a disclosure statement that  
9 complies with the requirements of AS 24.61.400 - 24.61.410 within 30  
10 days of filing the petition.

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

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

19 \* Sec. 8. AS 24.10.100 is amended to read:

20 Sec. 24.10.100. SALARY OF LEGISLATORS. The annual [MONTHLY]  
21 salary for each member of the legislature is \$40,000 [EQUAL TO STEP A,  
22 RANGE 10 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU]. The  
23 president of the senate and the speaker of the house of representa-  
24 tives are each entitled to an additional \$500 a year during tenure of  
25 office.

26 \* Sec. 9. AS 24.10.105 is repealed and reenacted to read:

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

29 (1) during a legislative session if the legislator is not

1 living in the legislator's place of permanent residence during the  
2 session; or

3 (2) while on committee business or other legislative busi-  
4 ness in a place that is not the legislator's place of permanent resi-  
5 dence.

6 (b) A legislator is entitled to receive per diem at the long-  
7 term rate during a legislative session if the legislator is living in  
8 the legislator's place of permanent residence during the session.

9 (c) In this section,

10 (1) "long-term rate" means the long-term per diem rate for  
11 a state employee established in regulations adopted by the commission-  
12 er of administration under AS 39.20.160;

13 (2) "short-term rate" means the short-term per diem rate  
14 for a state employee established in regulations adopted by the commis-  
15 sioner of administration under AS 39.20.160.

16 \* Sec. 10. AS 24.10.110 is repealed and reenacted to read:

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

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

25 (c) A representative from a single-representative district may  
26 voucher up to \$6,000 a year under this section. A representative from  
27 a two-representative district and a senator from a single-senator dis-  
28 trict may voucher up to \$7,000 a year under this section. A senator  
29 from a two-senator district may voucher up to \$9,000 a year under this

1 section. Vouchers shall be processed under AS 24.10.120 and policies  
2 adopted by the legislative council consistent with 26 U.S.C. 162.

3 (d) Notwithstanding (b) of this section, expenses related to  
4 newsletters may not be paid under this section. The legislative  
5 council shall adopt guidelines under which each legislator may prepare  
6 and distribute two newsletters a year that comply with AS 24.61. The  
7 guidelines must be consistent with AS 24.61 and regulations under that  
8 chapter adopted by the Legislative Ethics Commission and must provide  
9 for the payment of expenses for the newsletters from appropriations to  
10 the legislature.

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

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

19 \* Sec. 12. AS 24.45.041(a) is amended to read:

20 (a) Before engaging in lobbying, a lobbyist shall file a regis-  
21 tration statement on a form prescribed by the commission. The commis-  
22 sion may not accept the form for filing unless the lobbyist's name has  
23 been certified to the commission by the Legislative Ethics Commission  
24 under AS 24.61.750(c).

25 \* Sec. 13. AS 24.45.041(f) is amended to read:

26 (f) Each lobbyist shall renew the registration annually by  
27 filing a new registration statement together with a new authorization  
28 to act as a lobbyist before engaging in lobbying. The lobbyist also  
29 shall file any reports or statements the lobbyist has failed to file

1 for a previous reporting period. The commission may not renew lobby-  
2 ing credentials until this provision is complied with and unless the  
3 Legislative Ethics Commission has certified the lobbyist's name to the  
4 commission under AS 24.61.750(c) and the lobbyist has complied with  
5 AS 24.61.750(e).

6 \* Sec. 14. AS 24.45.041 is amended by adding a new subsection to read:

7 (g) Notwithstanding (a) and (f) of this section, a lobbyist  
8 whose name has not been certified to the commission under AS 24.61.-  
9 750(c) may conditionally register or renew a registration under this  
10 section if authorized by the Legislative Ethics Commission under  
11 AS 24.61.750(a).

12 \* Sec. 15. AS 24.45.121(a) is amended to read:

13 (a) A lobbyist may not

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

16 (2) do anything with the intent of placing a public offi-  
17 cial under personal obligation to the lobbyist or to the lobbyist's  
18 employer;

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

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

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

28 (6) accept or agree to accept any payment in any way con-  
29 tingent upon the defeat, enactment, or outcome of any proposed

1 legislative or administrative action;

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

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

7 (9) serve as a campaign manager or director, serve as a  
8 campaign treasurer or deputy campaign treasurer on a finance or fund-  
9 raising committee, host a fundraising event, or otherwise engage  
10 actively in the fundraising activity of a legislative campaign or for  
11 a legal defense fund under AS 24.61.220 if the lobbyist has registered  
12 during the calendar year; this paragraph does not apply to a represen-  
13 tational lobbyist as defined in the regulations of the Alaska Public  
14 Offices Commission, and does not prohibit a lobbyist from making  
15 personal contributions to or personally advocating on behalf of a  
16 candidate.

17 \* Sec. 16. AS 39.25.110 is amended by adding a new paragraph to read:

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

20 \* Sec. 17. AS 39.50.020 is amended to read:

21 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a)  
22 A judicial officer, commissioner, chair [CHAIRMAN] or member of a  
23 state commission or board specified in AS 39.50.200(b), a person hired  
24 or appointed as head or deputy head of, or director of a division  
25 within, a department in the executive branch, a person appointed as  
26 assistant to the governor, and a municipal officer, shall file a  
27 statement giving income sources and business interests, under oath and  
28 on penalty of perjury, within 30 days after taking office as a public  
29 official. Candidates for governor and lieutenant governor [STATE

1 ELECTIVE OFFICE] shall file such a statement with the director of  
2 elections at the time of filing a declaration of candidacy or within  
3 30 days of the filing of any nominating petition, or within 30 days of  
4 becoming a candidate by any other means. Candidates for elective  
5 municipal office shall file such a statement at the time of filing a  
6 nominating petition, declaration of candidacy, or other required  
7 filing for the elective municipal office. Refusal or failure to file  
8 within the time prescribed shall require that the candidate's filing  
9 fees, if any, and filing for office be refused or that a previously  
10 accepted filing fee be returned and the candidate's name removed from  
11 the filing records. A statement shall also be filed by public offi-  
12 cials no later than April 15 or 15 days after the person files a  
13 federal income tax return in each following year, whichever comes  
14 first. Persons who, on or after December 11, 1974, were members of  
15 boards or commissions not named in AS 39.50.200(b) are not required to  
16 file financial statements.

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

29 \* Sec. 18. AS 39.50.200(a)(8) is amended to read:

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

12 \* Sec. 19. AS 39.52.910(a) is amended to read:

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

19 \* Sec. 20. AS 24.55.310, AS 24.60, AS 39.50.025, and 39.50.120 are  
20 repealed.

21 \* Sec. 21. INITIAL COMMISSION APPOINTMENTS. Notwithstanding AS 24.61.-  
22 500(b), as added by sec. 2 of this Act, the terms of the members initially  
23 appointed to the Legislative Ethics Commission are as follows:

24 (1) the members appointed by the senate and the house of repre-  
25 sentatives and one of the members appointed by the Legislative Ethics  
26 Commission, determined by lot, serve terms of five years;

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

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

4 \* Sec. 22. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER  
5 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 20 of this Act,  
6 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,  
7 the Legislative Ethics Commission may consider complaints alleging viola-  
8 tions of AS 24.60 that occurred prior to July 1, 1991, and for which pro-  
9 ceedings have not been commenced or concluded prior to July 1, 1991. For  
10 the purpose of this section, the Legislative Ethics Commission shall follow  
11 the procedures established under AS 24.61, but may not recommend a sanction  
12 or penalty not authorized under former AS 24.60.

13 \* Sec. 23. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTH-  
14 ERS. Notwithstanding AS 24.61.330, as added by sec. 2 of this Act, a  
15 legislator or legislative assistant who is subject to AS 24.61.330 may,  
16 until January 1, 1992, represent a person in a proceeding that would other-  
17 wise be prohibited under AS 24.61.330 if the legislator or legislative  
18 assistant promptly files a statement with the Legislative Ethics Commission  
19 that includes the name of the client, an identifying name or number of the  
20 action, a brief description of the nature of the action, and the amount of  
21 compensation received or anticipated relating to the representation. The  
22 statement shall be published in the journal of the appropriate house. If  
23 information contained in the statement changes, a supplemental statement  
24 shall be filed every 90 days until the matter is completed or January 1,  
25 1992, at which time the representation must be terminated. The representa-  
26 tion may continue beyond January 1, 1992, if the legislator or legislative  
27 assistant applies for, and the Legislative Ethics Commission grants, an  
28 exemption to the termination date under AS 24.61.530, as added by sec. 2 of  
29 this Act. In this section, "legislative assistant" has the meaning given

1 in AS 24.61.990, as added by sec. 2 of this Act.

2 \* Sec. 24. AS 24.61.200 - 24.61.220, 24.61.240, and 24.61.245, as added  
3 by sec. 2 of this Act, take effect November 6, 1990.

4 \* Sec. 25. AS 24.61.160, 24.61.400(d), 24.61.500 - 24.61.720, and 24.-  
5 61.990, as added by sec. 2 of this Act, and sec. 21 of this Act take effect  
6 January 1, 1991.

7 \* Sec. 26. Except as provided in secs. 24 and 25 of this Act, this Act  
8 takes effect July 1, 1991.

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030459

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 7, 1990

SUBJECT: Sectional analysis of HCS CSSB 415 (Finance)  
(W.O. 6-2007P)

TO: Representative Lyman Hoffman  
Co-Chair, House Finance Committee

FROM: John B. Gaguine ~~JB~~  
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. This is especially true in the case of a piece of legislation as lengthy and complex as HCS CSSB 415 (Fin).

Section 1 gives the act a title, the Legislative Ethics Act of 1990.

Section 2 establishes a new legislative ethics code, AS 24.61, as follows:

Article 1 contains legislative findings and purpose.

Article 2 contains the specific standards of conduct that must be followed. All apply to legislators; most apply to legislative aides in positions of influence; some apply to most legislative employees and to candidates for the legislature. Nearly all are subject to penalties that may be imposed by the legislature, including heavy fines, censure and expulsion (or, in the case of a legislative employee, termination). Many violations can also be prosecuted as Class A misdemeanors, or deal with conduct that is criminal under a Title 11 statute. The standards of conduct are as follows:

Representative Lyman Hoffman

Page 2

May 7, 1990

- AS 24.61.110 prohibits the acceptance of anything of value in connection with the performance of legislative duties

- AS 24.61.120 imposes a duty on persons to report improper offers to influence

- AS 24.61.130 prohibits the use of state property, staff and resources for private gain or personal advantage

- AS 24.61.140 prohibits the use of state property, staff, and resources for political purposes, and includes a ban on mass mailings near an election and on solicitation and acceptance of campaign contributions in a state office.

- AS 24.61.150 imposes an obligation on legislative employees to refuse to perform improper tasks

- AS 24.61.180 prohibits a legislator for using his or her title or prestige for private gain or personal advantage, and includes a ban on use of the title in commercials

- AS 24.61.190 bans former legislators, during the next session of the legislature after they leave office, from lobbying the legislature and the administration

- AS 24.61.205 prohibits the use of campaign funds for personal purposes (including legal fees not connected to the campaign or public office), loans and contributions to another group (e.g., to another candidate), inflated campaign expenses, and the payment of fines (unless the candidate was unaware of the activity leading to the fine), and bars post-election campaign contributions

- AS 24.61.210 restricts the use of surplus campaign funds to retiring loans, returning contributions to contributors on a pro rata basis, donating them to the state, a municipality, or a charity, transferring them to an office expense account, and, within monetary limits, transferring them to an ongoing political account

- AS 24.61.220 authorizes a legal defense fund to defend against specific charges, including ethics charges, and prohibits the acceptance of funds for legal defense except as provided in the section

- AS 24.61.230 prohibits withholding or threatening to withhold legislative action in order to obtain campaign funds or gifts

- AS 24.61.240 prohibits fund-raising by a legislator during legislative sessions and restricts it to certain time periods for both legislators and challengers

- AS 24.61.290 prohibits nepotism in a manner similar to current AS 24.60.090

- AS 24.61.300 restricts the participation of lobbyists in political campaigns, requires disclosure of close economic associations with lobbyists, and restricts employment of legislators or aides by lobbyists and lobbying groups

- AS 24.61.310 prohibits legislators from serving on governing or advisory boards of nongovernmental entities with substantial interests in legislation, requires aides serving on such boards, and on local government councils, to disclose their membership, and prohibits aides from serving in state positions requiring legislative confirmation

- AS 24.61.320 prevents a legislator or aide from participating in governmental action when he or she has a substantial financial interest involved

- AS 24.61.330 restricts representation for compensation by legislators and aides before state courts and agencies; it allows such representation in certain quasi-judicial hearings

- AS 24.61.340 restricts the ability of legislators, legislative aides, and members of a legislator's immediate family from entering into state contracts or leases other than those competitively bid, of a small amount, or standardized; most of the section is similar to current AS 24.60.040, except for the extension to a legislator's family; subsection (5) prohibits former legislators and aides, for a year after leaving legislative service, from contracting with an entity that does substantial business with the state, if the contract would involve a matter that the legislator or aide worked closely on and if the contract appeared to be a reward for services rendered during the legislator's or aide's legislative service

- AS 24.61.345 authorizes legislators and legislative employees to participate in general statewide programs; the section is similar to current AS 24.60.050

- AS 24.61.350 prohibits, with certain exceptions (some of which require disclosure), the solicitation or receipt of single gifts worth \$100 or more or gifts from a single source whose aggregate value is \$100 or more; the section is similar to current AS 24.60.080 as the ethics committee proposed to modify it

- AS 24.61.360 prohibits legislators and legislative employees from accepting outside employment that would create conflicts of interest or that involves inappropriately high payment for the work done, and from accepting most offers of honoraria (other than reimbursement of travel expenses)

- AS 24.61.380 prohibits improper influence on decisions by other government officials and bodies, but does not prohibit constituent "casework" or the exercise of legislative oversight

- AS 24.61.390 - 24.61.420 establish income disclosure requirements, in some ways considerably broader than the APOC-administered requirements under AS 39.50; the requirements distinguish between income derived from sources with interest in legislation (amounts must be disclosed) and sources without such interest (amounts need not be disclosed)

- AS 24.61.430 requires compliance by legislators with the Open Meetings Act; if this section is violated, a legislator may not be fined or expelled

- AS 24.61.440 prohibits retaliation against or harassment of "whistleblowers"

- AS 24.61.450, which like AS 24.61.430 carries limited sanctions, prohibits acts of employment discrimination in violation of the state Human Rights Act

Article 2 also contains several sections relating to financial relationships between legislators and legislative employees and persons with interests before the legislature. AS 24.61.255 - 24.61.265 define three terms ("financial conflict of interest," "substantial interest in legislative,

administrative, or political action," and "close economic association") that govern what financial relationships must be disclosed under AS 24.61.300(b). AS 24.61.270 states that financial conflicts shall be generally dealt with as a matter of disclosure and voluntary restraint.

Article 3 establishes the Legislative Ethics Commission, consisting of seven public members. One is appointed jointly by the senate president and minority leader, one is appointed jointly by the house speaker and minority leader, two are appointed by the supreme court, and three are selected by the four previously appointed members. The members are subject to decertification by the legislature.

Article 3 also authorizes the hiring of an executive director and other staff. The article, like current law, provides for advisory opinions and a complaint process (more open than current law, and similar to what the ethics committee proposed); it also authorizes the commission to grant exceptions to the prohibitions of AS 24.61. AS 24.61.560 sets out a lengthy list of the sanctions that the commission can recommend to the legislature, if a legislator is found guilty of an ethics violation, or that the commission can impose itself, if a legislative employee is found guilty. Article 3 also authorizes the attorney general to bring civil or criminal actions to enforce AS 24.61.

Article 4 establishes an ethics education program for legislators, aides and lobbyists, including the publication of an ethics manual, the establishment of an education advisory committee, and the giving of ethics seminars at which attendance is mandatory.

Article 5 contains general provisions for AS 24.61. Among other things the article retains current laws concerning the cooperation of others with the ethics commission and the prohibition against "leaking" confidential ethics information. The article also defines terms used in AS 24.61.

Sections 3 - 7 of the bill make technical changes.

Section 8 raises the annual salary of legislators to \$40,000 from the current \$22,140 (Range 10, Step A of the state salary schedule).

Section 9 repeals the provision of current law allowing legislators to receive long-term per diem of \$50 per day for

work that they do in their districts during the interim. It retains the provisions relating to per diem during the session and to per diem for travel on legislative business at any time to a location other than the legislator's residence.

Section 10 eliminates the current office allowance, and instead allows legislators to charge actual office expenses to the state, up to a maximum that varies according to the number of constituents a legislator represents. It also allows each legislator to send two constituent newsletters a year, not subject to the office expense limit, provided that the newsletters comply with the ethics act.

Section 11 allows each legislator two state-paid round trip airplane tickets to a city in the legislator's district for "a personal, family, business, or constituent purpose."

Sections 12 - 14 are additions to the regulation of lobbying chapter to ensure compliance with the ethics education for lobbyists provisions.

Section 15 prohibits lobbyists from using state property as part of their lobbying activities, and from participating in a candidate's campaign management or hosting a fund-raiser.

Section 16 places the executive director and staff of the legislative ethics commission in the exempt service.

Section 17 - 18 transfer the authority for handling financial disclosure statements of legislators and legislative candidates from APOC to the ethics commission.

Section 19 makes a technical change.

Section 20 repeals the current legislative ethics law, AS 24.60, and three provisions that make AS 39.50 applicable to legislators and certain legislative employees.

Section 21 provides for terms of varying length of the initial commission appointees, in order to stagger terms.

Section 22 provides that, notwithstanding the repeal of AS 24.60, the Legislative Ethics Commission may consider complaints under AS 24.60 that arise before July 1, 1991 (the effective date of most of AS 24.61), but that are not filed until after that date.

Representative Lyman Hoffman  
Page 7  
May 7, 1990

Section 23 provides for a transitional period for those covered by AS 24.61 who are currently representing others in violation of the new law. It requires that any such representation be terminated by January 1, 1992, but that the Legislative Ethics Commission may grant an exemption from this date in exceptional cases.

Section 24 makes effective on January 1, 1991, the portions of the bill establishing the commission and requiring it to adopt regulations and begin the ethics education process. It also makes sections 23 - 25 effective on July 1.

Section 25 makes AS 24.61.200 - 24.61.220, 24.61.240, and 24.61.245 (primarily campaign financing sections) effective on November 6, 1990, the day after the election.

Section 26 makes the remainder of the bill, including the new standards of conduct and the repeal of AS 24.60, effective on July 1, 1991.

JBG:pl  
WKP5/015

Attachment

5/7/90

11 pm ✓

SB 415 SUBCOMMITTEE ON ETHICS  
AMENDMENTS  
MAY 7, 1990

2. ADOPTED -- Page 7, line 13, following "occasional" delete "and" insert "or"
3. ADOPTED -- Page 10, line 26, delete "24.61.100", insert "24.61.110".
4. ADOPTED -- Page 11, line 15, delete "shall", insert "may".
  
11. ADOPTED -- Page 22, line 4, delete.
12. ADOPTED -- Page 29, line 4, before "." insert "and if a reasonable person would conclude that the contract constituted a reward for services performed while serving as a legislator or legislative assistant or otherwise was an improper use of the office"
13. ADOPTED -- Page 42, line 2 through line 21, delete.
15. ADOPTED -- delete Page 43, line 11, ", to the greatest extent reasonably possible,"
16. ADOPTED -- Page 43, lines 18-27, delete; replace with:  

It is the intent of the legislature that:

(a) legislators and legislative employees maintain the integrity and trustworthiness of government. They should act to prevent unethical practices, unlawful conduct, corruption, mismanagement, improper use of public funds, danger to public safety, or another abuse of public position, authority, or resources; and

(b) legislators and legislative employees who have a good faith belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to appropriate authorities;
  
20. ADOPTED -- Page 56, line 17 insert "may" after "and" and before "forward"
21. ADOPTED-- Page 57, line 5, delete "both the complainant and the".  
  
Page 57, line 10, delete "complainant and the".
23. ADOPTED -- Page 59, line 5, insert "may" after "and" and before "forward".
24. ADOPTED -- Page 59, line 12, delete "either".  
Page 59, line 13, delete "complainant or".

i f 4

25. ADOPTED -- Page 65, line 10 delete "it has issued or is purported to have issued" and replace with "that has been made public"
27. ADOPTED -- Page 69, line 4, delete "upon", insert "for".
29. ADOPTED -- Page 70, lines 3-8, delete.
30. ADOPTED -- Page 71, line 12, delete "an", inset "a material".  
Page 71, line 12, after "cf" insert "material".
31. ADOPTED -- Page 72, line (amendment to senate amendment 42) , before "purpose" insert "primary"
32. ADOPTED -- Delete Senate Amendment #37
34. ADOPTED -- Page 23, line 25, following "(a)", delete "it is important for legislators and legislative assistants to maintain and appear to maintain independence from lobbyists seeking legislative, administrative, and political actions."
35. ADOPTED -- Page 27, line 20 following "legislator", delete "or legislative assistant"

Page 28, line 4 following "legislators or", delete "legislative assistants, personal or immediate family"

Insert "legislative or legislator's immediate family or legislative assistant's personal"

47. Page 32, line 22: Delete "governmental or"

Page 32, following line 25: Insert new paragraph to read:

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

Renumber the following paragraphs accordingly.

Page 40, line 2:

Delete "and (7)"  
Insert ", (7) and (8)"

Page 41, line 11:

Delete "and (7)"  
Insert " (7), and (8)"

- 48a. ADOPTED -- .age 7, lines 9 and 10: delete "mailing lists, computer data"

2 of 4

- Page 8, lines 20 and 2: delete "mailing lists, computer data"
- 48b. ADOPTED -- Page 7, lines 22 and 23: delete ", or influencing an election"
- 48e. ADOPTED -- Page 13, lines 3 and 4: Delete "Campaign funds may be used only to advance the interests of the campaign."
- 48f. ADOPTED -- Page 14, line 29 delete: "or have reason to know of"
- 48g. ADOPTED -- Page 15, line 5 after "finds", delete: "in"  
Page 15, line 6, delete: "excess of the amount allowed under (b) of this section" and "only"
- 48h. Page 15, line 28-29 delete: "in an amount not to exceed \$1,000 to a house legislative account or \$2,000" and after "a" delete "senate"
- 48i. Page 16, line 8-9, after "all" delete: ", but they may not be used for a campaign for an office other than the state legislature"
- 48l. Page 20, line 10 after "a" insert: "candidate or"
- 48o. Page 78, Sec. 12 and Page 79 through Sec.13 restore all "attorney" exemptions

3/11

49. Page 13, line 3: Delete "PROPER", replace with "ALLOWABLE".
50. Page 19, line 6: Delete subsection (a).
51. Page 21, line 20: Delete subsection (1).
52. Page 22, line 25: Delete "DEALING WITH"
53. Page 25, line 12: Delete "RESTRICTED", insert "DISCLOSABLE".
57. Page 33, line 2: Delete "\$100", insert "\$200".
60. Page 35, line 19: Delete "IMPROPER INTERFERENCE WITH THE INDEPENDENT JUDGMENT OF OTHERS". Insert after 24.61.380 "INTERCESSION".
62. Page 50, line 23: Delete "NONBINDING".
66. Dierdorff technical amendments attached.

4/2/11

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

# 66  
Adopted

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
707 465 3800

M E M O R A N D U M

May 5, 1990

SUBJECT: Technical Problems in CSSB 415(Fin) am  
TO: Senator Pat Pourchot  
FROM: David R. Dierdorff  
Revisor of Statutes

This morning I reviewed CSSB 415(Finance) for technical problems, and I have also reviewed the floor amendments adopted by the Senate. Several purely clerical errors were discovered and the diskettes corrected. The Senate Secretary was also notified and I understand that the House will be informed of those errors in connection with transmittal of the bill.

I discovered several minor problems that can either be corrected in the House or, if the bill is enacted, during the interim review. There is, however, one problem that needs to be corrected in the House. When the Senate adopted amendment #1, reducing the size of the commission, a corresponding amendment should have been made in sec. 23, relating to the initial appointments to the commission. I suggest that the initial terms be established as follows:

- (1) the members appointed by the senate and the house of representatives and one of the members appointed by the Legislative Ethics Commission, determined by lot, serve terms of five years;
- (2) one of the members appointed by the supreme court and one of the members appointed by the Legislative Ethics Commission, determined by lot, serve terms of four years; and
- (3) the second member appointed by the supreme court and the third member appointed by the Legislative Ethics Commission serve terms of three years.

The reason this must be fixed now, and not next session, is that this section takes effect three weeks before that ses-

Attachment

Senator Pat Pourchot  
Page 3  
May 5, 1990

- 12) Page 42, line 27: Delete "under AS 24.61.160".
- 13) Page 74, line 9: Delete "under AS 24.61.160".
- 14) Page 74, line 23: Delete "under AS 24.61.160".

DRD:mi  
wkmi6/092

cc: Representative Mike Davis  
Representative Red Boucher  
Representative Ron Larson  
Representative Lyman Hoffman

HERD

Attachment  
5/7/90  
11pm

AMENDMENT

Barnes

TO: CSSB 415 (FINANCE) am

BY BARNES

Page 50, line 17

Delete: Delete all material relating to Sec. 24.61.512

Attachment

5/7/90

11 pm

6-2007Gk  
Dierdorff

FAILED

A M E N D M E N T Barnes #

OFFERED IN THE HOUSE

BY REP. BARNES

TO: CSSB 415 (Finance)

Page 64, line 23, through page 65, line 7:

Delete all material.

Attachment

5/7/90

11 pm

6-2007Gb  
Cook

FAILED

AMENDMENT

BARNES

OFFERED IN THE HOUSE

BY REP. BARNES

TO: CSSB 415 (Finance)

Page 77, line 1:

Delete "\$40,000"

Insert "\$22,872"

Page 77, line 6 through page 78, line 27:

Delete all material.

Insert:

"\* Sec. 9. AS 24.10.110 is amended to read:

Sec. 24.10.110. ADDITIONAL ALLOWANCES. In addition, each member of the legislature is entitled to an annual allowance of \$4,025 [PRESCRIBED IN ACCORDANCE WITH AS 39.23] for postage, stationery, stenographic services, and other expenses."

Renumber the following bill sections accordingly.

Page 84, line 21:

Delete "sec. 22"

Insert "sec. 21"

Page 85, line 21:

Delete "sec. 23"

Insert "sec. 22"

Page 85, line 23:

Delete "secs. 26 and 27"

Insert "secs. 25 and 26"

*Willis by request*

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 415 (Finance)

Page 77, line 25, through page 78, line 19:

Delete all material.

Insert a new bill section to read:

"\* Sec. 10. AS 24.10.110 is amended to read:

Sec. 24.10.110. ADDITIONAL ALLOWANCES. In addition to the salary under AS 24.10.100, each member of the legislature is entitled to an annual allowance under this section [PRESCRIBED IN ACCORDANCE WITH AS 39.23] for postage, stationery, stenographic services and other expenses. The allowance for

(1) a representative from a single-representative district is \$6,000;

(2) a representative from a two-representative district and a senator from a single-senator district is \$7,000; and

(3) a senator from a two-senator district is \$9,000."