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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

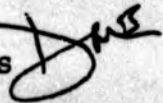
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

April 18, 1990

SUBJECT: CSSB 415() (Legislative Ethics)

TO: Senator Jan Faiks, Chair
Senate Judiciary Committee

FROM: David R. Dierdorff 
Revisor of Statutes

Enclosed is the draft committee substitute you requested. In addition to the changes we discussed and that were suggested in my memo of April 11, I addressed several problems spotted by the Department of Law and problems in drafting that I had failed to see the first few times through the bill. I might mention that Laurie Otto testified as to many of these problems in House State Affairs on April 17 and Michael Josephson, who was present by teleconference, concurred in her recommendations.

I have several items I want to bring to your attention. Most of them are in the nature of policy questions that the legislature should address if this is to be a workable law.

1. In AS 24.61.170 and a few other locations, the term "nonpublic" used. Even though it is defined for the chapter, given our public records laws isn't it a given that in this state material is either confidential or public? If there is a grey area of "nonpublic" but nonconfidential information, we need to do a better job of defining it than is done in this draft.

2. In AS 24.61.180(a) the term "private economic benefits" is used. Given the definition of "benefit", do we need to say "private economic" as well?

3. AS 24.61.205(d) may be unconstitutionally vague and unenforceable.

4. As to money received that does not meet the requirements of AS 24.61.220(d) and can't be deposited, what happens to

it? Does it have to be returned? Can it be used for the campaign if otherwise permissible?

5. AS 24.61.320(a) seems inconsistent with other, related provisions of the chapter in that it places a dollar threshold on the interest, while the chapter generally applies to any level of benefit (except for gifts, etc. of relatively little value). What is the rationale for treating this potential benefit differently than all others are treated?

6. In AS 24.61.340(b) there is a provision that authorizes the commission to void a contract. The commission probably can't do that. However, it could require the legislator or legislative employee to withdraw from the contract.

7. In AS 24.61.340(f) a definition of "extensively" would help (there is a criminal penalty attached to a violation, so it needs to be clear).

8. AS 24.61.350 is generally very confusing as it is cast. The problem is, in essence, that gratuities are generally allowed if they total less than \$100 from a single source in a year and are reported, but then a laundry list of items that are "not subject to the \$100 limit" is brought into the picture in (c), and many items on that list are set out in a manner that creates tension with the basic precept set out in (b). The entire section needs to be carefully pulled apart and reconstructed so that it can be understood by all.

9. AS 24.61.350(c)(6) would benefit if a dollar amount was substituted for "lavish and excessive." As you know, what is lavish to one person may be quite reasonable to another, etc.

10. Does AS 24.61.350(c)(9) rule out house-sitting? As you know, that is frequently done here, given the housing situation and the fact that people often go south for extended vacations in the winter, leaving pets, house plants, etc., behind.

11. Should the conduct described in AS 24.61.380(e) really be subject to a criminal penalty? Given legislative immunity, it is unlikely that any prosecution could be successfully pursued.

12. AS 24.61.415 would benefit if "compensation" were defined. Many of the problems we discussed in the context

Senator Jan Faiks
Page 3
April 18, 1990

of category A and B income could be solved if we approached this set of provisions from a slightly different perspective. Rather than categorize income, categorize the source, and define the type of income we are worried about, e.g., income for personal services vs. investment income.

13. Note that I have eliminated many separate provisions (typically subsections) that treated false or late disclosures, and revised AS 24.61.420 to cover all disclosures under AS 24.61.100 - 24.61.420. This provision would be vastly improved by setting a definite time deadline in lieu of "unreasonably delayed."

14. Note also my changes in AS 24.61.535(g)(1) and 24.61.545(a) and (d) in which I narrowed the language to include only violations of "provisions of this chapter for which civil or administrative sanctions are authorized." I did this for several reasons. First, given the fact that essentially every provision that prohibits specific behavior contains a penalty provision, the courts may very well interpret the balance of the chapter as being without a specific remedy. Second, because a lot of the provisions are "noble ideas" and "lofty goals" rather than prescriptions for behavior, they are probably unenforceable even if a penalty were provided. In any event, please review that change carefully to see if you agree.

15. Finally, I rewrote AS 24.61.900 to narrow its reach. I was very concerned about the interaction with criminal laws under AS 11 and other laws, including some in AS 39, that may be available to prosecute an errant staffer or member.

From this point forward, I will be back to revising and John Gaguine will be working with you on the bill. If you have any questions about this draft, however, please feel free to contact me. I am certain that we haven't discovered and/or dealt with all of the problems.

DRD:gc
G14/009

Enclosure

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

RECEIVED APR 19 1990

MEMORANDUM

April 20, 1990

SUBJECT: Changes in most recent version of CSSB 415

TO: Members of the joint committee on the ethics bill

FROM: John B. Gaguine *JBG*
Legislative Counsel

The Senate Judiciary Committee last week reported out CSSB 415 (Jud). This bill was the Michael Josephson ethics bill, with a number of changes. At the judiciary committee meeting, Dave Dierdorff discussed a number of problems that he saw in the bill, and that Laurie Otto of the Department of Law had commented on. As a result, Mr. Dierdorff was directed to do a further draft of the bill addressing these problems. The result was CSSB 415 (), Work Order 6-2007H (4/18/90).

In order to enable the committee to understand the changes the bill has gone through, I am attaching several memoranda on the bill. First, there is a memo from me to Representative Boucher, dated April 12, that details the changes between CSSB 415 and the basic Josephson bill (HB 596). Next there is a memo from Mr. Dierdorff to Senator Faiks, dated April 11, setting forth some of the problems he saw with the bill; this memo was the basis of his discussion at the Judiciary Committee hearing. Finally, there is a memo from Mr. Dierdorff to Senator Faiks, dated April 18, that discusses further changes that he believes should be considered.

In this memo I will try to point out the major differences between CSSB 415 () and CSSB 415 (Jud).

Many of the differences between the two versions involve an attempt to make sure that AS 24.61 does not make a misdemeanor conduct that is a felony under AS 11, or does not eliminate criminal penalties altogether for conduct that is criminal under AS 11. Dave Dierdorff's April 11 memo discusses this issue. In order to achieve this goal, he has

altered CSSB 415 (Jud) in AS 24.61.110(a) and (b), 24.61.-130(a) and (b), 24.61.140(b) and (g), 24.61.180(f), 24.61.-230(d), 24.61.340(g), 24.61.350(e), and 24.61.420(b). In addition, he has deleted the numerous references throughout AS 24.61 to giving false or incomplete information, and incorporated this into one statute, AS 24.61.420.

Other significant changes are as follows (page references are to CSSB 415 ()):

Page 8, line 20: AS 24.61.110(a) is changed by adding "agree to accept" on line 22, and by specifying that the section does not preclude the acceptance of lawful gratuities.

Page 9, line 12: Delete "undue influence or" before bribery; there are no undue influence laws.

Page 10, line 9, after first sentence: Add a new sentence to read "This subsection does not authorize an employee on government time to perform services for the private gain or advantage of the legislator or legislative employee."

Page 10, line 28, after first sentence: Add a new sentence to read "This subsection does not prohibit the use of mailing lists or computer data lawfully obtained from a government agency and available to the general public for nongovernmental purposes."

Page 12, line 7: "are intended" used to read "clearly appeared to be primarily intended".

Page 14, line 7: References to confidential information have been removed from AS 24.61.170, since it is a crime to misuse confidential information for any reason, not just private gain.

Page 14, line 20: Delete "unwarranted" before private.

Page 15, line 9: Delete "otherwise proper" before recommendation.

Page 16, line 4: The prohibition in (b) is changed to limit only paid lobbying; volunteer lobbying or representation is now allowed.

Page 16, line 14: The definition in (c) is expanded to cover legislative assistants to the legislators listed in (c).

Page 16, line 25: Delete "unduly" before exploited.

Page 17, line 14: The first sentence of AS 24.61.202, about reasonable and necessary use of campaign funds, has been moved to here from AS 24.61.205(c). In 205(c) it carried a criminal sanction, which was obviously inappropriate for such a vague proscription.

Page 18, line 18: "unjustly enrich" inserted; otherwise the subsection could be read to prohibit any campaign spending.

Page 24, line 6: insert "regular or special", for clarity.

Page 24, line 23: Subsection (d) is new.

Page 33, line 24: Delete reference to "inside" information; this term seems no different than nonpublic.

Page 36, line 5: Add sentence that reads "In addition, the commission shall report the violation to the attorney general for action under other civil or criminal laws."

Page 37, page 1: Delete "solicit" after may not. It is never proper to solicit a gift.

Page 62, line 1, and page 66, lines 4 and 26: after chapter insert "for which civil or administrative sanctions are authorized".

Page 72, line 10: Delete former first sentence of (a), which read "The attorney general shall assist the commission and the legislature in enforcing all lawful orders and sanctions."

Page 77, line 26: Delete part at end of (a) that read "and specific Alaska statutes including former AS 24.60, and all other laws that are inconsistent or incompatible with a provision of this chapter." Dave Dierdorff noted in his April 18 memo that he was concerned about the interaction of AS 24.61 with the criminal laws under AS 11 and some other laws, including those in AS 39, that might be applicable. Leaving in the language cited above might have precluded application of those laws.

Page 82, line 15: The definition of "intent to influence legislative, administrative, or political action" is rewritten. The former definition made it illegal to bribe someone

Member of the joint committee on the ethics bill
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to change his or her mind, but okay to bribe in order to ensure that the person adhered to a previously announced position.

Page 83, line 21: The definition of "nonpublic information" is limited to information that a person obtained as a result of legislative duties.

Page 83, following line 13: Delete former definitions of "unofficial compensation" and "unwarranted benefit". These terms are not used in the revised version.

JBG:pl
WKP4/069

Enclosures

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

COPY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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MEMORANDUM

April 12, 1990

SUBJECT: Differences between House and Senate ethics bills

TO: Representative H.A. "Red" Boucher
Chair, State Affairs Committee

FROM: John B. Gaguine *JB*
Legislative Counsel

Here is a list of the differences between the House ethics bill, HB 596, and the Senate bill, CSSB 415 (Jud). The list may not include every technical change, but I believe that it encompasses every substantial difference. It is keyed to HB 596.

Page 10, line 13, after "use": insert "or authorize the use of". There is a related change, discussed below, at page 85, following line 23.

Page 10, line 16: delete "the outcome of an election", and insert "the election of a candidate in an election".

Page 10, line 23: The Senate version of (d) also allows for production of a newsletter from public funds above and beyond the office allowance, but authorizes two newsletters a year. It also provides, in AS 24.10.110, that additional newsletters could not be funded out of the office allowance.

Page 11, line 18, and page 12, line 11: delete "the outcome of an election", and insert "the election of a candidate in an election".

Page 12, line 5, before "mail": insert "solicitations by".

Page 12, line 7: insert a new phrase at the end of (3) that reads "if an unsolicited contribution is received in the mail, or a lawfully solicited contribution is misdi-

rected to an office ordinarily used to conduct state business, if otherwise lawful it may be accepted but it may not be processed in that office and it shall be delivered promptly to the appropriate location".

Page 12, line 18: delete "improper", and insert after "tasks" on the next line "in violation of this chapter".

Page 12, line 22: a similar change: delete "improper", insert "prohibited".

Page 13, line 18: insert a new sentence at the end of (a) to read: "This subsection does not allow the disclosure of information made confidential by law."

Page 14, following line 24: insert a new subsection (e) to read: "The legislative council shall adopt a written definition of "official letterhead" for purposes of this section."

Page 16, following line 1: The Senate version introduces a new subsection (e) that would allow an aide, but not a legislator, to go to work for another government agency if the aide obtains an exemption from the commission. It is narrower than the amendment by Representative Finkelstein adopted by the committee.

Page 17, line 26: delete "irrevocably pledged during a campaign or campaign money sent before a final election", insert "received or postmarked before a final election".

Page 18, line 29, after "contribution": insert "in excess of \$100 in the aggregate a year". A similar change is made on page 20, line 27 (legal defense fund).

Page 19, line 29: Legislative employees are also allowed to establish legal defense funds.

Page 21, line 3: insert two new sentences at the end of (g), to read:

Except for the provisions of this chapter relating to the times during which political contributions may be solicited or accepted, and provisions inconsistent with specific provisions of this section, this chapter applies to the solicitation and acceptance of funds under this section. The commission may adopt regulations limiting the dollar amount of contributions under this section.

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Page 31, line 21: delete the sentence relating to legislative stays. In a related change, the Senate version amends AS 24.40.020 and 24.40.031, the legislative stay provisions, to allow stays only when the legislator is a party or a witness, and not an attorney.

Page 37, lines 22-29: The Senate version rewrites paragraphs (4) and (5) as follows:

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

(5) unsolicited subscriptions to publications, including newspapers and magazines, with a market value of less than \$100 for the duration of a legislative session;

Page 38, lines 25-26; delete "may not exceed two nights and the gratuity."

Page 45, following line 19: insert a new subsection (d) to read:

(d) The commission shall adopt regulations relating to the definitions of category A and B income and the reporting requirements imposed by AS 24.61.400 - 24.61.420. The regulations must include provisions that distinguish between income received for personal services, income received from the ownership of property, income received directly by the legislator or legislative assistant, and income received by an entity in which the legislator or legislative assistant has an ownership interest. The regulations may exclude from category A income, income from sources such as interest on deposit accounts in regulated financial institutions.

Page 53, line 27: delete "Five", insert "Six".

Page 79, line 29: delete "\$150", insert "\$100".

Page 80, line 6: delete "on an annual basis", insert "during a legislative session".

Page 85, following line 23: The Senate version adds a new paragraph to AS 24.45.121(a), prohibitions on lobbyists,

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so that lobbyists may not "use state property or resources in the conduct of the lobbyist's business; this paragraph does not apply to a state employee whose official duties require the employee to register as a lobbyist."

Finally, the Senate version has quite different effective dates. Generally it makes the provisions establishing the commission and requiring Legislative Council to adopt regulations effective on June 1, 1990; the provisions about campaign financing, including the prohibition on post-election contributions, effective on the date of the November election this year; and the rest of the bill, including the new conflict-of-interest provisions and the repeal of the current ethics law, effective on the first day of the Seventeenth Legislature.

I will be glad to discuss these changes, and the reasons why I believe that the Senate made them, at the next committee meeting.

JBG:pl
WKP4/059

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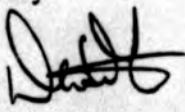
POUCH Y STATE CAPITOL
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MEMORANDUM

April 11, 1990

SUBJECT: Potential Problems in CSSB 415(Judiciary)

TO: Senator Jan Faiks
Chair, Senate Judiciary

FROM: David R. Dierdorff 
Revisor of Statutes

You have asked for a memo discussing problems we have noted in the Ethics Act. Our review of this bill has not been as thorough as we like. The items noted in this memo are those which were relatively obvious in a cursory reading of the bill. We have previously discussed the interaction of this bill with AS 15.13 and other election laws, and with AS 39.50. Dick Bradley should be consulted with respect to the election laws, and John Gaguine is reviewing the interaction with AS 39.50 as well as other aspects of this bill. I focused on criminal provisions and on drafting clarity in general. The Department of Law should be asked to review the criminal provisions to assure that all problems have been brought to light.

Criminal Sanctions Generally. Because of the extremely broad interpretation of legislative immunity in Alaska, it is unlikely that a criminal prosecution against a legislator for a violation of specific provisions of the Ethics Act under many circumstances could proceed. However, immunity does not prevent the legislature from punishing an errant member. If, however, a member resigned before being expelled, for example, there is probably little that could be done to bring the member to justice, either in the courts or in the legislature, unless the constitution was amended to

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narrow immunity to a "speech or debate" type of immunity. Consequently, each criminal sanction in AS 24.61 should be viewed as potentially unenforceable as to legislators.

AS 24.61.110. The conduct proscribed by subsection (a) is already illegal in Alaska. Furthermore, existing law is more restrictive than the Josephson proposal. AS 11.56.120 makes it a class A misdemeanor for a public servant to solicit a benefit of any value (above normal compensation) for having performed an authorized or required act, or to accept or agree to accept a benefit worth \$50 or more. Because of the definition of "anything of value" (in AS 24.61.990), AS 24.61.110(a) allows a legislator or employee to accept certain benefits that are worth up to \$100 (the only exception to the existing criminal law is campaign contributions).

If it is important to leave this provision in AS 24.61, it must be rewritten. The provision prohibits a legislator or employee from seeking anything of value as a result of proper performance of the person's public duties. Read strictly, it prevents a person from seeking their official compensation, or asking for a raise. Because there is a criminal penalty, it must be clarified. Language could be added to the definition to ensure that official compensation is not included in "anything of value," or the subsection could be rewritten to read:

(a) A legislator or legislative employee may not solicit, agree to accept, or accept a benefit other than official compensation for the proper performance of public responsibilities. This subsection may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions. A person who violates this subsection is guilty of receiving unlawful gratuities under AS 11.56.120 and is subject to civil sanctions under AS 24.61.560(a).

Because the definition of benefit for AS 24.61 excludes certain unsolicited gifts or awards with a value of less than \$100, it would be possible for a person to violate AS 11.56.120 but not violate AS 24.61.110 (by accepting a token of appreciation worth \$50 to \$99). The dollar amounts allowed ought to be reviewed.

Subsection (b) of AS 24.61.110 describes the crime of receiving a bribe, which is a class B felony under AS 11.56.110. Under AS 24.61.110(a), it is only a class A misdemeanor. Thus, this needs to be rewritten along the lines of (a), or deleted.

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Subsection (c) could be deleted if (a) and (b) are rewritten as suggested.

AS 24.61.120. The words "undue influence and" on page 9, line 9 need to be deleted. The offeror is guilty of bribery under AS 11.56.100, not undue influence (there are no such laws). It is bribery to offer, as well as to confer or agree to confer, a benefit with the intent of influencing official conduct. There is no dollar limit on the value of the benefit. It is a class B felony.

AS 24.61.130. The proscriptions of this section include conduct that could be prosecuted as theft of services under AS 11.46, and conduct that could be prosecuted as tampering with public records under AS 11.56.815. In both instances, it is possible that felonious conduct under those provisions could only be prosecuted as a class A misdemeanor because of this provision. There is also some tension between unsworn falsification and this section, but at least they are both class A misdemeanors.

In subsection (c), the words "not directly related to the official duties of the legislator or legislative employee" need to be deleted. With that language included, the provision suggests that it is proper to use a legislative employee on government time to aid a private activity that is directly related to the official duties of the legislator or legislative employee. Because there is a criminal sanction for a violation of this provision, it needs to be carefully drafted.

AS 24.61.140. Subsection (b) needs language to ensure that it is still okay to purchase and use government lists and computer data (e.g. voter registration lists) in a campaign.

AS 24.61.150. Given the nature of Article 1 of this chapter, and the purpose of this provision, the language "in violation of this chapter" should probably be narrowed to "in violation of AS 24.61.100 - 24.61.460." (This was my substitution for "improper.")

AS 24.61.170. It is already against the law to use confidential information for private gain or in any other unauthorized manner (AS 11.56.860). The reference to confidential on line 22 should be deleted. The exception language on lines 21 - 22 should also be deleted. It suggests that it is okay to use or disclose nonpublic information for private gain in the

Senator Jan Faiks

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performance of official duties. Again, because there are criminal sanctions, this provision needs to be carefully reviewed and drafted.

AS 24.61.180. The word "unwarranted" needs to be deleted. Unwarranted benefits are defined as those obtained through improper use of office. Thus, as drafted the section prohibits the improper use of office to gain benefits obtained through improper use of office. The crime of official misconduct under AS 11.56.850 covers the conduct described in subsection (a).

AS 24.61.190. Subsection (b) needs to be restricted to compensated activities. A former legislator or assistant has a constitutional right to seek to influence legislative or other government action on his or her own behalf that cannot be diminished by law. Civil sanctions under AS 24.61.560(a) are authorized to penalize persons violating this section, but there are no provisions in AS 24.61 implementing sanctions against former employees. I understand from Mr. Josephson that this was a deliberate decision. This means that as to former employees, the only sanction is prosecution of a violation as a class A misdemeanor. Consequently, the section needs to be carefully reviewed to ensure a criminal prosecution can be sustained. As to former legislators, the legislature is given authority under AS 24.61.565 to impose civil sanctions, presumably some form of monetary penalty, and a former legislator may also be prosecuted for a criminal violation.

AS 24.61.205. Subsection (c) needs to be reviewed carefully, given the fact that it is a class A misdemeanor to violate this provision. Who is to determine whether an expenditure is "reasonable and necessary" to advance the campaign? What if it is reasonable, but not really necessary? If a candidate is unopposed, is it ever reasonable and necessary to spend any money on a campaign?

Subsection (d) has a prohibition against using campaign funds in a way that would cause one to believe that the funds were for the personal financial benefit of "another person" (in addition to the candidate or the candidate's immediate family). But aren't funds paid to a business for campaign materials or to an individual for personal services for the personal financial benefit of the business or the person providing the service? Because there is a criminal penalty, this provision needs to be rewritten to narrow its scope to inappropriate personal benefits.

Senator Jan Faiks

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AS 24.61.240. Subsection (b) prohibits a legislator from being otherwise "involved in a fund raising activity * * * for another person or cause" during session. What is meant by "involved in?" Does this prohibit a legislator from attending the annual legislative dinner and skit, or is the prohibition merely against active participation in soliciting contributions. And what is meant by "another cause?" Does this mean a legislator is prohibited from helping raise money for a legitimate charity, as was done this year with the golf tournament? There is a criminal penalty attached to a violation, so it is important to clarify this. I note that a provision in the definitions appears to allow a legislator to solicit for charities. See AS 24.61.990(2)(B)(vi).

AS 24.61.350. This section has some of the same problems discussed in connection with AS 24.61.110. It would seem to authorize some conduct that is now illegal under AS 11.56.120.

AS 24.61.380. Because this section applies only to actions by legislators and carries a criminal penalty, it needs to be carefully reviewed in the context of legislative immunity as well as for clarity in defining the proscribed conduct.

AS 24.61.960. A sentence should be added stating that a violation of this section subjects the violator to prosecution under AS 11.56.860.

AS 24.61.990(9). The definition of "immediate family" is broader than similar provisions in AS 24.60, which did not include grandparents or grandchildren, and AS 24.45, which includes only the spouse and dependent children. Given the interaction between AS 24.45 and AS 24.61, the definition should be reviewed.

AS 24.61.990(11). The definition of "intent to influence" covers acts intended to change an official's position, but not those intended to reinforce existing positions. This loophole needs to be closed.

AS 24.61.990(17). This definition needs to be changed by deleting "results" on page 83, lines 23 - 24 and inserting "is likely to result".

AS 24.61.990(23). The term "unofficial compensation" is not used in this draft, so the definition should be deleted.

Senator Jan Faiks
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AS 24.61.990(24). The term "unwarranted compensation" is only used twice, once in AS 24.61.180, where I recommended deletion, and once in another definition, AS 24.61.990(17). If the latter usage is retained, the definition should be moved to that paragraph. In any event, it needs to be rewritten.

DRD:lmb
900009.lmb

cc: Sen. Pat Pourchot

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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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MEMORANDUM

April 18, 1990

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TO: Senator Jan Faiks, Chair
Senate Judiciary Committee

FROM: David R. Dierdorff
Revisor of Statutes

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I have several items I want to bring to your attention. Most of them are in the nature of policy questions that the legislature should address if this is to be a workable law.

1. In AS 24.61.170 and a few other locations, the term "nonpublic" used. Even though it is defined for the chapter, given our public records laws isn't it a given that in this state material is either confidential or public? If there is a grey area of "nonpublic" but nonconfidential information, we need to do a better job of defining it than is done in this draft.

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9. AS 24.61.350(c)(6) would benefit if a dollar amount was substituted for "lavish and excessive." As you know, what is lavish to one person may be quite reasonable to another, etc.

10. Does AS 24.61.350(c)(9) rule out house-sitting? As you know, that is frequently done here, given the housing situation and the fact that people often go south for extended vacations in the winter, leaving pets, house plants, etc., behind.

11. Should the conduct described in AS 24.61.380(e) really be subject to a criminal penalty? Given legislative immunity, it is unlikely that any prosecution could be successfully pursued.

12. AS 24.61.415 would benefit if "compensation" were defined. Many of the problems we discussed in the context

Senator Jan Faiks
Page 3
April 18, 1990

of category A and B income could be solved if we approached this set of provisions from a slightly different perspective. Rather than categorize income, categorize the source, and define the type of income we are worried about, e.g., income for personal services vs. investment income.

13. Note that I have eliminated many separate provisions (typically subsections) that treated false or late disclosures, and revised AS 24.61.420 to cover all disclosures under AS 24.61.100 - 24.61.420. This provision would be vastly improved by setting a definite time deadline in lieu of "unreasonably delayed."

14. Note also my changes in AS 24.61.535(g)(1) and 24.61.545(a) and (d) in which I narrowed the language to include only violations of "provisions of this chapter for which civil or administrative sanctions are authorized." I did this for several reasons. First, given the fact that essentially every provision that prohibits specific behavior contains a penalty provision, the courts may very well interpret the balance of the chapter as being without a specific remedy. Second, because a lot of the provisions are "noble ideas" and "lofty goals" rather than prescriptions for behavior, they are probably unenforceable even if a penalty were provided. In any event, please review that change carefully to see if you agree.

15. Finally, I rewrote AS 24.61.900 to narrow its reach. I was very concerned about the interaction with criminal laws under AS 11 and other laws, including some in AS 39, that may be available to prosecute an errant staffer or member.

From this point forward, I will be back to revising and John Gaguine will be working with you on the bill. If you have any questions about this draft, however, please feel free to contact me. I am certain that we haven't discovered and/or dealt with all of the problems.

DRD:gc
G14/009

Enclosure

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MAY 2 1990

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
207 465 3800

MEMORANDUM

May 2, 1990

SUBJECT: Sectional analysis of CSSB 415 (Legislative Ethics)

TO: Senator John Binkley
Senator Rick Uehling
Co-Chairs, Senate Finance Committee

FROM: John B. Gaguine
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 HB 596.

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 and eight general principles to be followed in interpreting the law. The article notes, in AS 24.61.020, that these principles are "broader and more philosophical than the standards of conduct and, therefore, not amenable to strict enforcement." Nevertheless, the principles "shall be regarded as an integral part" of the law. The principles are:

1. Good faith commitment to advance the purpose of the ethics laws
2. Nonpartisanship - consideration of ethics matters only on their merits

3. Public trust - duty to avoid perception that legislators are acting for selfish motives
4. Public interest - duty to avoid putting narrow interests over general public good
5. Accountability to public
6. Representative democracy - duty to avoid abuse of procedural powers and arbitrary use of authority
7. Respectability - duty not to discredit legislature and not to treat others unfairly
8. Independent judgment, free from conflicts of interest and both real and perceived improper influences

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:

- 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

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- AS 24.61.170 prohibits the use of nonpublic (so-called "inside") and confidential information for private gain

- 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 and aides, for a period of one year after leaving legislative service, from lobbying the legislature, and bans certain key legislators from administratively lobbying in connection with matters or agencies over which they had influence

- 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), paid campaign expenses, and the payment of fines, and election campaign contributions

- AS 24.61.210 restricts the use of campaign funds to retiring loans, returning contributions to contributors on a pro rata basis, donating them to the state, a municipality, or a charity, and, within monetary limits, transferring them to an ongoing political account or office expense 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 to disclose their membership, and prohibits aides from serving on most elected local government boards and 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 their family members from entering into state contracts or leases other than those competitively bid, of a small amount, or standardized; the section is similar to current AS 24.60.040

- 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, 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, with one major exception: a legislator or legislative employee would no longer be allowed to have travel on matters on legislative concern paid by a nongovernmental entity with a substantial interest in the legislator's or employee's activities

- 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 requires legislators and employees to police the legislative system and 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 and personal relationships between legislators and legislative employees and persons with interests before the legislature. AS 24.61.250 states a general rule that legislators and legislative employees should avoid financial relationships and transactions that might compromise or appear to compromise them. 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. AS 24.61.280 states that personal relationship conflicts of interest can be damaging to the public trust, but generally are dealt with as a matter of voluntary restraint.

Article 3 establishes the Legislative Ethics Commission, consisting of nine public members appointed by all three branches of government, and subject to decertification by the legislature. It 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 in HB 451); it also authorizes the commission to grant exceptions to the prohibitions of AS 24.61.

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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 sets forth a principle of strict compliance (AS 24.61.920), and 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 - 13 eliminate current provisions of law that allow an attorney-legislator who represents a client to get an automatic stay of a court case during the session.

Sections 14 - 16 are additions to the regulation of lobbying chapter to ensure compliance with the ethics education for lobbyists provisions.

Section 17 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 18 places the executive director and staff of the legislative ethics commission in the exempt service.

Section 19 - 20 transfer the authority for handling financial disclosure statements of legislators and legislative candidates from APOC to the ethics commission.

Section 21 makes a technical change.

Section 22 repeals the current legislative ethics law, AS 24.-60, and three provisions that make AS 39.50 applicable to legislators.

Section 23 provides for terms of varying length of the initial commission appointees, in order to stagger terms.

Section 24 provides that the initial ethics courses and seminars provided for by the act will be held in January and February, 1991.

Section 25 provides that the Legislative Council make its proposals to the Legislative Ethics Commission for adoption as regulations required by the act by January 1, 1991.

Section 26 provides that, notwithstanding the repeal of AS 24.60, the Legislative Ethics Commission may consider complaints under AS 24.60 that arise before January 21, 1991 (the effective date of most of AS 24.61), but that are not filed until after that date.

Section 27 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 28 makes effective on July 1, 1990, the portions of the bill establishing the commission and requiring it to

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adopt regulations and begin the ethics education process.
It also makes sections 23 - 25 effective on July 1.

Section 29 makes AS 24.61.200 - 24.61.240 (primarily campaign financing sections) effective on November 6, 1990, the day after the election.

Section 30 makes the remainder of the bill, including the new standards of conduct and the repeal of AS 24.60, effective on January 21, 1991 (the date that the Seventeenth Legislature convenes).

JG:mi:pl
WKP4/104

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

1 IN THE SENATE
2 CS FOR SENATE BILL NO. 415 (Leg. Ethics)
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. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES.
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 ethical 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 ingness 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 advoca-
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) therefore, the state needs a comprehensive ethics
14 program that responds to the challenges of the contemporary political
15 climate, preserves and protects the integrity of the legislative
16 process, and respects the needs of those who serve the legislature.

17 Sec. 24.61.020. PREAMBLE TO STATEMENT OF ETHICAL PRINCIPLES.
18 AS 24.61.025 - 24.61.060 state the overarching ethical principles of
19 legislative ethics. They are, by nature, broader and more philosoph-
20 ical than the standards of conduct and, therefore, not amenable to
21 strict enforcement. Their purpose is not to provide additional bases
22 of punishment, but to establish the theoretical and moral foundation
23 for the standards of conduct and to provide explicit guidance and
24 direction for those who wish to follow the ethical high road, not
25 simply out of fear of punishment but out of commitment and conscience.
26 These principles also establish criteria for interpretation and en-
27 forcement of the principles themselves and the standards of conduct
28 that follow. The principles shall be regarded as an integral part of
29 this chapter.

1 Sec. 24.61.025. PRINCIPLE OF GOOD FAITH. Each provision of this
2 chapter shall be construed and implemented with sincerity, integrity,
3 and a good faith commitment to advance rather than evade the purpose
4 and spirit of the provision.

5 Sec. 24.61.030. PRINCIPLE OF NONPARTISANSHIP. All actions,
6 decisions, and votes on matters relating to this chapter shall be made
7 on their merits. Decisions shall be made objectively and independent-
8 ly, and without party, regional, or ideological partisanship.

9 Sec. 24.61.035. PRINCIPLES OF PUBLIC TRUST. (a) Legislators
10 and legislative employees shall act so as to ensure the reality and
11 perception that the legislature is conducted according to the highest
12 principles of representative democracy and is worthy of public re-
13 spect, trust, and support.

14 (b) Legislators and legislative employees may not engage in
15 conduct that they know or reasonably should know is likely to create
16 in the minds of reasonable, objective, fair-minded observers the
17 perception that they have used their public position improperly or
18 otherwise have not conducted themselves in accordance with the ethical
19 principles and standards of conduct of this chapter.

20 Sec. 24.61.040. PRINCIPLES OF PUBLIC INTEREST. (a) Legislators
21 and legislative employees shall treat their government positions as a
22 public trust, using the powers and resources of public office only to
23 advance public interests, and not to attain personal benefits or
24 pursue other private interests incompatible with the public good.

25 (b) In pursuing the public interest, legislators and legislative
26 employees shall scrupulously observe and abide by the United States
27 and Alaska constitutions, all applicable laws, and democratic pro-
28 cesses.

29 (c) In pursuing the public interest, legislators and legislative

1 employees should

2 (1) put loyalty to democratic principles and to their
3 conscientious convictions about the overall public good above loyalty
4 to political party, narrow constituency, and individual interests that
5 are inconsistent with the general public interest;

6 (2) allocate public funds and formulate general public
7 policies only after evaluating information objectively and deciding
8 what is best for the public as a whole, not just for a narrow constit-
9 uency;

10 (3) take whatever steps are necessary to safeguard and
11 protect the reputation of state government and the integrity and
12 efficiency of their office, subordinating the interests of superiors,
13 colleagues, and friends to the interests of the state.

14 Sec. 24.61.045. PRINCIPLE OF ACCOUNTABILITY. (a) Legislators
15 and legislative employees shall ensure that government is conducted
16 openly, efficiently, equitably, and honorably in a manner that permits
17 the citizenry to make informed judgments and hold government officials
18 accountable.

19 (b) Legislators and legislative employees who believe that a
20 law, policy, or rule of a house is not achieving its intended purpose,
21 is creating unintended harms, or is wasteful or inefficient, shall
22 take affirmative steps to improve procedures in a way that will in-
23 crease the fairness and quality of government services and assure that
24 policies are implemented equitably, efficiently, and economically.

25 Sec. 24.61.050. PRINCIPLE OF REPRESENTATIVE DEMOCRACY. (a)
26 Legislators and legislative employees shall honor and respect the
27 principles and spirit of representative democracy and set a positive
28 example of good citizenship by scrupulously observing the letter and
29 spirit of laws and rules.

1 (b) A legislator or legislative employee may not knowingly use
2 improper artifices or schemes to circumvent the clear purpose of this
3 chapter or another law, use procedural powers or processes in a way
4 that prevents appropriate consideration of a matter, or exercise
5 leadership authority and power arbitrarily, arrogantly, or in another
6 way that violates the spirit of representative democracy.

7 Sec. 24.61.055. PRINCIPLE OF RESPECTABILITY; CONDUCT BEFITTING
8 THE LEGISLATURE. (a) Legislators and legislative employees shall
9 safeguard public confidence in the integrity of government by not
10 engaging in conduct that prevents them from carrying out their public
11 duties or that unreasonably casts discredit on the legislature.

12 (b) A legislator or legislative employee may not knowingly
13 engage in conduct that violates the rights of others to be treated
14 fairly, and with dignity and respect.

15 Sec. 24.61.060. PRINCIPLE OF INDEPENDENT JUDGMENT. (a) Legis-
16 lators and legislative employees shall employ independent objective
17 judgment in performing their duties and shall decide all matters on
18 the merits.

19 (b) Legislators and legislative employees should avoid trans-
20 actions and relationships that create conflicts of interest and both
21 real and apparent improper influences. Where the interests and influ-
22 ences are unavoidable, legislators and legislative employees shall
23 subordinate other interests to their public duties.

24 (c) Legislators and legislative employees shall exercise their
25 powers and prerogatives without prejudice or favoritism. A legislator
26 or legislative employee may not use public authority simply to reward
27 relatives, friends, or political supporters or to hinder or punish
28 enemies and opponents.

29 (d) Legislators who, directly or indirectly, intervene in an

1 administrative consideration, action, or proceeding, should explicitly
2 convey to the administrator involved that the administrator is ex-
3 pected to make an independent judgment and that no advantage or dis-
4 advantage to the administrator or the agency will result from a favor-
5 able or unfavorable disposition.

6 ARTICLE 2. STANDARDS OF CONDUCT.

7 Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL
8 PRINCIPLE. Inherent in the concept that public office is a public
9 trust is the principle that legislators and legislative employees
10 refrain from using or attempting to use their government position to
11 attain

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

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

17 (3) benefit for social or business associates, political
18 contributors, corporations, or other organizations in which the public
19 servant is involved; or

20 (4) political advantages where the use of office is incon-
21 sistent with the obligation to use public office only to advance the
22 public interest.

23 Sec. 24.61.110. IMPROPER BENEFIT FROM PERFORMANCE OF PUBLIC
24 DUTIES. (a) A legislator or legislative employee may not solicit,
25 agree to accept, or accept a benefit other than official compensation
26 for the performance of public duties. This subsection may not be
27 construed to prohibit lawful solicitation for and acceptance of cam-
28 paign contributions or the acceptance of a lawful gratuity under
29 AS 24.61.350. A person who violates this subsection is guilty of

1 receiving unlawful gratuities under AS 11.56.120 and is subject to
2 civil sanctions under AS 24.61.560(a).

3 (b) A legislator or legislative employee may not accept anything
4 of value under circumstances where the legislator or legislative
5 employee knows or reasonably should know that it is offered with the
6 intent to influence legislative, administrative, or political action.
7 A person who violates this subsection is guilty of receiving a bribe
8 under AS 11.56.110 and is subject to civil sanctions under AS 24.61.-
9 560(a).

10 Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. (a) Legisla-
11 tors and legislative employees who receive an offer of anything of
12 value that reasonably appears to have been intended to improperly
13 influence legislative, administrative, or political action, shall
14 firmly and unequivocally reject the offer and caution the person
15 making it about a possible violation of bribery laws.

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

18 (c) A person who violates this section is subject to the civil
19 sanctions authorized under AS 24.61.560(a).

20 Sec. 24.61.130. MISUSE OF STATE PROPERTY AND RESOURCES FOR
21 PRIVATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
22 employee may not use public funds, time, facilities, equipment, mail-
23 ing lists, computer data, services, or any other government asset or
24 resource for a nongovernmental purpose or for the private gain or
25 advantage of either the legislator, legislative employee, or another
26 person. This subsection does not prohibit (1) the occasional and
27 limited use of state property and resources for personal purposes if
28 the use does not interfere with the performance of public duties, the
29 cost or value related to the use is so nominal that reimbursement

1 procedures would not be justified, and the use does not create the
2 appearance of impropriety or improper influence; or (2) the use of
3 mailing lists, computer data, or other information lawfully obtained
4 from a government agency and available to the public for nongovern-
5 mental purposes. A person who violates this subsection is subject to
6 civil sanctions under AS 24.61.560(a) and may be prosecuted for theft
7 under AS 11.46.

8 (b) A legislator or legislative employee may not seek, accept,
9 use, allocate, grant, or award public funds for a purpose other than
10 that approved by law, or make a false statement in connection with a
11 claim, request, or application for compensation, reimbursement, or
12 travel allowances from public funds. A person who violates this
13 subsection is subject to the civil sanctions authorized under AS 24.-
14 61.560(a) in addition to appropriate criminal penalties under another
15 law.

16 (c) A legislator or legislative employee may not require or
17 permit a legislative employee to perform personal services or assist
18 in a private activity except in unusual and infrequent situations
19 where the person's service is reasonably necessary to permit the
20 legislator or legislative employee to perform official duties. A
21 person who violates this subsection is subject to civil sanctions
22 under AS 24.61.560(a) in addition to appropriate criminal penalties
23 under another law.

24 Sec. 24.61.140. MISUSE OF STATE PROPERTY AND RESOURCES FOR
25 POLITICAL PURPOSES. (a) It is the intent of this section to ensure
26 that public resources, including funds, facilities, and personnel are
27 used only for the good of the public at large and not to further
28 partisan campaign purposes or to influence the outcome of an election;
29 that elections are fair and open and not distorted by the use of

1 public resources to the advantage of individual candidates; and that
2 taxpayers are not forced to subsidize the campaign of an incumbent
3 legislator.

4 (b) A legislator or legislative employee may not use or author-
5 ize the use of public funds, time, facilities, equipment, mailing
6 lists, computer data, services, or another government asset or re-
7 source for the purpose of political fund raising, campaigning, or
8 influencing an election. This subsection does not prohibit the use of
9 mailing lists, computer data, or other public information lawfully
10 obtained from a government agency and available to the general public
11 for nongovernmental purposes. A person who violates this subsection
12 may be prosecuted for theft under AS 11.46.

13 (c) A legislator or legislative employee may not require a
14 legislative employee on government time to assist in political party
15 activities, campaigning, fund raising, or other partisan or personal
16 political activities.

17 (d) The legislative council shall adopt policies relating to a
18 legislator's use of public funds for the production of newsletters or
19 similar publications for distribution to the legislator's constitu-
20 ents. The policies must address the form and content of these publi-
21 cations and must include a requirement that the publications include

22 (1) a brief description of the nature of each bill intro-
23 duced by the legislator as a prime sponsor;

24 (2) an identification of significant bills voted on by the
25 legislator's house and the vote of the legislator; and

26 (3) the name of each significant contributor to the legis-
27 lator's campaign.

28 (e) Unless superseded by policies relating to the use of govern-
29 ment resources for political purposes developed by the legislative

1 council and adopted by the commission as regulations under AS 24.61.-
2 160, the following prohibitions apply:

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

14 (2) unless approved by the commission, public funds may not
15 be used to print or distribute a mass mailing from or about a legisla-
16 tor who is a candidate for reelection to the legislature or another
17 state office during the period beginning 60 days before the primary
18 election in which the legislator is a candidate, and ending the day
19 after a general or special election in which the legislator is a
20 candidate;

21 (3) a legislator, or another person on behalf of the legis-
22 lator, or a campaign committee of the legislator, may not solicit or
23 accept or authorize the solicitation or acceptance of, a campaign
24 contribution in a facility or office ordinarily used to conduct state
25 government business; this provision applies to telephone conversa-
26 tions, personal meetings, and solicitations by mail; if an unsolicited
27 contribution is offered it shall be refused or returned promptly; if
28 an unsolicited contribution is received in the mail, or a lawfully
29 solicited contribution is misdirected to an office ordinarily used to

1 conduct state business, if otherwise lawful it may be accepted but it
2 may not be processed in that office and it shall be delivered promptly
3 to an appropriate location;

4 (4) a legislator, or another person on behalf of the legis-
5 lator, or a campaign committee of the legislator, may not distribute
6 or post literature, placards, posters, or other communications in-
7 tended to influence the election of a candidate in an election in a
8 facility or office ordinarily used to conduct state government busi-
9 ness.

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

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

20 Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM
21 IMPROPER TASKS. (a) A legislative employee who knows or reasonably
22 should know that the employee has been asked to perform a personal or
23 political task in violation of AS 24.61.100 - 24.61.460 shall refuse
24 to perform the task.

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

1 sanctions shall report the matter to the commission.

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

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

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

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

14 Sec. 24.61.170. USE OF NONPUBLIC INFORMATION FOR PRIVATE GAIN.

15 (a) A legislator or legislative employee, or a former legislator or
16 legislative employee who terminated legislative service within one
17 year, may not use or disclose nonpublic information to obtain a bene-
18 fit for the legislator, employee, former legislator or employee, or
19 another person, including a person with whom the legislator, employee,
20 or former legislator or employee is associated or has negotiated pro-
21 spective employment. This subsection does not allow the disclosure of
22 information made confidential by law.

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

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

1 legislator or legislative employee.

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

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

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

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

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

24 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF
25 PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE ASSISTANTS. (a)
26 Legislators may not, for a period of one year after leaving office,
27 act as a lobbyist in seeking to influence a (1) legislator or legisla-
28 tive employee to take or withhold legislative, administrative, or
29 political action; or (2) state agency, public official, or employee to

1 take or withhold official action if the agency is one over which the
2 former legislator had special oversight or budget authority. A person
3 is considered to have had special oversight or budget authority over
4 an agency if the person served, within the last year of the person's
5 legislative term, as the president of the senate, speaker of the
6 house, chair of the finance committee of either house, or as chair of
7 a committee directly concerned on a regular basis with the agency's
8 activities.

9 (b) A legislative assistant may not, for a period of one year
10 after leaving office or legislative employment, act as a lobbyist
11 before the legislature.

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

17 (d) In extraordinary situations, a former legislator or legisla-
18 tive assistant may seek a waiver of a provision of this section under
19 AS 24.61.530.

20 (e) A person who violates (a) - (c) of this section is guilty of
21 a class A misdemeanor and is subject to civil sanctions under AS 24.-
22 61.560(a).

23 Sec. 24.61.200. USE OF CAMPAIGN FUNDS: INTENT. Because the
24 right to solicit and accept funds from the public for the purpose of
25 supporting a person's campaign for office is purely an incident of our
26 democratic political system, the use that can properly be made of
27 campaign funds must be sharply limited to prevent actual misuse and
28 improper appearances of misuse of funds. Legislative campaign funds
29 are received, free of tax liability to the recipient, for the specific

1 purpose of assisting a candidate to get elected or reelected to of-
2 fice. Any other use of funds, whether for personal gain or other
3 purposes not closely related to bona fide campaign expenditures, is
4 improper.

5 Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS. Campaign funds
6 may be used only to advance the interests of the campaign. Campaign
7 funds may be properly expended for an otherwise lawful purpose intend-
8 ed to influence voters to elect or reelect the legislative candidate
9 to the legislature including, but not limited to: payment of staff
10 and consultants; rental of space and equipment for a campaign office;
11 purchase of media time and space; design work; printing of campaign
12 materials; postage; taking polls and interpreting them; telephone
13 installation and usage; costs of distribution of materials; advertis-
14 ing in organizational and club bulletins or other brochures; inscribed
15 promotional materials, including buttons, pencils, pens, and items of
16 clothing; necessary travel and related expenses for the candidate and
17 members of the candidate's staff or immediate family provided that the
18 travel and lodging are directly related to attempts to raise campaign
19 funds or influence voters; victory and thank you celebrations; news-
20 letters and mass mailings promoting the candidate; and payment of
21 attorney fees and other legal expenses incurred in the defense of a
22 civil, criminal, or administrative action arising directly out of the
23 conduct of the campaign or election process or out of the performance
24 of activities within the scope of a candidate's legislative duties.

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

27 (1) use funds raised and designated as campaign funds for
28 the personal benefit of the candidate or another person, or for pay-
29 ment of attorney fees and other legal expenses arising from civil,

1 criminal, or administrative actions based on conduct not directly
2 related to the campaign or official duties;

3 (2) convert surplus campaign funds or interest earned on
4 campaign funds to personal income;

5 (3) seek or claim a tax deduction or other economic benefit
6 for surplus funds disbursed to a charity under law.

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

9 (c) A legislative candidate, or another person on behalf of the
10 legislative candidate, or a campaign committee of the legislative
11 candidate, may not knowingly pay more than the fair market value for
12 goods or services purchased for the campaign.

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

17 (e) Except for funds received or postmarked before a general or
18 special election, a legislative candidate who has won office, and a
19 committee related to the election, may not accept campaign contribu-
20 tions. A post-election contribution must be returned.

21 (f) A legislative candidate and a committee controlled by a
22 legislative candidate may not use campaign funds to make a contribu-
23 tion to another candidate running for office or to a committee sup-
24 porting or opposing a candidate for office.

25 (g) Campaign funds may not be used to pay fines or other mone-
26 tary penalties or costs assessed against a candidate by a court or
27 other body, unless the fine, penalty, or cost is assessed as a result
28 of proscribed actions by a member or employee of a campaign committee
29 or another person acting on behalf of the candidate under

1 circumstances where the candidate did not know of or have reason to
2 know of those actions.

3 Sec. 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. (a) If
4 a legislative candidate ceases to be a candidate or if there remains a
5 balance in the account of the candidate or a committee controlled by
6 the candidate after the date of the election, unexpended funds in
7 excess of the amount allowed under (b) of this section may only be
8 used as provided in (1) - (5) of this subsection or to pay for a
9 victory or thank you party. Within 60 days after the end of the
10 candidacy or the election, unexpended funds shall be

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

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

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

19 (4) donated to one or more organizations that qualify as
20 charitable organizations under 26 U.S.C. 501(c)(3) provided that the
21 charity is not one that is controlled by the candidate or a member of
22 the candidate's immediate family or in which the candidate or a member
23 of the candidate's immediate family is personally involved as a direc-
24 tor, trustee, member of the board, officer, or other position of
25 responsibility;

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

29 (6) transferred, in an amount not to exceed \$1,000, to a

1 legislative office account for expenditures qualifying as business
2 expenses under 26 U.S.C. 162.

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

6 (c) Funds carried over under (b) of this section may be expended
7 for any political purpose for which campaign funds can otherwise
8 properly be used, but they may not be used for a campaign for an
9 office other than the state legislature.

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

11 (a) A legislative candidate, legislator, or legislative employee may
12 establish a legal defense fund to assist with the payment of attorney
13 fees and other costs arising from the legislator's or employee's
14 defense of a civil, criminal, or administrative action brought against
15 the legislator or employee. Contributions to a legal defense fund
16 that meet the requirements of this section are not subject to the
17 restrictions in AS 24.61.350.

18 (b) A legislative candidate, legislator, or legislative employee
19 who wishes to establish a legal defense fund account shall file a
20 statement of organization for the legal defense fund with the commis-
21 sion. The statement of organization must identify the specific civil,
22 criminal, or administrative proceeding or proceedings for which the
23 legal defense fund is established.

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

29 (d) Only a donation that is specifically designated by the donor

1 as being for the legal defense fund and is made payable to the legal
2 defense fund may be deposited in the legal defense fund account. A
3 donation that the recipient believes is intended for the legal defense
4 fund but that does not meet the requirements of this subsection shall
5 be returned to the donor.

6 (e) Expenditures from the legal defense fund account may be made
7 only for legal costs directly related to the civil, criminal, or
8 administrative proceeding or proceedings for which the legal defense
9 fund is established. Expenditures from the legal defense fund account
10 may not be used to pay or reimburse fines, penalties, judgments, or
11 settlements in connection with a criminal prosecution or a civil or
12 administrative action in which the legislative candidate, legislator,
13 or legislative employee is found to have committed, or admits to
14 having committed a violation of the law.

15 (f) Surplus funds remaining in the legal defense fund account
16 after the proceeding or proceedings for which the account is estab-
17 lished have concluded may not be used for another purpose. These
18 funds shall, within six months after the conclusion of the proceeding
19 or proceedings, be

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

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

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

25 (g) This section constitutes the sole means for legislators and
26 legislative employees to solicit or accept donations for legal costs
27 that may not be paid from campaign funds under AS 24.61.202. Except
28 for AS 24.61.240(b) and (c), the provisions of this chapter relating
29 to the solicitation and acceptance of campaign funds apply to the

1 solicitation and acceptance of contributions to a legal defense fund
2 established under this section. The commission may adopt regulations
3 limiting the dollar amount of contributions under this section and
4 shall adopt regulations requiring the disclosure of donors to a legal
5 defense fund.

6 (h) Funds received from fundraising events must be clearly
7 designated in advance as either for campaign purposes or for the legal
8 defense fund and all proceeds shall be dealt with as required by this
9 chapter.

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

12 Sec. 24.61.230. IMPROPER COERCION. (a) Legislators wield
13 substantial power and influence and it is essential that constituents
14 and others interested in their legislative, administrative, and polit-
15 ical actions have, and believe they have, a fair and adequate oppor-
16 tunity to express their concerns, grievances, and ideas without regard
17 to their willingness or ability to provide personal benefits, contrib-
18 ute to particular charitable causes favored by a legislator, or pro-
19 vide financial or other forms of political support.

20 (b) A legislator may not, directly or by authorizing another to
21 act on the legislator's behalf, state or imply that the legislator's
22 consideration of an issue, cause, or piece of legislation, or the
23 legislator's willingness to meet with a person, is dependent on the
24 person making a campaign contribution, donating to a cause favored by
25 the legislator, or providing a thing of value to the legislator.

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

28 (1) agree to, or threaten to take or withhold a legisla-
29 tive, administrative, or political action, including but not limited

1 to support or opposition to a bill, employment, nominations, and
2 appointments, as a result of a person's decision to provide or not
3 provide a political contribution;

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

7 (3) agree to or participate in a scheme or plan intended to
8 evade the requirements of this chapter, a regulation adopted under
9 this chapter, or another financial disclosure provision of state law;
10 or

11 (4) knowingly accept a contribution given or offered in
12 violation of this chapter.

13 (d) Unless the conduct violates a provision of AS 11 and the
14 person is subject to prosecution under that provision, a person who
15 violates (b) or (c) of this section is guilty of a class A misde-
16 meanor.

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

19 Sec. 24.61.240. FUNDRAISING LIMITATIONS. (a) Because the
20 process of campaign fundraising involves activities that take great
21 amounts of time and energy and that tend to place legislators in
22 situations rife with the potential for conflicts of interest, it is
23 the intent of this section that fundraising should be limited in ways
24 that permit legislators to concentrate their attention on public
25 matters.

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

1 host a campaign fundraising event for another person while the legis-
2 lature is in session. This subsection does not prevent fundraising
3 activity for a charitable organization if the activity does not vio-
4 late AS 24.61.230.

5 (c) 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 June 1
13 until December 31 in the year before the year of an election in which
14 they intend to be a candidate, and from June 1 through the general
15 election in November in the year of the election; in this paragraph,
16 "public official" means a person required to file a campaign disclo-
17 sure 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 (d) This section does not prohibit a legislator from making an
24 otherwise lawful contribution or from attending an otherwise lawful
25 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(b) or (c) 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(b) and (c) 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(b) and
9 (c), the legislator is subject to sanctions under AS 24.61.560(a).

10 Sec. 24.61.250. GENERAL OBLIGATION TO AVOID CONFLICTS OF INTER-
11 EST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS.
12 Legislators and legislative employees shall safeguard their ability to
13 make independent, objective, fair, and impartial judgments by avoiding
14 financial relationships and transactions that may compromise or give
15 the appearance of compromising their objectivity, independence, or
16 honesty.

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

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

28 (2) the person's authority in relation to the interest is
29 such that an action or decision is not likely to materially affect the

1 financial interest; or

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

6 Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRA-
7 TIVE, OR POLITICAL ACTION DEFINED. Conflicts of interest arise most
8 often and are most serious when a legislator or legislative employee
9 has a financial or personal relationship with other persons, including
10 governmental entities, that have a substantial interest in legisla-
11 tive, administrative, or political action. Persons, including govern-
12 mental entities, have a substantial interest if they

13 (1) seek employment in the legislative branch or a govern-
14 ment agency or in a private organization in which a legislator or
15 legislative employee is likely to have, or reasonably appears to have,
16 the ability to influence an employment decision;

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

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

25 (4) are lobbyists;

26 (5) employ lobbyists; or

27 (6) represent, with or without compensation, a person or
28 organization described in (1) - (5) of this section.

29 Sec. 24.61.265. CLOSE ECONOMIC ASSOCIATION DEFINED. "Close

1 economic association" refers to a financial relationship between two
2 or more persons that creates economic interests in a legislator or
3 legislative employee that either (1) conflict with public duties and
4 the obligation to exercise objective independent judgment; or (2)
5 create the appearance that the person may have access to confidential
6 information or otherwise receive favored treatment regarding public
7 actions. "Close economic association" includes, but is not limited
8 to, relationships involving compensation as an employee, agent, rep-
9 resentative, counselor, adviser, or consultant, including professional
10 services provided by a lawyer or a financial planner to a client; a
11 financial interest resulting from an investment, business enterprise,
12 or interest in real property as a partner, investor, associate, or
13 major stockholder; a landlord and tenant or co-tenants sharing housing
14 expenses; a debt, loan, or loan guarantee; or another relationship in
15 which a legislator or legislative employee has a substantial economic
16 involvement with another person. In this section, "person" includes
17 governmental entities.

18 Sec. 24.61.270. DEALING WITH FINANCIAL CONFLICTS. Except in the
19 relatively few cases in which certain transactions or relationships
20 are banned by this chapter or where divestiture may be ordered by the
21 commission, conflicts of interest are dealt with primarily as a matter
22 of required public disclosure and voluntary restraint.

23 Sec. 24.61.280. DEALING WITH PERSONAL RELATIONSHIP CONFLICTS OF
24 INTEREST. Except in the very few cases where certain relationships
25 give rise to specific legal limitations, such as the ban on nepotism,
26 personal relationship conflicts are not restricted or subject to
27 mandatory disclosure. However, this makes them no less damaging to
28 public trust. Close personal relationships that raise potential
29 conflicts may be unavoidable but legislators and legislative employees

1 shall ensure that they take no official actions under circumstances
2 where the personal relationship actually impedes the ability to make
3 an independent objective judgment on the merits. Legislators and
4 legislative employees may, but are not required to, disclose to the
5 commission the nature of personal relationships that might create
6 appearances of impropriety and seek informal or formal advice.

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

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

12 (2) in either house in the interim between legislative
13 sessions; or

14 (3) by the commission, whether for compensation or not, at
15 any time.

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

19 (c) In cases where a member of the immediate family of a legis-
20 lator or legislative employee is uniquely qualified to perform a task,
21 or another extraordinary circumstance exists under which it would be
22 in the state's interest to waive the limitation of this section, an
23 exemption may be sought from the commission.

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

26 (e) A person who violates this section is subject to the civil
27 sanctions authorized under AS 24.61.560(a).

28 Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-
29 TORS, LEGISLATIVE CANDIDATES, AND LEGISLATIVE ASSISTANTS. (a) It is

1 important for legislators and legislative assistants to maintain and
2 appear to maintain independence from lobbyists seeking legislative,
3 administrative, and political actions. A legislator or a legislative
4 candidate may not solicit or knowingly permit a lobbyist to actively
5 engage in fundraising activities for a legislative campaign or for a
6 legal expense fund under AS 24.61.220, which activities include (1)
7 serving as a campaign manager or director; (2) serving as a campaign
8 treasurer or deputy campaign treasurer on a finance or fundraising
9 committee; (3) hosting a fundraising event. This subsection may not
10 be construed as prohibiting a lobbyist from making personal contribu-
11 tions to or personally advocating on behalf of a candidate. A legis-
12 lator or a legislative candidate may not seek to evade the purposes of
13 this subsection by soliciting or knowingly permitting a member of a
14 business entity retained to lobby, or an employee of a lobbyist to
15 perform similar fundraising services.

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

25 (c) The written disclosure must state the name of the persons
26 involved, the nature of the association, and a brief narrative of the
27 matters the legislator or legislative assistant is working on that
28 could create an actual conflict of interest. If the commission re-
29 quests additional information it shall be promptly provided.

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

5 (1) keep the matter confidential;

6 (2) recommend some restriction in the activities; or

7 (3) order full or partial disclosure in the journal of the
8 appropriate body.

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

14 (f) A person who violates this section is subject to the civil
15 sanctions authorized under AS 24.61.560(a) and other penalties au-
16 thorized under AS 24.45 (regulation of lobbying).

17 Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS AND
18 OTHER PUBLIC OFFICES. (a) A legislator may not serve on a governing
19 or advisory board of a nongovernmental organization that regularly has
20 a substantial interest in the legislative, administrative, and politi-
21 cal actions of the legislator.

22 (b) A legislative assistant may not serve in an elected public
23 office for which a candidate must file campaign disclosure statements
24 under AS 15.13, and may not serve in a position that requires confir-
25 mation by the legislature. A legislative assistant may serve on a
26 board of an organization, including a governmental entity, that regu-
27 larly has a substantial interest in the legislative activities of the
28 assistant, if the assistant discloses the board membership to the
29 commission. A legislative assistant may not, as part of the

1 assistant's employment, be personally involved in an issue or take a
2 specific action that directly relates to an organization of which the
3 assistant is a board member.

4 (c) In extraordinary situations where the criteria for an ex-
5 emption exists, a legislator or legislative assistant may seek a
6 waiver of the provisions of this section or a modified order from the
7 commission.

8 (d) A person who violates this section is subject to the civil
9 sanctions authorized 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.

23 (c) A person who violates this section is subject to the civil
24 sanctions authorized 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
8 retaining a state or local license, permit, franchise, grant, loan, or
9 other benefit, whether or not other parties contending for the benefit
10 are represented, unless the granting of the benefit is a purely minis-
11 terial 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 nonpublic or 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 this section.

23 (d) A person who violates (a) of this section is subject to the
24 civil sanctions authorized 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 or legislative assis-
28 tant may not be a party to, or have a financial interest in, a state
29 contract or lease unless the contract or lease is permitted under (b),

1 (c), or (d) of this section.

2 (b) A contract is permissible if the contract is let through
3 competitive sealed bidding under AS 36.30 (State Procurement Code) and
4 the legislator or legislative assistant files a statement with the
5 commission before the contract is executed certifying under penalty of
6 unsworn falsification that the legislator or legislative assistant did
7 not have (1) access to nonpublic or confidential information that
8 reasonably could provide an advantage; or (2) discussions or contacts
9 with state officials involved in letting the contract about the con-
10 tract that could influence the decision. The statement must also
11 specify the nature of the legislator's or legislative assistant's per-
12 sonal or immediate family interest, including the percentage or share
13 of profits that will be realized. If the commission requests addi-
14 tional information, it shall be promptly provided. If the commission
15 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 the state or a person that does
8 a substantial portion of its business with the state for goods or
9 personal services concerning a matter on which the legislator or
10 legislative assistant participated personally and substantially within
11 the last year of service.

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

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

22 (b) The commission shall review annually state programs and
23 state loans and publish a list of programs and loans, designating
24 which ones meet the qualifications stated.

25 (c) A legislator or legislative employee who participates in a
26 program or receives a loan that is not exempt from disclosure under
27 (a) of this section shall file a written report with the commission by
28 the first Monday in February of each year stating the amounts of the
29 loans or other benefits received during the preceding calendar year

1 from nonqualifying programs. If the commission requests additional
2 information it shall be promptly provided. The commission shall
3 promptly compile a list of the statements indicating the loans and
4 programs and amounts and send it to the presiding officer of each
5 house who shall have it published in the supplemental journals within
6 three weeks of the filing date.

7 (d) If loan proceeds or other program benefits are received from
8 nonqualifying programs or loans after January 15, the legislator or
9 legislative employee shall file a statement with the commission within
10 30 days after the beginning of participation in the state program or
11 receipt of proceeds from the state loan. If the commission receives
12 the statement while the legislature is in session, it shall promptly
13 forward the statement to the chief clerk of the house or the secretary
14 of the senate, as appropriate, who shall cause it to be published in
15 the supplemental journal. If the commission receives a statement
16 while the legislature is not in session, it shall forward the state-
17 ment to the chief clerk of the house or the secretary of the senate
18 for publication when the legislature next convenes.

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

26 (f) The commission shall annually identify the programs and
27 loans to be audited by the division of legislative audit during the
28 following year, including the scope of the audit. The records of the
29 relevant state agencies shall be made available to the division of

1 legislative audit. The division of legislative audit shall prepare a
2 report to the commission on its findings. The report is confidential
3 until it is released by the commission.

4 (g) In extraordinary situations where the criteria for an ex-
5 emption exists, a legislator or legislative employee may seek a waiver
6 of this section.

7 (h) A person who violates this section is subject to the civil
8 sanctions authorized under AS 24.61.560(a) in addition to appropriate
9 criminal penalties under another law.

10 Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a)
11 Legislators and legislative employees must be extremely cautious and
12 circumspect about accepting a gratuity or favor, especially from
13 persons or entities that have a substantial interest in their legisla-
14 tive, administrative, or political actions. Even where there is a
15 genuine personal friendship, the acceptance of personal benefits from
16 those who could gain advantage by influencing official actions raises
17 suspicions that tend to undermine public trust. It is the intent of
18 this section to discourage all gratuities, but prohibit only those
19 that create unacceptable conflicts of interest or appearances of
20 impropriety.

21 (b) A legislator or legislative employee may not accept or
22 receive, directly or indirectly, a benefit as a gratuity from a person
23 or entity except as provided in this section. A legislator or legis-
24 lative employee may accept gratuities in the form of personal gifts,
25 free or subsidized travel, tickets to entertainment or sporting
26 events, unsolicited subscriptions to publications, lodging, pens,
27 calendars, candy, fruit baskets, flowers, and any other benefit,
28 provided that the aggregate value in a calendar year is not in excess
29 of \$100 from a single source. However, a benefit of any amount may

1 not be accepted under circumstances in which it could be reasonably
2 inferred that the gift is intended to influence the performance of
3 official duties, actions, or judgments.

4 (c) The following benefits may be accepted as gratuities without
5 regard to the \$100 limit of (b) of this section and they need not be
6 reported except as noted within the appropriate paragraph:

7 (1) gifts from immediate family members;

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

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

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

27 (5) a gift presented by a representative of a foreign
28 government, provided that if it is worth more than \$100 it must be
29 accepted on behalf of the legislature and turned over within 60 days

1 to the presiding officer of either house for purposes of displaying
2 the gift in public areas of the Capitol or other appropriate public
3 location or being sold at auction, the proceeds to go to charity or
4 the general fund;

5 (6) reasonable and necessary expenses, including reimburse-
6 ment for travel and related food and lodging, when they are incidental
7 to a trip paid for by a government agency or a nonprofit educational,
8 charitable, or political institution for governmental or educational
9 purposes; the commission shall adopt regulations implementing this
10 paragraph, including regulations relating to the payment of expenses
11 for the members of a person's immediate family;

12 (7) hospitality including overnight lodging, food, and
13 beverages at the residence or second home of the host provided the
14 host is present, or, if the host is not present, the person is staying
15 as a house-sitter; if the host has a substantial interest in the
16 legislative, administrative, or political actions of the recipient, a
17 stay with a value of more than \$100 shall be reported on financial
18 disclosure forms; this paragraph may not be construed to permit the
19 use, other than as a house-sitter in a residence or a second home, of
20 a summer home, company retreat, resort facility, condominium or apart-
21 ment, or other lodging where the host is not personally present or,
22 regardless of the presence of the host, the purpose is to provide the
23 legislator or legislative employee with a paid or subsidized vacation
24 or similar benefit; the host may use customary and usual means of
25 transportation to transport the legislator or legislative employee to
26 the host's residence or the place of a social event;

27 (8) leave donated under AS 39.20.245(b);

28 (9) the portion of a student loan forgiven under former
29 AS 14.43.120(j).

1 (d) In extraordinary situations where the criteria for an exemp-
2 tion exists, a legislator or legislative employee may seek a waiver of
3 this section.

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

7 Sec. 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOY-
8 MENT AND HONORARIA. (a) Because legislators and many legislative
9 assistants serve the state only part-time, most must engage in income
10 producing activities to supplement their legislative salaries. It is
11 the intent of this chapter to allow legislators and legislative assis-
12 tants substantial freedom in their ability to do so with due regard
13 for the state's interest in preventing conflicts of interest and
14 appearances of impropriety that undermine the integrity of government
15 and public trust.

16 (b) A legislator or legislative assistant may not seek, accept,
17 or retain employment, including as an advisor or consultant, that

18 (1) will preclude the fulfillment of legislative obliga-
19 tions;

20 (2) is likely to involve the disclosure or use of nonpublic
21 or confidential information acquired in the course of legislative
22 service;

23 (3) is likely to involve the legislator or assistant acting
24 as a representative in a matter that makes use of the authority,
25 prestige, or title associated with legislative office;

26 (4) involves payments that by reasonable objective stan-
27 dards are not commensurate with the services rendered and appear to
28 involve a premium as a result of the legislator's or legislative
29 assistant's position in the legislature;

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

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

7 (7) will require the legislator or legislative assistant to
8 compromise another ethical or legal duty.

9 (c) A legislator or legislative assistant may not receive com-
10 pensation for personal services from a state entity other than the
11 legislature except as specifically provided in this chapter or
12 approved by the commission. A legislator or legislative assistant is
13 not precluded by this subsection from earning compensation at a state-
14 funded school or university, provided that influence was not used to
15 obtain the position.

16 (d) A legislator or legislative assistant who accepts otherwise
17 permissible employment with a person that has a substantial interest
18 in legislative, administrative, or political actions is subject to
19 special disclosure provisions under AS 24.61.405 and shall avoid
20 conduct that would lead a reasonable person to believe that the legis-
21 lator or legislative assistant is unable or unwilling to exercise
22 independent, objective, and impartial judgment in considering matters
23 that affect the interests of the legislator's or legislative assis-
24 tant's employer.

25 (e) A legislator or legislative assistant may not seek or accept
26 an honorarium from a person or entity that has a substantial interest
27 in legislative, administrative, or political action. This subsection
28 does not prevent a legislator or legislative assistant from accepting
29 an honorarium from a governmental entity outside of the state, from a

1 university other than the University of Alaska, or from another non-
2 profit educational or civic institution, provided that the amount paid
3 is reasonable and commensurate with the services performed and that
4 the circumstances under which the services are to be performed do not
5 create a conflict of interest or appearance of impropriety. Honoraria
6 shall be reported on required disclosure forms. Under other pro-
7 visions of this chapter, a legislator or legislative assistant is
8 permitted to accept travel and related expenses incurred as the result
9 of an otherwise permissible activity.

10 (f) In extraordinary situations where the criteria for an ex-
11 emption exists, a legislator or legislative assistant may seek a
12 waiver of this section.

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

15 Sec. 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT
16 JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS. (a) The proper opera-
17 tion of democratic government requires that each public official carry
18 out the duties of office free from improper influences that tend to
19 prevent decisions from being made on the merits according to fair and
20 established procedures. Under our system of separation of powers,
21 legislators have the responsibility to exercise oversight to assure
22 that the executive branch is carrying out its functions equitably,
23 efficiently, and economically. This responsibility, combined with the
24 duty to provide legitimate constituent service, creates situations
25 where a legislator may become involved with administrative decisions
26 or proceedings that affect constituents. The purpose of this section
27 is to provide ground rules for that involvement so that the activity
28 does not unduly distort or politicize the administrative process,
29 while still affording the legislator the opportunity to advocate and

1 protect the interests of constituents.

2 (b) A legislator, either directly or indirectly, should not
3 interfere with the ability or willingness of a state or municipal
4 government body, official, or employee to make official decisions or
5 take appropriate actions on the merits, based on independent objective
6 judgment.

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

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

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

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

21 (d) This section may not be construed to prevent a legislator
22 from

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

25 (2) making inquiries about the status of a matter or help-
26 ing a constituent get a benefit or service that the legislator be-
27 lieves the constituent is entitled to as a matter of right;

28 (3) openly advocating the position of constituents on the
29 merits, provided that no effort is made to influence the decision

1 making process by express or implied political pressure in matters
2 involving discretionary decisions of administrative bodies that will
3 have direct and significant economic or social effect on the legisla-
4 tor's district; or

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

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

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

17 (1) discourage legislators and legislative assistants from
18 acting on a private or business interest in the performance of a
19 public duty;

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

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

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

29 (5) provide the public the financial disclosure required to

1 meet the purposes listed in (1) - (4) of this section while preserving
2 the maximum amount of privacy to legislators, candidates for the
3 legislature, and legislative assistants.

4 Sec. 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS
5 AND LEGISLATIVE ASSISTANTS; "CATEGORY A" AND "CATEGORY B" INCOME
6 DEFINED. (a) A legislator, a candidate for the legislature, and a
7 legislative assistant shall disclose financial interests that would
8 cause a reasonable person to believe that the legislator's, candi-
9 date's, or legislative assistant's objectivity and ability to exercise
10 independent judgment in the public interest have been adversely af-
11 fected by those interests.

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

21 (c) A legislator, a candidate for the legislature, and a legis-
22 lative assistant shall disclose to the commission detailed information
23 as required under AS 24.61.405 and 24.61.410 on the sources and
24 amounts of outside income received by them, their spouses, and their
25 dependent children, except that disclosure of the amount of income
26 received by a legislator's or assistant's spouse or dependent children
27 is not required. If the spouse or dependent child receives income
28 from a person with a substantial interest in legislative, administra-
29 tive, or political actions of the legislator or legislative assistant,

1 the legislator or legislative assistant shall file a statement with
2 the commission stating that (1) all the funds earned by the spouse or
3 dependent child were reasonable payments for services actually ren-
4 dered, and (2) employment of the spouse or dependent child was not
5 related to any attempt to influence or do any favor for the legislator
6 or legislative assistant. The information shall be divided into two
7 categories, category A income and category B income. The legislator,
8 candidate, or legislative assistant shall also report information
9 relating to income and assets that a public official would be required
10 to report under AS 39.50.030.

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

22 (e) In AS 24.61.400 - 24.61.410,

23 (1) "category A income" refers to all benefits received, in
24 the form of monetary compensation or another thing of value, from
25 persons who are known or reasonably should be known to have a substan-
26 tial interest in legislative, administrative, or political actions;
27 income received from the legislature or an agency of the legislature
28 is not category A income;

29 (2) "category B income" refers to all benefits received, in

1 the form of monetary compensation or another thing of value, from
2 persons who do not, or are not known to fall within category A.

3 Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to all
4 benefits received from category A sources, a person required under
5 AS 24.61.400 to report shall file with the commission a statement that
6 must include,

7 (1) as to all income received as compensation for services,
8 regardless of the amount, the name and address of the source, a brief
9 statement describing the nature of the services performed including
10 sufficient detail to permit the commission to determine whether the
11 nature of the work created or would create a conflict of interest (for
12 example: "consultant re: expansion of operations;" "engineer, quality
13 control."), and the amount paid;

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

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

23 (4) as to each loan or loan guarantee yielding loan pro-
24 ceeds of \$100 or more in the reporting period and the lender or guar-
25 antor is a person with a substantial interest in legislative, adminis-
26 trative, or political actions, the name and address of the person
27 making the loan or guarantee, the amount of the loan, the terms and
28 conditions under which the loan or guarantee was given, the amount
29 outstanding at the time of filing, and whether or not a written loan

1 agreement exists;

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

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

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

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

13 (d) In extraordinary situations, a legislator, a candidate for
14 the legislature, or a legislative assistant may seek a waiver of this
15 provision under AS 24.61.530.

16 Sec. 24.61.410. REPORTING CATEGORY B INCOME. (a) A person
17 required under AS 24.61.400 to report shall file a statement listing
18 the items in AS 24.61.405(a)(1) - (6) that the person has received
19 from a category B source, except that the person shall disclose only
20 those income sources providing benefits worth \$1,000 or more. The
21 person is not required to report the amount of income from a report-
22 able source. As to gratuities, the requirements of AS 24.61.350(c)(4)
23 and (7) control, but apply to the candidates for the legislature as to
24 disclosure requirements only.

25 (b) The commission shall review category B statements to deter-
26 mine whether an impermissible conflict exists or would exist, whether
27 special orders or restrictions are required, and whether the state-
28 ments shall be considered to be public records and made available for
29 public inspection.

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

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

13 Sec. 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS OF LEGISLA-
14 TORS AND LEGISLATIVE ASSISTANTS. (a) A person who has provided
15 compensation for personal services to a legislator or legislative
16 assistant and who qualifies as a category A source under AS 24.61.-
17 400(e) shall file a report to the commission concerning the compen-
18 sation paid. The report must contain all information required by the
19 commission.

20 (b) The commission shall adopt regulations prescribing the times
21 at which a report under (a) of this section must be filed, and the
22 information that the report must contain. The regulations must pro-
23 vide that the report include a brief narrative of the nature of the
24 employment relationship with the legislator or legislative assistant,
25 the terms of compensation, and the amount paid during the reporting
26 period.

27 (c) Legislators and legislative assistants shall ensure that
28 persons who have provided compensation to them for personal services
29 have the necessary forms and are informed of the obligation to file a

1 report under this section. At the time of filing the report the
2 person filing shall provide a copy to the legislator or legislative
3 assistant.

4 Sec. 24.61.420. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a)
5 A person required to make a disclosure under AS 24.61.100 - 24.61.420
6 may not knowingly make a false or deliberately misleading or incom-
7 plete disclosure to the commission, or file a disclosure after a
8 deadline set by this chapter or by a regulation adopted by the commis-
9 sion under AS 24.61.160.

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

12 (c) In addition to the sanctions in (b) of this section, if the
13 commission finds that a candidate for the legislature, including an
14 incumbent legislator, has committed a substantial violation of this
15 section, the commission shall notify the lieutenant governor. The
16 lieutenant governor shall return the candidate's filing fee and shall
17 remove the candidate's name from the filing records. In this sub-
18 section "substantial violation" includes the refusal or failure to
19 make a filing required under AS 24.61.400 - 24.61.410.

20 Sec. 24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a)
21 Legislators shall abide by AS 44.62.310 - 44.62.312 (open meetings
22 law) and, to the greatest extent reasonably possible, exercise the
23 authority of their offices openly so that the public is informed about
24 governmental decisions and can hold them accountable for their
25 actions.

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

28 Sec. 24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING,
29 AND PROTECTION OF WHISTLE BLOWERS. (a) Legislators and legislative

1 employees shall maintain the integrity and trustworthiness of govern-
2 ment by taking whatever steps are necessary to prevent unethical
3 practices, unlawful conduct, corruption, mismanagement, improper use
4 of public funds, danger to public safety, or another abuse of public
5 position, authority, or resources.

6 (b) Legislators and legislative employees who have a good faith
7 belief that the public interest requires the disclosure of govern-
8 mental policies or actions thought to be unlawful or improper should
9 reveal their information to appropriate authorities.

10 (c) A legislator or legislative employee may not, directly or
11 indirectly, subject a person who reports to the commission or another
12 government entity conduct the person reasonably believes is a viola-
13 tion of this chapter or any other state law, to reprisal, retaliation,
14 harassment, discrimination, or ridicule. A legislative employee who
15 is discharged, disciplined, involuntarily transferred, or otherwise
16 penalized by a legislator or another legislative employee may

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

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

20 (d) In addition to the special civil liability under (c)(2) of
21 this section, a person who violates this section is subject to the
22 civil sanctions authorized under AS 24.61.560(a).

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

26 (b) A person who violates this section is subject to the admin-
27 istrative sanctions authorized under AS 24.61.560(b), in addition to
28 liability under another criminal law or civil action arising from the
29 conduct.

1 **ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.**

2 **Sec. 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. (a)**

3 The Legislative Ethics Commission is established in the legislative
4 branch of government. The commission consists of nine members, se-
5 lected as follows:

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

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

10 (3) two members appointed by the supreme court;

11 (4) one member appointed by the governor;

12 (5) one member appointed by the lieutenant governor;

13 (6) one member appointed by the Alaska Public Offices
14 Commission; and

15 (7) two members selected by majority vote of the members
16 appointed under (1) - (6) of this subsection.

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

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

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

29 (e) A commissioner may not be a legislator, a legislative

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

4 Sec. 24.61.502. CERTIFICATION; LEGISLATIVE DECERTIFICATION OR
5 REMOVAL FROM OFFICE. (a) Upon appointment, a person appointed to the
6 commission shall execute a written oath that includes the following
7 undertaking:

8 I will solemnly perform the duties of this office in a
9 manner that is consistent with both the letter and
10 spirit of the Alaska Legislative Ethics Act and I shall
11 conform my own conduct to the provisions therein. I
12 acknowledge the obligation and need to interpret and
13 apply all its provisions, and the ethical principles
14 that underlie them, vigorously, promptly, fairly, and
15 in good faith. All my actions, decisions, and votes on
16 matters relating to my duties will be made purely on
17 the merits, objectively, independently, and without
18 political, regional, or ideological partisanship.

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

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

28 (c) A commissioner may be removed from office by a vote of
29 two-thirds of both houses of the legislature for good cause, including

1 substantial neglect of duty, inability to discharge the powers and
2 duties of office, violation of this chapter, gross misconduct, or
3 conviction of a felony.

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

7 (b) Six commissioners constitute a quorum. A vote of the major-
8 ity of the commissioners present at a meeting in which a quorum is
9 present is required for official action of the commission.

10 (c) The commission may meet by teleconference.

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

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

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

24 (b) The executive director may employ and determine the compen-
25 sation of necessary employees, subject to the budget approved by the
26 commission. The executive director may, subject to the approval of
27 the commission, contract for services when those services are tempo-
28 rary or specialized in nature, or it is in the best interest of the
29 state.

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

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

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

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

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

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

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

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

3 (A) a candidate for the legislature;

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

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

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

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

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

22 (e) Commissioners and the executive director are subject to
23 AS 39.50.

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

25 (a) The commission shall

26 (1) administer the provisions of this chapter;

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

29 (3) on request or its own initiative, issue formal written

1 advisory opinions on specific situations or clarify a provision of
2 this chapter;

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

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

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

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

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

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

23 (b) The commission may

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

28 (2) perform the other acts, duties, and functions necessary
29 to properly administer this chapter, consistent with law and the

1 purpose of this chapter.

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

8 Sec. 24.61.520. INFORMAL NONBINDING ADVICE. The commission may
9 authorize and train its staff to give oral advice or provide a written
10 informal nonbinding advice letter to persons seeking guidance as to
11 the spirit or legal requirements of this chapter, provided that the
12 advice is given with the express stipulations that

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

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

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

23 (b) Requests for written advisory opinions shall be in writing
24 and must set out with reasonable specificity the facts and circum-
25 stances of a real or hypothetical case.

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

28 (d) An opinion shall be issued by official action of the commis-
29 sion. The vote of each commissioner participating in the opinion

1 shall be indicated on the opinion and it shall be forwarded to the
2 person requesting it and made a part of the public records of the
3 commission.

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

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

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

18 (h) The commissior and all commission employees shall keep
19 confidential the identity of the requester and all information con-
20 veyed orally or in writing relating to the request, unless the re-
21 quester authorizes the commission to make public the requester's
22 identity or the information conveyed.

23 (i) Advisory opinions issued by the commission are public re-
24 cords. If the requester of the opinion has not waived confidentiality
25 under (h) of this section, the advisory opinion shall be written so
26 that the identity of the requester cannot be ascertained.

27 Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR
28 ADVICE. The commission may not bring a complaint against a person
29 based upon information voluntarily given to the commission by the

1 person in connection with a request for advice under AS 24.61.520 or
2 24.61.525, and may not use that information against the person in a
3 proceeding under AS 24.61.545 or 24.61.550. This subsection does not
4 preclude the commission from acting on a complaint concerning the
5 subject of a person's good faith request for advice if the complaint
6 is brought by another person, or if the complaint arises out of con-
7 duct taking place after the advice is requested, and does not preclude
8 the commission from using information or evidence obtained from an
9 independent source, even if that information or evidence was also
10 submitted with a request for advice.

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

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

- 17 (1) the name and address of the petitioner;
- 18 (2) relevant provisions involved in the exemption request;
- 19 (3) essential facts on which an exemption is requested;
- 20 (4) specific nature of the exemption sought;
- 21 (5) anticipated unfair or unreasonable consequences that
22 would result from a failure to grant the petition; and

23 (6) a certification that the petitioner verifies under
24 penalty of unsworn falsification that the facts stated are true to the
25 best of the petitioner's knowledge.

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

- 29 (1) harm caused by strict application of this chapter

1 substantially outweighs the benefit of its enforcement in the partic-
2 ular situation;

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

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

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

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

17 Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PRO-
18 CESSES. (a) The filing of a complaint is the first step in the
19 investigatory and adjudication process. It is the purpose of this
20 section to assure that complaints provide sufficient information on
21 which to proceed, yet not be so complex or burdensome that the re-
22 quirements unduly discourage or screen out valid good faith com-
23 plaints.

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

26 (c) The commission shall provide a simple form for complaints.
27 A complaint must include

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

29 (2) a statement of the facts known or believed to be true

1 that form the basis of the complaint and the sources of the informa-
2 tion, including the approximate dates of the acts alleged and names
3 and addresses of persons with personal knowledge of the facts alleged;
4 and

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

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

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

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

25 (g) Once a complaint has been determined to be formally suffi-
26 cient, commission staff shall evaluate the complaint and advise the
27 chair as to its opinion as to whether it states a valid complaint that
28 should be investigated. If the executive director is a member of the
29 bar, the executive director may provide the advice. Otherwise, the

1 executive director shall appoint a duly qualified legal counsel to
2 assist in making the determinations required under this subsection.
3 To be valid, the complaint must allege

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

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

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

10 (B) if the person charged with misconduct intention-
11 ally concealed or otherwise sought to prevent discovery of the
12 relevant facts within one year of the discovery of the relevant
13 facts and within eight years of the complaint; and

14 (3) that the person charged with misconduct is either a
15 legislator or legislative employee at the time of the filing of the
16 complaint or was a legislator or legislative employee within one year
17 of the filing.

18 (h) Within 20 days after the filing of the complaint, or within
19 45 days if the chair of the commission certifies additional time is
20 required, a determination shall be made on the substantive validity of
21 the complaint. If the chair concludes that there is no substantial
22 reason to question the opinion of staff as to the validity of a com-
23 plaint, the complaint shall either be dismissed or certified for
24 further consideration in accordance with the opinion. The chair or a
25 commissioner, however, may request a hearing on the validity of the
26 complaint at a meeting of the commission.

27 (i) If a complaint is dismissed because of invalidity, it shall
28 be returned to the complainant with a notice of dismissal stating in
29 detail the reason for dismissal. If the commission finds that the

1 complaint was frivolous, malicious, or was filed in bad faith, it
2 shall so state in the notice of dismissal. If the commission finds
3 that the complaint alleges violations outside the scope of this chap-
4 ter, it shall so state and forward the complaint to the appropriate
5 enforcement body for disposition. A copy of the notice of dismissal
6 shall be sent to the respondent. The notice of dismissal is a public
7 record.

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

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

19 (b) Before commencing an investigation, the commission shall
20 adopt a written resolution defining the scope of the investigation, a
21 copy of which shall be supplied to both the complainant and the re-
22 spondent. If, during the investigation, additional facts are dis-
23 covered that justify an expansion of the investigation and the pos-
24 sibility of additional charges beyond those alleged in the complaint,
25 the resolution shall be amended accordingly with copies sent to the
26 complainant and the respondent. The resolution, and the fact that an
27 investigation has been undertaken, shall be kept confidential by the
28 commission except that, upon inquiry, the commission may verify that
29 it is investigating a complaint along with a statement that no finding

1 of probable cause has been made and that no adverse inference of
2 impropriety or guilt should be drawn from the decision to investigate.
3 Additional facts concerning the nature or results of the investigation
4 may not be revealed except as provided in AS 24.61.545 after a deter-
5 mination of probable cause has been made.

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

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

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

27 (f) Upon completion of the investigation, a confidential report
28 summarizing the evidence, evaluating its credibility, and detailing
29 findings on each of the allegations investigated shall be submitted to

1 the commission along with recommendations as to whether the complaint,
2 or a portion of it, should be dismissed or whether the matter should
3 proceed to the full hearing stage. The report shall be prepared so as
4 to exclude unreliable information and uncorroborated and irresponsible
5 allegations. The investigator's notes, records of interviews, and
6 other investigatory matter considered unreliable or unduly prejudicial
7 by the commission shall remain confidential.

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

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

23 (c) A copy of the notice of dismissal shall be sent to the
24 respondent. The notice of dismissal and the investigator's report
25 containing findings and recommendations, but not the underlying in-
26 vestigatory materials, shall be made public unless the commission
27 determines that this would unfairly prejudice either the respondent or
28 complainant. This subsection may not be construed to prevent either
29 the complainant or respondent from making the notice of dismissal and

1 the report public.

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

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

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

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

28 Sec. 24.61.550. ADJUDICATORY HEARING. (a) A formal hearing on
29 ethics charges against a respondent shall be conducted in a manner

1 that inspires confidence in the integrity and objectivity of the
2 process and demonstrates full consideration for the rights and reputa-
3 tion of the respondent.

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

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

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

22 (e) A hearing board may

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

26 (2) compel the production of documentary or tangible evi-
27 dence;

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

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

3 (f) The respondent may

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

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

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

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

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

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

28 Sec. 24.61.560. CIVIL SANCTIONS. (a) When a hearing board
29 considers the appropriate recommended sanctions to be included in its

1 opinion, it shall give due consideration to the purposes of this
2 chapter, the nature of the violation, and other circumstances that are
3 included in the hearing record. The board may recommend, either
4 singly or in combination,

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

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

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

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

14 (5) restitution or reimbursement;

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

16 (7) probationary status;

17 (8) a written reprimand;

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

21 (10) expulsion of a legislator or dismissal of a legislative
22 employee;

23 (11) payment of costs related to the investigation and
24 adjudication of the charge;

25 (12) another sanction fashioned to achieve the purposes of
26 this chapter.

27 (b) When a provision of this chapter provides for the imposition
28 of administrative sanctions under this subsection, the commission may
29 recommend any of the civil sanctions set out in (a) of this section

1 except sanctions under (a)(1) and (10).

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

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

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

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

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

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

1 Sec. 24.61.570. RECOMMENDATIONS AND ORDER WHERE VIOLATOR IS A
2 LEGISLATIVE EMPLOYEE. (a) If the person found to have violated this
3 chapter is or was a legislative employee, the hearing board's recom-
4 mendations shall be forwarded to the full commission, which shall, as
5 soon as is reasonably possible, determine the sanctions, if any, to be
6 imposed. The commission may not retry the basic facts nor question
7 the hearing board's findings of fact. The only issue before it shall
8 be the determination of the appropriate sanction assuming the validity
9 of the board's findings. After determining the appropriate sanctions,
10 the commission shall issue a written order imposing the sanctions on
11 the employee.

12 (b) The commission shall order the employee's supervisor or
13 appointing authority, as appropriate, to impose sanctions in accor-
14 dance with the commission's order. Failure of the supervisor or
15 appointing authority to implement the commission's order is a viola-
16 tion of this chapter subject to civil sanctions under AS 24.61.560(a).

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

28 (b) A citizen may make a written request that the attorney
29 general commence a civil action authorized under (a) of this section

1 against a person for a violation of this chapter.

2 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may
3 publicly respond to a statement or interpretation made concerning the
4 contents of an advisory opinion or decision it has issued or is pur-
5 ported to have issued. A person who requests an advisory opinion and
6 makes that fact public is considered to have waived the confidential-
7 ity of the person's identity.

8 ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

9 Sec. 24.61.700. ETHICS EDUCATION PROGRAM. (a) The central
10 function of an ethics code is to prevent rather than punish unethical
11 conduct. Prevention depends almost entirely on an effective and
12 comprehensive ethics education program. The purpose of AS 24.61.700 -
13 24.61.760 is to assure that legislators and legislative employees have
14 the means and opportunity to learn and understand the rules and prin-
15 ciples underlying the standards of conduct.

16 (b) The commission shall oversee and develop the following
17 components of a comprehensive ethics education program:

- 18 (1) publish an ethics education manual;
19 (2) establish an education advisory committee; and
20 (3) design and implement a legislative orientation training
21 course, a current issues and applications seminar, and a lobbyist
22 training course.

23 Sec. 24.61.710. ETHICS EDUCATION MANUAL. (a) The commission
24 shall prepare and publish a legislative ethics manual, which must
25 contain all ethics statutes, regulations, and related information,
26 including detailed explanations of technical and specific legal re-
27 quirements as well as the underlying purposes and ethical principles
28 that comprise the spirit of the requirements. The manual must include
29 realistic examples with recommended actions, as well as questions and

1 answers regarding common problems and situations.

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

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

8 Sec. 24.61.720. EDUCATION ADVISORY COMMITTEE. (a) The commis-
9 sion chair shall appoint five members to an education advisory commit-
10 tee, that shall include at least two members of the commission, a
11 legislator, and a legislative employee. The education advisory com-
12 mittee may also include an outside expert in the field of ethics.

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

- 16 (1) legislative orientation training course;
17 (2) current issues and applications seminar;
18 (3) lobbyist training course; and
19 (4) commission and commission staff training course.

20 Sec. 24.61.730. LEGISLATIVE ORIENTATION TRAINING COURSE. (a)
21 The commission shall conduct a legislative ethics orientation training
22 course. The course shall be offered in January of each year. A
23 legislator and a legislative employee shall attend and complete the
24 first course offered after their initial election, appointment, or
25 hiring date.

26 (b) The education advisory committee shall determine the specif-
27 ic content of the course, and it shall cover the ethics laws, internal
28 rules and policies, as well as the technical and specific legal re-
29 quirements that legislators and legislative employees must follow.

1 The course shall also cover the underlying purposes and ethical prin-
2 ciples of all ethics laws, internal rules and policies, and other
3 related regulations. The course shall highlight the principles of
4 public service ethics and the intent of ethics laws, including their
5 application to practical situations.

6 (c) The commission shall offer separate sessions of the course
7 for legislators and for legislative employees, and shall offer as many
8 sessions as necessary to accommodate the number of people required to
9 take the course.

10 Sec. 24.61.740. CURRENT ISSUES AND APPLICATIONS SEMINAR. (a)

11 The commission shall conduct a current issues and applications seminar
12 in January of each odd-numbered year. The seminar is mandatory for
13 all legislators and legislative employees who have previously complet-
14 ed the legislative ethics orientation training course.

15 (b) The specific content of the seminar shall be determined by
16 the education advisory committee, and shall include an overview of all
17 new substantive changes in the laws in the form of amendments, re-
18 visions, and new ethics advisory opinions. The seminar shall include
19 discussions on problem solving skills, practical ethical issues likely
20 to confront a legislator or legislative employee, and the underlying
21 principles of public service ethics.

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

26 Sec. 24.61.750. LOBBYIST TRAINING COURSE. (a) Lobbyists shall
27 complete a lobbyist training course conducted by the commission as a
28 condition of registering as a lobbyist under AS 24.45. A person who
29 first engages in activities requiring the person to register as a

1 lobbyist either before the commission has offered the training course
2 for that year, or after the training course has been offered for that
3 year, may be authorized by the commission to conditionally register
4 under AS 24.45 unless the person reasonably should have known that the
5 person was likely to engage in lobbying activities and could have
6 attended the most recent training course. A person with a conditional
7 registration must successfully complete the next training course
8 offered or the registration shall be revoked.

9 (b) The specific content of the training course shall be de-
10 termined by the education advisory committee, and shall include a
11 review of all ethics statutes, the rules and regulations relating to
12 appropriate lobbyist conduct, and the principles of public service
13 ethics.

14 (c) The commission shall certify to the Alaska Public Offices
15 Commission the names of persons successfully completing the training
16 course, including persons taking the course under (d) of this section.

17 (d) Lobbyists shall repeat the training course at least once
18 every three years and the commission shall update the course accord-
19 ingly.

20 (e) At the commission's discretion, lobbyists may be charged
21 reasonable fees to attend the training course.

22 Sec. 24.61.760. ADMINISTRATIVE PROVISIONS. (a) The commission
23 shall assure the continued implementation, improvement, and modifica-
24 tion of the ethics education programs. The commission shall develop
25 procedures to assure the attendance of, and course completion by, all
26 legislators, legislative employees, and lobbyists.

27 (b) The commission shall assure the attendance of legislative
28 employees who are not in and cannot travel to Juneau by offering the
29 programs by teleconference. When a teleconference connection is

1 unavailable, the commission shall distribute video tapes to the em-
2 ployees or arrange to have them travel to a site where a live or
3 teleconference course is available.

4 (c) The commission may impose sanctions, including suspension of
5 pay and dismissal of legislative employees, recommendations for disci-
6 plinary action for legislators, and recommendations to revoke lobbyist
7 registrations, upon any legislator, legislative employee, or lobbyist
8 who fails to complete the ethics education requirements within a
9 reasonable amount of time, as determined by the commission.

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

13 (e) The commission shall offer all of the education programs at
14 appropriate times and locations and shall provide adequate notice of
15 them.

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

19 ARTICLE 5. GENERAL PROVISIONS.

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

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

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

1 (b) Certain specified provisions apply to former members of the
2 legislature, candidates for the legislature, former legislative em-
3 ployees, persons who have transactions with legislators or legislative
4 employees, and lobbyists.

5 Sec. 24.61.920. PRINCIPLE OF STRICT COMPLIANCE. In imposing
6 civil or administrative sanctions, the commission and the legislature
7 shall hold legislators and legislative employees strictly to the
8 provisions and spirit of this chapter. Except in extraordinary cir-
9 cumstances, legislators and employees may not assert a lack of knowl-
10 edge or understanding as a defense to a charge of misconduct.

11 Sec. 24.61.930. MENTAL STATE REQUIRED FOR CRIMINAL ACTIONS.
12 When a provision of this chapter is made subject to criminal penal-
13 ties, unless the provision specifically provides for another mental
14 state, the defendant in a criminal prosecution must be shown to have
15 acted with criminal negligence, as that term is defined in AS 11.81.-
16 900(a). AS 11.81.610(c) applies to this section.

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

20 Sec. 24.61.950. COOPERATION OF OTHERS. If the commission re-
21 quests their cooperation, a state agency, official, employee, or a
22 person whose conduct is regulated by this chapter shall cooperate with
23 the commission. An individual shall make information reasonably
24 related to an investigation available to the commission on written
25 request. The commission may request and shall receive from every
26 officer, department, division, board, agency, commission, house of the
27 legislature, or other agency of the state, cooperation and assistance
28 in the performance of its duties.

29 Sec. 24.61.960. CONFIDENTIALITY. A person subject to the

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

6 Sec. 24.61.970. GUIDELINES AND COMMENTARY. The commission shall
7 interpret the provisions of this chapter consistent with the Guide-
8 lines and Commentary.

9 Sec. 24.61.990. DEFINITIONS. In this chapter,

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

15 (2) "anything of value," "benefit," or "thing of value"
16 includes all matters, whether tangible or intangible, that could
17 reasonably be considered to be an advantage, of worth, use, or service
18 to the person to whom it is conferred; the terms are intended to be
19 interpreted broadly and encompass all matters that the recipient might
20 find sufficiently desirable to do something in exchange for;

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

- 23 (i) money;
- 24 (ii) products or merchandise;
- 25 (iii) works of art or collectibles;
- 26 (iv) stocks, bonds, notes, or options;
- 27 (v) an interest in real property;
- 28 (vi) contracts or a promise of a future interest
29 in a contract;

1 (vii) an interest or a promise of a future interest
2 in a business;
3 (viii) meals, beverages, or lodging;
4 (ix) transportation;
5 (x) services, including loaned employees;
6 (xi) loans, loan guarantees, co-signing;
7 (xii) forgiveness of a debt;
8 (xiii) discounts or rebates not extended to the
9 public generally;
10 (xiv) preferential treatment;
11 (xv) tickets and admissions;
12 (xvi) free or reduced use of office facilities;
13 (xvii) loaned equipment;
14 (xviii) radio or television time;
15 (xix) promise or offer of present or future employ-
16 ment;
17 (xx) use of autos, boats, apartments, or other
18 recreational or lodging facilities;
19 (xxi) intangible rights such as a cause of action;
20 (xxii) licenses, patents, copyrights, or an interest
21 in them;
22 (xxiii) any other item, tangible or intangible,
23 having economic value;
24 (B) "anything of value," "benefit," or "thing of
25 value" does not include
26 (i) an item listed in AS 24.61.350(c);
27 (ii) campaign contributions, pledges, political
28 endorsements, support in a political campaign, or a promise
29 of endorsement or support;

- 1 (iii) contributions to a cause or organization,
2 including a charity, made in response to a direct sollicita-
3 tion from a legislator or a person acting at the legisla-
4 tor's direction;
- 5 (iv) grants under AS 37.05.316 to named recipients;
- 6 (3) "charitable organization" means an organization that
7 qualifies for a federal tax exemption under 26 U.S.C. 501(c)(3);
- 8 (4) "close economic association" has the meaning given in
9 AS 24.61.265;
- 10 (5) "close personal relationship" is a special relationship
11 between a legislator or legislative employee and another person that
12 creates strong bonds of loyalty, friendship, or love that could poten-
13 tially conflict with public duties and the obligation to exercise
14 objective independent judgment, or could create the appearance that
15 the other person may have access to confidential information or other-
16 wise receive favored treatment regarding public actions; it includes
17 relationships with immediate family members, long-term personal
18 friends, former business associates, and persons with whom the legis-
19 lator or legislative employee has a significant and continuous roman-
20 tic relationship;
- 21 (6) "commission" means the Legislative Ethics Commission;
- 22 (7) "compensation" means remuneration for personal services
23 rendered, including salary, fees, commissions, bonuses, and similar
24 payments, but excluding reimbursement for actual expenses incurred by
25 a person;
- 26 (8) "confidential information" means information that has
27 been classified confidential by law;
- 28 (9) "exonerate" means to free from a charge or the imputa-
29 tion of guilt, or to prove blameless;

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

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

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

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

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

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

19 (16) "legislative assistant" means a legislative employee
20 whose assigned duties involve the exercise of substantial discretion
21 and judgment; it does not include employees who perform purely cler-
22 ical or ministerial functions; the legislative council shall propose
23 policies relating to the interpretation of this definition, and the
24 commission shall consider the adoption of these guidelines as regula-
25 tions under AS 24.61.160;

26 (17) "legislative employee" means a person, other than a
27 legislator, who is compensated by the legislative branch in return for
28 regular or substantial personal services, regardless of the person's
29 pay level or technical status as a full-time or part-time employee,

1 independent contractor, or consultant; it includes members and staff
2 of the commission; it does not include individuals who perform func-
3 tions that are incidental to legislative functions, such as security,
4 messengers, maintenance, and print shop employees; for purposes of
5 this paragraph, "regular or substantial" means work that is expected
6 to involve, or does involve, at least 400 hours in a calendar year or
7 300 hours during a regular legislative session; the legislative coun-
8 cil shall propose policies relating to the interpretation of this
9 definition, and the commission shall consider the adoption of these
10 guidelines as regulations under AS 24.61.160;

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

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

18 (20) "nonpublic information" means information that

19 (A) is obtained in the course of a person's legisla-
20 tive duties and that is subject to public inspection under
21 AS 09.25.110 - 09.25.120, but that, because of its nature, is not
22 readily accessible to the public or the profession, occupation,
23 or group to which the person belongs; and

24 (B) if used or disclosed, a personal benefit or advan-
25 tage is likely to result;

26 (21) "political action" means conduct in which public offi-
27 cials, including legislators or legislative employees, use their
28 official position or political contacts to exercise influence on state
29 and local government employees or entities; it includes but is not

1 limited to intervening on behalf of constituents with a government
2 agency, endorsing, and pledging support or actively supporting a
3 legislative matter, a nominee, or a candidate for public office;

4 (22) "reasonably should know" means that, under the circum-
5 stances, a reasonable person would know a fact;

6 (23) "registered lobbyist" means a person who is required to
7 register under AS 24.45.041;

8 (24) "representation" means action taken on behalf of another,
9 whether for compensation or not, including but not limited to
10 telephone calls and meetings and appearances at proceedings or meet-
11 ings;

12 (25) "substantial interest in legislative, administrative,
13 or political action" has the meaning given in AS 24.61.260.

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

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

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

20 (b) A person filing a declaration of candidacy under this sec-
21 tion other than for a state legislative office shall simultaneously
22 file with the director a statement of income sources and business
23 interests that complies with the requirements of AS 39.50. A person
24 filing a declaration of candidacy for state legislative office shall
25 simultaneously file with the director a disclosure statement that
26 complies with the requirements of AS 24.61.400 - 24.61.410.

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

28 (c) An incumbent public official other than a legislator who has
29 a current statement of income sources and business interests on file

1 with the Alaska Public Offices Commission, or an incumbent legislator
2 who has a current disclosure statement on file with the Legislative
3 Ethics Commission, is not required to file a statement of income
4 sources and business interests or a disclosure statement with the
5 declaration of candidacy under (b) of this section.

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

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

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

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

23 * Sec. 8. AS 24.10.100 is amended to read:

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

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

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

4 (1) during a legislative session if the legislator is not
5 living in the legislator's place of permanent residence during the
6 session; or

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

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

13 (c) In this section,

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

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

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

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

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

29 (c) A representative from a single-representative district may

1 voucher up to \$6,000 under this section. A representative from a
2 two-representative district and a senator from a single-senator dis-
3 trict may voucher up to \$7,000 under this section. A senator from a
4 two-senator district may voucher up to \$9,000 under this section.
5 Vouchers shall be processed under AS 24.10.120 and policies adopted by
6 the legislative council consistent with 26 U.S.C. 162.

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

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

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

23 * Sec. 12. AS 24.40.020 is amended to read:

24 Sec. 24.40.020. CONTINUANCE IN A CRIMINAL PROCEEDING WHERE
25 DEFENDANT [, DEFENSE ATTORNEY] OR WITNESS IS A MEMBER OF THE LEGISLA-
26 TURE. Upon a showing that [THE ATTORNEY OF RECORD AT THE TIME OF THE
27 DEFENDANT'S FIRST APPEARANCE IN THE COURT OF RECORD OR] a principal
28 witness or a party in a criminal proceeding is a member of the legis-
29 lature and that the legislature is in session or that a legislative

1 interim committee of which the legislator is a member is meeting or is
2 to meet within the next seven days, the defendant is entitled to a
3 reasonable continuance of the date of trial until at least 15 days
4 after the legislative session or interim committee meeting. However,
5 a continuance for this reason may [SHALL] not exceed 30 days after
6 recess of the legislature or interim committee. A continuance may not
7 be granted for any longer time than it is affirmatively proved the
8 ends of justice require.

9 * Sec. 13. AS 24.40.031 is amended to read:

10 Sec. 24.40.031. POSTPONEMENT OF CIVIL PROCEEDINGS WHEN A PARTY
11 [OR ATTORNEY] IS A MEMBER OF THE LEGISLATURE. When it appears that a
12 party [OR AN ATTORNEY OF RECORD OF A PARTY] to a civil action is a
13 member of the legislature of this state [,] and that the legislature
14 is in session, the action shall be continued until 10 days after the
15 legislature has adjourned, unless the party [OR ATTORNEY] upon the
16 call of the action for trial waives the benefit of this section. When
17 it appears that a party [OR AN ATTORNEY OF RECORD OF A PARTY] to a
18 civil action is a member of the Alaska Legislative Council, the Legis-
19 lative Budget and Audit Committee, or one of their subcommittees, the
20 action shall be continued when the legislative council, budget and
21 audit committee, or the subcommittee, as the case may be, is holding a
22 meeting, unless the party [OR ATTORNEY] upon the call of the action
23 for trial waives the benefit of this section. When it is necessary to
24 file a brief or memorandum of law in an action that [WHICH] has been
25 continued under the provisions of this section, the action shall be
26 continued for a time sufficient to prepare and file the brief or
27 memorandum.

28 * Sec. 14. AS 24.45.041(a) is amended to read:

29 (a) Before engaging in lobbying, a lobbyist shall file a

1 registration statement on a form prescribed by the commission. The
2 commission may not accept the form for filing unless the lobbyist's
3 name has been certified to the commission by the Legislative Ethics
4 Commission under AS 24.61.750(c).

5 * Sec. 15. AS 24.45.041(f) is amended to read:

6 (f) Each lobbyist shall renew the registration annually by
7 filing a new registration statement together with a new authorization
8 to act as a lobbyist before engaging in lobbying. The lobbyist also
9 shall file any reports or statements the lobbyist has failed to file
10 for a previous reporting period. The commission may not renew lobby-
11 ing credentials until this provision is complied with and unless the
12 Legislative Ethics Commission has certified the lobbyist's name to the
13 commission under AS 24.61.750(c) and the lobbyist has complied with
14 AS 24.61.750(e).

15 * Sec. 16. AS 24.45.041 is amended by adding a new subsection to read:

16 (g) Notwithstanding (a) and (f) of this section, a lobbyist
17 whose name has not been certified to the commission under AS 24.61.-
18 750(c) may conditionally register or renew a registration under this
19 section if authorized by the Legislative Ethics Commission under
20 AS 24.61.750(a).

21 * Sec. 17. AS 24.45.121(a) is amended to read:

22 (a) A lobbyist may not

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

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

28 (3) intentionally deceive or attempt to deceive any public
29 official with regard to any material fact pertinent to pending or

1 proposed legislative or administrative action;

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

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

8 (6) accept or agree to accept any payment in any way con-
9 tingent upon the defeat, enactment, or outcome of any proposed legis-
10 lative or administrative action;

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

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

16 (9) serve as a campaign manager or director, serve as a
17 campaign treasurer or deputy campaign treasurer on a finance or fund-
18 raising committee, host a fundraising event, or otherwise engage
19 actively in the fundraising activity of a legislative campaign or for
20 a legal defense fund under AS 24.61.220; this paragraph does not apply
21 to a representational lobbyist as defined in the regulations of the
22 Alaska Public Offices Commission, and does not prohibit a lobbyist
23 from making personal contributions to or personally advocating on
24 behalf of a candidate.

25 * Sec. 18. AS 39.25.110 is amended by adding a new paragraph to read:

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

28 * Sec. 19. AS 39.50.020 is amended to read:

29 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a)

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

25 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLA-
26 TURE,] judicial officers, each commissioner, head or deputy head of,
27 or director of a division within, a department in the executive
28 branch, assistant to the governor or chair [CHAIRMAN] or member of a
29 commission or board required to report under this chapter, shall file

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

8 * Sec. 20. AS 39.50.200(a)(8) is amended to read:

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

20 * Sec. 21. AS 39.52.910(a) is amended to read:

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

27 * Sec. 22. AS 24.55.310, AS 24.60, AS 39.50.025, and 39.50.120 are
28 repealed.

29 * Sec. 23. INITIAL COMMISSION APPOINTMENTS. Notwithstanding

1 AS 24.61.500(b), as added by sec. 2 of this Act, the terms of the members
2 initially appointed to the Legislative Ethics Commission are as follows:

3 (1) the members appointed by the senate and the house of rep-
4 resentatives and one of the members appointed by the Legislative Ethics
5 Commission, determined by lot, serve terms of five years;

6 (2) the member appointed by the governor and the second member
7 appointed by the Legislative Ethics Commission serve terms of four years;

8 (3) the member appointed by the Alaska Public Offices Commission
9 serves a term of three years;

10 (4) the member appointed by the lieutenant governor services a
11 term of two years; and

12 (5) the member appointed by the supreme court serves a term of
13 one year.

14 * Sec. 24. INITIAL TRAINING COURSES. The initial courses and seminars
15 required under AS 24.61.730 - 24.61.750, as added by sec. 2 of this Act,
16 shall be offered during January and February 1991. Notwithstanding AS 24.-
17 61.730(a), as enacted by sec. 2 of this Act, all legislators and legisla-
18 tive employees required to attend a legislative ethics orientation training
19 course shall attend a course in 1991.

20 * Sec. 25. INITIAL RECOMMENDED REGULATIONS. The Alaska Legislative
21 Council shall make its initial recommendations to the Legislative Ethics
22 Commission under AS 24.61.160, as added by sec. 2 of this Act, by
23 January 21, 1991. If the legislative council does not comply with the
24 deadline under this section, the Legislative Ethics Commission shall pro-
25 ceed to adopt regulations under AS 24.61.160 on its own initiative.

26 * Sec. 26. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER
27 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 22 of this Act,
28 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,
29 the Legislative Ethics Commission may consider complaints alleging

1 violations of AS 24.60 that occurred prior to January 21, 1991, and for
2 which proceedings have not been commenced or concluded prior to January 21,
3 1991. For the purpose of this section, the Legislative Ethics Commission
4 shall follow the procedures established under AS 24.61, but may not recom-
5 mend a sanction or penalty not authorized under former AS 24.60.

6 * Sec. 27. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTH-
7 ERS. Notwithstanding AS 24.61.330, as added by sec. 2 of this Act, a
8 legislator or legislative assistant who is subject to AS 24.61.330 may,
9 until January 1, 1992, represent a person in a proceeding that would other-
10 wise be prohibited under AS 24.61.330 if the legislator or legislative
11 assistant promptly files a statement with the Legislative Ethics Commission
12 that includes the name of the client, an identifying name or number of the
13 action, a brief description of the nature of the action, and the amount of
14 compensation received or anticipated relating to the representation. The
15 statement shall be published in the journal of the appropriate house. If
16 information contained in the statement changes, a supplemental statement
17 shall be filed every 90 days until the matter is completed or January 1,
18 1992, at which time the representation must be terminated. The representa-
19 tion may continue beyond January 1, 1992, if the legislator or legislative
20 assistant applies for, and the Legislative Ethics Commission grants, an
21 exemption to the termination date under AS 24.61.530, as added by sec. 2 of
22 this Act. In this section, "legislative assistant" has the meaning given
23 in AS 24.61.990, as added by sec. 2 of this Act.

24 * Sec. 28. AS 24.61.160, 24.61.400(d), 24.61.500 - 24.61.720 and 24.-
25 61.990, as added by sec. 2 of this Act, and secs. 23 - 25 of this Act, take
26 effect July 1, 1990.

27 * Sec. 29. AS 24.61.200 - 24.61.240, as added by sec. 2 of this Act,
28 take effect November 6, 1990.

29 * Sec. 30. Except as provided in secs. 28 and 29 of this Act, this Act

1 takes effect January 21, 1991.

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5/1/90

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

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 415 ()

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. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES.

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 ethical 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 ingness 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 advoca-
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) therefore, the state needs a comprehensive ethics
14 program that responds to the challenges of the contemporary political
15 climate, preserves and protects the integrity of the legislative
16 process, and respects the needs of those who serve the legislature.

17 Sec. 24.61.020. PREAMBLE TO STATEMENT OF ETHICAL PRINCIPLES.
18 AS 24.61.025 - 24.61.060 state the overarching ethical principles of
19 legislative ethics. They are, by nature, broader and more philosoph-
20 ical than the standards of conduct and, therefore, not amenable to
21 strict enforcement. Their purpose is not to provide additional bases
22 of punishment, but to establish the theoretical and moral foundation
23 for the standards of conduct and to provide explicit guidance and
24 direction for those who wish to follow the ethical high road, not
25 simply out of fear of punishment but out of commitment and conscience.
26 These principles also establish criteria for interpretation and en-
27 forcement of the principles themselves and the standards of conduct
28 that follow. The principles shall be regarded as an integral part of
29 this chapter.

1 Sec. 24.61.025. PRINCIPLE OF GOOD FAITH. Each provision of this
2 chapter shall be construed and implemented with sincerity, integrity,
3 and a good faith commitment to advance rather than evade the purpose
4 and spirit of the provision.

5 Sec. 24.61.030. PRINCIPLE OF NONPARTISANSHIP. All actions,
6 decisions, and votes on matters relating to this chapter shall be made
7 on their merits. Decisions shall be made objectively and independent-
8 ly, and without party, regional, or ideological partisanship.

9 Sec. 24.61.035. PRINCIPLES OF PUBLIC TRUST. (a) Legislators
10 and legislative employees shall act so as to ensure the reality and
11 perception that the legislature is conducted according to the highest
12 principles of representative democracy and is worthy of public re-
13 spect, trust, and support.

14 (b) Legislators and legislative employees may not engage in
15 conduct that they know or reasonably should know is likely to create
16 in the minds of reasonable, objective, fair-minded observers the
17 perception that they have used their public position improperly or
18 otherwise have not conducted themselves in accordance with the ethical
19 principles and standards of conduct of this chapter.

20 Sec. 24.61.040. PRINCIPLES OF PUBLIC INTEREST. (a) Legislators
21 and legislative employees shall treat their government positions as a
22 public trust, using the powers and resources of public office only to
23 advance public interests, and not to attain personal benefits or
24 pursue other private interests incompatible with the public good.

25 (b) In pursuing the public interest, legislators and legislative
26 employees shall scrupulously observe and abide by the United States
27 and Alaska constitutions, all applicable laws, and democratic pro-
28 cesses.

29 (c) In pursuing the public interest, legislators and legislative

1 employees should

2 (1) put loyalty to democratic principles and to their
3 conscientious convictions about the overall public good above loyalty
4 to political party, narrow constituency, and individual interests that
5 are inconsistent with the general public interest;

6 (2) allocate public funds and formulate general public
7 policies only after evaluating information objectively and deciding
8 what is best for the public as a whole, not just for a narrow constit-
9 uency;

10 (3) take whatever steps are necessary to safeguard and
11 protect the reputation of state government and the integrity and
12 efficiency of their office, subordinating the interests of superiors,
13 colleagues, and friends to the interests of the state.

14 Sec. 24.61.045. PRINCIPLE OF ACCOUNTABILITY. (a) Legislators
15 and legislative employees shall ensure that government is conducted
16 openly, efficiently, equitably, and honorably in a manner that permits
17 the citizenry to make informed judgments and hold government officials
18 accountable.

19 (b) Legislators and legislative employees who believe that a
20 law, policy, or rule of a house is not achieving its intended purpose,
21 is creating unintended harms, or is wasteful or inefficient, shall
22 take affirmative steps to improve procedures in a way that will in-
23 crease the fairness and quality of government services and assure that
24 policies are implemented equitably, efficiently, and economically.

25 Sec. 24.61.050. PRINCIPLE OF REPRESENTATIVE DEMOCRACY. (a)
26 Legislators and legislative employees shall honor and respect the
27 principles and spirit of representative democracy and set a positive
28 example of good citizenship by scrupulously observing the letter and
29 spirit of laws and rules.

1 (b) A legislator or legislative employee may not knowingly use
2 improper artifices or schemes to circumvent the clear purpose of this
3 chapter or another law, use procedural powers or processes in a way
4 that prevents appropriate consideration of a matter, or exercise
5 leadership authority and power arbitrarily, arrogantly, or in another
6 way that violates the spirit of representative democracy.

7 Sec. 24.61.055. PRINCIPLE OF RESPECTABILITY; CONDUCT BEFITTING
8 THE LEGISLATURE. (a) Legislators and legislative employees shall
9 safeguard public confidence in the integrity of government by not
10 engaging in conduct that prevents them from carrying out their public
11 duties or that unreasonably casts discredit on the legislature.

12 (b) A legislator or legislative employee may not knowingly
13 engage in conduct that violates the rights of others to be treated
14 fairly, and with dignity and respect.

15 Sec. 24.61.060. PRINCIPLE OF INDEPENDENT JUDGMENT. (a) Legis-
16 lators and legislative employees shall employ independent objective
17 judgment in performing their duties and shall decide all matters on
18 the merits.

19 (b) Legislators and legislative employees should avoid trans-
20 actions and relationships that create conflicts of interest and both
21 real and apparent improper influences. Where the interests and influ-
22 ences are unavoidable, legislators and legislative employees shall
23 subordinate other interests to their public duties.

24 (c) Legislators and legislative employees shall exercise their
25 powers and prerogatives without prejudice or favoritism. A legislator
26 or legislative employee may not use public authority simply to reward
27 relatives, friends, or political supporters or to hinder or punish
28 enemies and opponents.

29 ARTICLE 2. STANDARDS OF CONDUCT.

1 Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL
2 PRINCIPLE. Inherent in the concept that public office is a public
3 trust is the principle that legislators and legislative employees
4 refrain from using or attempting to use their government position to
5 attain

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

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

11 (3) benefit for social or business associates, political
12 contributors, corporations, or other organizations in which the public
13 servant is involved; or

14 (4) political advantages where the use of office is incon-
15 sistent with the obligation to use public office only to advance the
16 public interest.

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

26 (b) A legislator or legislative employee may not accept anything
27 of value under circumstances where the legislator or legislative
28 employee knows or reasonably should know that it is offered with the
29 intent to influence legislative, administrative, or political action.

1 A person who violates this subsection is guilty of receiving a bribe
2 under AS 11.56.110 and is subject to civil sanctions under AS 24.61.-
3 560(a).

4 Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. (a) Legisla-
5 tors and legislative employees who receive an offer of anything of
6 value that reasonably appears to have been intended to improperly
7 influence legislative, administrative, or political action, shall
8 firmly and unequivocally reject the offer and caution the person
9 making it about a possible violation of bribery laws.

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

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

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

1 under AS 11.46.

2 (b) A legislator or legislative employee may not seek, accept,
3 use, allocate, grant, or award public funds for a purpose other than
4 that approved by law, or make a false statement in connection with a
5 claim, request, or application for compensation, reimbursement, or
6 travel allowances from public funds. A person who violates this
7 subsection is subject to the civil sanctions authorized under AS 24.-
8 61.560(a) in addition to appropriate criminal penalties under another
9 law.

10 (c) A legislator or legislative employee may not require or
11 permit a legislative employee to perform personal services or assist
12 in a private activity except in unusual and infrequent situations
13 where the person's service is reasonably necessary to permit the
14 legislator or legislative employee to perform official duties. A
15 person who violates this subsection is subject to civil sanctions
16 under AS 24.61.560(a) in addition to appropriate criminal penalties
17 under another law.

18 Sec. 24.61.140. MISUSE OF STATE PROPERTY AND RESOURCES FOR
19 POLITICAL PURPOSES. (a) It is the intent of this section to ensure
20 that public resources, including funds, facilities, and personnel are
21 used only for the good of the public at large and not to further
22 partisan campaign purposes or to influence the outcome of an election;
23 that elections are fair and open and not distorted by the use of
24 public resources to the advantage of individual candidates; and that
25 taxpayers are not forced to subsidize the campaign of an incumbent
26 legislator.

27 (b) A legislator or legislative employee may not use or author-
28 ize the use of public funds, time, facilities, equipment, mailing
29 lists, computer data, services, or another government asset or

1 resource for the purpose of political fund raising, campaigning, or
2 influencing the election of a candidate. This subsection does not
3 prohibit the use of mailing lists, computer data, or other public
4 information lawfully obtained from a government agency and available
5 to the general public for nongovernmental purposes. A person who
6 violates this subsection may be prosecuted for theft under AS 11.46.

7 (c) A legislator or legislative employee may not require a
8 legislative employee on government time to assist in political party
9 activities, campaigning, fund raising, or other partisan or personal
10 political activities.

11 (d) The legislative council shall adopt policies relating to a
12 legislator's use of public funds for the production of newsletters or
13 similar publications for distribution to the legislator's constitu-
14 ents. The policies must address the form and content of these publi-
15 cations and must include a requirement that the publications include

16 (1) a brief description of the nature of each bill intro-
17 duced by the legislator as a prime sponsor;

18 (2) an identification of significant bills voted on by the
19 legislator's house and the vote of the legislator; and

20 (3) the name of each significant contributor to the legis-
21 lator's campaign.

22 (e) Unless superseded by policies relating to the use of govern-
23 ment resources for political purposes developed by the legislative
24 council and adopted by the commission as regulations under AS 24.61.-
25 160, the following prohibitions apply:

26 (1) a legislator may not use or authorize the use of public
27 funds, property, time, personnel, or other resources to produce,
28 print, photocopy, publish, broadcast, or otherwise disseminate mater-
29 ial primarily intended to influence the election of a candidate in an

1 election; this provision applies to newsletters and other constituent
2 correspondence that by their nature, content, timing, or use are
3 intended to influence an election, even if the materials do not make a
4 specific reference to the election, but does not apply to newsletters
5 and other constituent correspondence that express the legislator's
6 opinions or views on issues before the legislature, or that describe
7 the legislator's votes, legislative proposals, or other legislative
8 action.

9 (2) unless approved by the commission, public funds may not
10 be used to print or distribute a mass mailing from or about a legisla-
11 tor who is a candidate for reelection to the legislature or another
12 state office during the period beginning 60 days before the primary
13 election in which the legislator is a candidate, and ending the day
14 after a general or special election in which the legislator is a
15 candidate;

16 (3) a legislator, or another person on behalf of the legis-
17 lator, or a campaign committee of the legislator, may not solicit or
18 accept or authorize the solicitation or acceptance of, a campaign
19 contribution in a facility or office ordinarily used to conduct state
20 government business; this provision applies to telephone conversa-
21 tions, personal meetings, and solicitations by mail; if an unsolicited
22 contribution is offered it shall be refused or returned promptly; if
23 an unsolicited contribution is received in the mail, or a lawfully
24 solicited contribution is misdirected to an office ordinarily used to
25 conduct state business, if otherwise lawful it may be accepted but it
26 may not be processed in that office and it shall be delivered promptly
27 to an appropriate location;

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

1 or post literature, placards, posters, or other communications in-
2 tended to influence the election of a candidate in an election in a
3 facility or office ordinarily used to conduct state government busi-
4 ness.

5 (f) Except for a person who violates (e)(1) of this section or a
6 regulation adopted under AS 24.61.160 that supersedes (e)(1) of this
7 section and whose conduct may be prosecuted as theft under AS 11.46, a
8 person who violates (c) or (e)(1) - (3) of this section or a regu-
9 lation adopted under AS 24.61.160 that supersedes (e)(1) - (3) of this
10 section is guilty of a class A misdemeanor.

11 (g) In addition to criminal penalties, a person who violates
12 (b), (c), or (e)(1) - (3) of this section or a regulation relating to
13 (b), (c), or (e)(1) - (3) of this section is subject to civil
14 sanctions under AS 24.61.560(a).

15 Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM
16 IMPROPER TASKS. (a) A legislative employee who knows or reasonably
17 should know that the employee has been asked to perform a personal or
18 political task in violation of AS 24.61.100 - 24.61.460 shall refuse
19 to perform the task.

20 (b) If a legislator or legislative employee with supervisory
21 authority persists in requesting or demanding that a legislative
22 employee perform prohibited tasks, or if reprisals are threatened or
23 sanctions imposed as a result of the refusal to perform prohibited
24 tasks, the legislative employee subjected to the requests, threats, or
25 sanctions shall report the matter to the commission.

26 (c) A person who violates this section is subject to the civil
27 sanctions authorized under AS 24.61.560(a).

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

29 (a) The legislative council shall develop and recommend for adoption

1 by the commission detailed regulations relating to the use of govern-
2 ment property, resources, and personnel. The legislative council
3 shall annually review the regulations and recommend necessary changes
4 to the commission.

5 (b) If the legislative council fails to make recommendations for
6 the adoption or modification of regulations under (a) of this section,
7 the commission shall develop and adopt the regulations on its own
8 initiative.

9 Sec. 24.61.170. USE OF NONPUBLIC INFORMATION FOR PRIVATE GAIN.

10 (a) A legislator or legislative employee, or a former legislator or
11 legislative employee who terminated legislative service within one
12 year, may not use or disclose nonpublic information to obtain a bene-
13 fit for the legislator, employee, former legislator or employee, or
14 another person, including a person with whom the legislator, employee,
15 or former legislator or employee is associated or has negotiated pro-
16 spective employment. This subsection does not allow the disclosure of
17 information made confidential by law.

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

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

26 (b) A legislator or legislative employee may not solicit or
27 accept anything of value under terms and conditions where the compen-
28 sation is not commensurate with the services performed or where a
29 reasonable person would believe that the authority, title, or prestige

1 of office had been exploited.

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

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

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

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

19 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF
20 PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE ASSISTANTS. (a)
21 Legislators may not, for a period of one year after leaving office,
22 act as a lobbyist in seeking to influence a (1) legislator or legisla-
23 tive employee to take or withhold legislative, administrative, or
24 political action; or (2) state agency, public official, or employee to
25 take or withhold official action if the agency is one over which the
26 former legislator had special oversight or budget authority. A person
27 is considered to have had special oversight or budget authority over
28 an agency if the person served, within the last year of the person's
29 legislative term, as the president of the senate, speaker of the

1 house, chair of the finance committee of either house, or as chair of
2 a committee directly concerned on a regular basis with the agency's
3 activities.

4 (b) A legislative assistant may not, for a period of one year
5 after leaving office or legislative employment, act as a lobbyist
6 before the legislature.

7 (c) A former legislator, within one year after leaving office,
8 may not solicit or accept anything of value under terms and conditions
9 where the compensation is not commensurate with the services performed
10 or where a reasonable person would believe that the stature of office
11 had been exploited.

12 (d) In extraordinary situations, a former legislator or legisla-
13 tive assistant may seek a waiver of a provision of this section under
14 AS 24.61.530.

15 (e) A person who violates (a) - (c) of this section is guilty of
16 a class A misdemeanor and is subject to civil sanctions under AS 24.-
17 61.560(a).

18 Sec. 24.61.200. USE OF CAMPAIGN FUNDS: INTENT. Because the
19 right to solicit and accept funds from the public for the purpose of
20 supporting a person's campaign for office is purely an incident of our
21 democratic political system, the use that can properly be made of
22 campaign funds must be sharply limited to prevent actual misuse and
23 improper appearances of misuse of funds. Legislative campaign funds
24 are received, free of tax liability to the recipient, for the specific
25 purpose of assisting a candidate to get elected or reelected to of-
26 fice. Any other use of funds, whether for personal gain or other
27 purposes not closely related to bona fide campaign expenditures, is
28 improper.

29 Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS. Campaign funds

1 may be used only to advance the interests of the campaign. Campaign
2 funds may be properly expended for an otherwise lawful purpose intend-
3 ed to influence voters to elect or reelect the legislative candidate
4 to the legislature including, but not limited to: payment of staff
5 and consultants; rental of space and equipment for a campaign office;
6 purchase of media time and space; design work; printing of campaign
7 materials; postage; taking polls and interpreting them; telephone
8 installation and usage; costs of distribution of materials; advertis-
9 ing in organizational and club bulletins or other brochures; inscribed
10 promotional materials, including buttons, pencils, pens, and items of
11 clothing; necessary travel and related expenses for the candidate and
12 members of the candidate's staff or immediate family provided that the
13 travel and lodging are directly related to attempts to raise campaign
14 funds or influence voters; victory and thank you celebrations; news-
15 letters and mass mailings promoting the candidate; and payment of
16 attorney fees and other legal expenses incurred in the defense of a
17 civil, criminal, or administrative action arising directly out of the
18 conduct of the campaign or election process or out of the performance
19 of activities within the scope of a 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 who has won office, and a
14 committee related to the election, may not accept campaign contribu-
15 tions. A post-election 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 or have reason to know of
26 those actions.

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

1 the candidate after the date of the election, unexpended funds in
2 excess of the amount allowed under (b) of this section may only be
3 used as provided in (1) - (5) of this subsection or to pay for a
4 victory or thank you party. Within 60 days after the end of the
5 candidacy or the election, unexpended funds shall be

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

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

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

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

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

24 (6) transferred, in an amount not to exceed \$1,000, to a
25 legislative office account for expenditures qualifying as business
26 expenses under 26 U.S.C. 162.

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

1 (c) Funds carried over under (b) of this section may be expended
2 for any political purpose for which campaign funds can otherwise
3 properly be used, but they may not be used for a campaign for an
4 office other than the state legislature.

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

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

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

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

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

1 (e) Expenditures from the legal defense fund account may be made
2 only for legal costs directly related to the civil, criminal, or
3 administrative proceeding or proceedings for which the legal defense
4 fund is established. Expenditures from the legal defense fund account
5 may not be used to pay or reimburse fines, penalties, judgments, or
6 settlements in connection with a criminal prosecution or a civil or
7 administrative action in which the legislative candidate, legislator,
8 or legislative employee is found to have committed, or admits to
9 having committed a violation of the law.

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

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

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

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

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

1 (h) Funds received from fundraising events must be clearly
2 designated in advance as either for campaign purposes or for the legal
3 defense fund and all proceeds shall be dealt with as required by this
4 chapter.

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

7 Sec. 24.61.230. IMPROPER COERCION. (a) Legislators wield
8 substantial power and influence and it is essential that constituents
9 and others interested in their legislative, administrative, and polit-
10 ical actions have, and believe they have, a fair and adequate oppor-
11 tunity to express their concerns, grievances, and ideas without regard
12 to their willingness or ability to provide personal benefits, contrib-
13 ute to particular charitable causes favored by a legislator, or pro-
14 vide financial or other forms of political support.

15 (b) A legislator may not, directly or by authorizing another to
16 act on the legislator's behalf, state or imply that the legislator's
17 consideration of an issue, cause, or piece of legislation, or the
18 legislator's willingness to meet with a person, is dependent on the
19 person making a campaign contribution, donating to a cause favored by
20 the legislator, or providing a thing of value to the legislator.

21 (c) A legislator may not directly, or by authorizing another to
22 act on the legislator's behalf,

23 (1) agree to, or threaten to take or withhold a legisla-
24 tive, administrative, or political action, including but not limited
25 to support or opposition to a bill, employment, nominations, and
26 appointments, as a result of a person's decision to provide or not
27 provide a political contribution;

28 (2) state or imply that the legislator will perform or
29 refrain from performing a lawful constituent service as a result of a

1 person's decision to provide or not provide a political contribution;

2 (3) agree to or participate in a scheme or plan intended to
3 evade the requirements of this chapter, a regulation adopted under
4 this chapter, or another financial disclosure provision of state law;
5 or

6 (4) knowingly accept a contribution given or offered in
7 violation of this chapter.

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

12 (e) In addition to criminal penalties, a person who violates
13 this section is subject to civil sanctions under AS 24.61.560(a).

14 Sec. 24.61.240. FUNDRAISING LIMITATIONS. (a) Because the
15 process of campaign fundraising involves activities that take great
16 amounts of time and energy and that tend to place legislators in
17 situations rife with the potential for conflicts of interest, it is
18 the intent of this section that fundraising should be limited in ways
19 that permit legislators to concentrate their attention on public
20 matters.

21 (b) A legislator may not, either directly, through a campaign
22 committee, or other means, solicit or accept a campaign contribution
23 or a promise or pledge to make a contribution while the legislature is
24 in regular session, nor may a legislator solicit campaign funds or
25 host a campaign fundraising event for another person while the legis-
26 lature is in session. This subsection does not prevent fundraising
27 activity for a charitable organization if the activity does not
28 violate AS 24.61.230.

29 (c) A legislator or a candidate for the legislature may not,

1 either directly, through a campaign committee, or other means, solicit
2 or accept a campaign contribution or a promise or pledge to make a
3 contribution relating to candidacy for the legislature in an election
4 other than a special election under AS 15.40 except during the follow-
5 ing periods:

6 (1) legislators and other incumbent elected public offi-
7 cials intending to run for the legislature may raise funds from June 1
8 until December 31 in the year before the year of an election in which
9 they intend to be a candidate, and from June 1 through the general
10 election in November in the year of the election; in this paragraph,
11 "public official" means a person required to file a campaign disclo-
12 sure statement under AS 15.13;

13 (2) candidates for the legislature who are not in public
14 office at the time of their candidacy may raise funds from June 1 in
15 the year before the year of an election in which they intend to be a
16 candidate through the general election in November in the year of the
17 election.

18 (d) This section does not prohibit a legislator from making an
19 otherwise lawful contribution or from attending an otherwise lawful
20 fund raising activity at any time.

21 Sec. 24.61.245. ENFORCEMENT OF CAMPAIGN FUND PROVISIONS. The
22 Alaska Public Offices Commission shall enforce AS 24.61.205, 24.61.-
23 210, and 24.61.240. A person who believes that AS 24.61.205, 24.61.-
24 210, or 24.61.240(b) or (c) has been violated may file a complaint
25 under AS 15.13.120(d) with the Alaska Public Offices Commission, which
26 shall handle the complaint in the same manner as a complaint alleging
27 a violation of AS 15.13. The penalties for a violation of AS 24.61.-
28 205, 24.61.210, and 24.61.240(b) and (c) are those set out in AS 15.-
29 13.120(a). In addition, if the Alaska Public Offices Commission

1 determines after a hearing under AS 15.13.120(d), or if a legislator
2 or legislative assistant admits, that the legislator or assistant
3 violated or caused, induced, aided, or encouraged a violation of
4 AS 24.61.205, 24.61.210, or 24.61.240(b) and (c), the legislator or
5 assistant is subject to sanctions under AS 24.61.560(a).

6 Sec. 24.61.250. GENERAL OBLIGATION TO AVOID CONFLICTS OF INTER-
7 EST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS.
8 Legislators and legislative employees shall safeguard their ability to
9 make independent, objective, fair, and impartial judgments by avoiding
10 financial relationships and transactions that may compromise or give
11 the appearance of compromising their objectivity, independence, or
12 honesty.

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

- 23 (1) the person's economic interest is not substantial;
24 (2) the person's authority in relation to the interest is
25 such that an action or decision is not likely to materially affect the
26 financial interest; or
27 (3) the economic effect an official action or decision
28 might have on a person's private financial interests is no greater
29 than the effect on a substantial class of persons to which the person

1 belongs as a member of a profession, occupation, industry, or region.

2 Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRA-
3 TIVE, OR POLITICAL ACTION DEFINED. Conflicts of interest arise most
4 often and are most serious when a legislator or legislative employee
5 has a financial or personal relationship with other persons, including
6 governmental entities, that have a substantial interest in legisla-
7 tive, administrative, or political action. Persons, including govern-
8 mental entities, have a substantial interest if they

9 (1) seek employment in the legislative branch or a govern-
10 ment agency or in a private organization in which a legislator or
11 legislative employee is likely to have, or reasonably appears to have,
12 the ability to influence an employment decision;

13 (2) will be directly and substantially affected, either
14 financially or personally, by a legislative, administrative, or polit-
15 ical action in a way that is greater than the effect on a substantial
16 class of persons to which the person belongs as a member of a profes-
17 sion, occupation, industry, or region;

18 (3) have or seek contracts in excess of \$10,000 annually
19 for goods or services with the legislature or with an agency of state
20 government;

21 (4) are lobbyists;

22 (5) employ lobbyists; or

23 (6) represent, with or without compensation, a person or
24 organization described in (1) - (5) of this section.

25 Sec. 24.61.265. CLOSE ECONOMIC ASSOCIATION DEFINED. "Close
26 economic association" refers to a financial relationship between two
27 or more persons that creates economic interests in a legislator or
28 legislative employee that either (1) conflict with public duties and
29 the obligation to exercise objective independent judgment; or (2)

1 create the appearance that the person may have access to confidential
2 information or otherwise receive favored treatment regarding public
3 actions. "Close economic association" includes, but is not limited
4 to, relationships involving compensation as an employee, agent, rep-
5 resentative, counselor, adviser, or consultant, including professional
6 services provided by a lawyer or a financial planner to a client; a
7 financial interest resulting from an investment, business enterprise,
8 or interest in real property as a partner, investor, associate, or
9 major stockholder; a landlord and tenant or co-tenants sharing housing
10 expenses; a debt, loan, or loan guarantee; or another relationship in
11 which a legislator or legislative employee has a substantial economic
12 involvement with another person. In this section, "person" includes
13 governmental entities.

14 Sec. 24.61.270. DEALING WITH FINANCIAL CONFLICTS. Except in the
15 relatively few cases in which certain transactions or relationships
16 are banned by this chapter or where divestiture may be ordered by the
17 commission, conflicts of interest are dealt with primarily as a matter
18 of required public disclosure and voluntary restraint.

19 Sec. 24.61.280. DEALING WITH PERSONAL RELATIONSHIP CONFLICTS OF
20 INTEREST. Except in the very few cases where certain relationships
21 give rise to specific legal limitations, such as the ban on nepotism,
22 personal relationship conflicts are not restricted or subject to
23 mandatory disclosure. However, this makes them no less damaging to
24 public trust. Close personal relationships that raise potential
25 conflicts may be unavoidable but legislators and legislative employees
26 shall ensure that they take no official actions under circumstances
27 where the personal relationship actually impedes the ability to make
28 an independent objective judgment on the merits. Legislators and
29 legislative employees may, but are not required to, disclose to the

1 commission the nature of personal relationships that might create
2 appearances of impropriety and seek informal or formal advice.

3 Sec. 24.61.290. RESTRICTED RELATIONSHIPS: NEPOTISM. (a) A
4 member of the immediate family of a legislator may not be employed for
5 compensation

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

8 (2) in either house in the interim between legislative
9 sessions; or

10 (3) by the commission, whether for compensation or not, at
11 any time.

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

15 (c) In cases where a member of the immediate family of a legis-
16 lator or legislative employee is uniquely qualified to perform a task,
17 or another extraordinary circumstance exists under which it would be
18 in the state's interest to waive the limitation of this section, an
19 exemption may be sought from the commission.

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

22 (e) A person who violates this section is subject to the civil
23 sanctions authorized under AS 24.61.560(a).

24 Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-
25 TORS, LEGISLATIVE CANDIDATES, AND LEGISLATIVE EMPLOYEES. (a) It is
26 important for legislators and legislative employees to maintain and
27 appear to maintain independence from lobbyists seeking legislative,
28 administrative, and political actions. A legislator or a legislative
29 candidate may not solicit or knowingly permit a registered lobbyist to

1 actively engage in fundraising activities for a legislative campaign
2 or for a legal expense fund under AS 24.61.220, which activities
3 include (1) serving as a campaign manager or director; (2) serving as
4 a campaign treasurer or deputy campaign treasurer on a finance or
5 fundraising committee; (3) hosting a fundraising event. This sub-
6 section may not be construed as prohibiting a lobbyist from making
7 personal contributions to or personally advocating on behalf of a
8 candidate. A legislator or a legislative candidate may not seek to
9 evade the purposes of this subsection by soliciting or knowingly
10 permitting a member of a business entity retained to lobby, or an
11 employee of a lobbyist to perform similar fundraising services.

12 (b) Legislators and legislative employees who have a close
13 economic association with a registered lobbyist shall make a written
14 disclosure of the association in confidence to the commission. The
15 disclosure shall be made during the first week of each session. If a
16 legislator or legislative employee is not in office or employed during
17 the first week of the session, or if the association did not exist
18 during the first week of the session, the disclosure shall be made
19 within 30 days after taking office or being employed or the creation
20 of the association.

21 (c) The written disclosure must state the name of the persons
22 involved, the nature of the association, and a brief narrative of the
23 matters the legislator or legislative employee is working on that
24 could create an actual conflict of interest. If the commission re-
25 quests additional information it shall be promptly provided.

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

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

5 (e) A legislator or legislative assistant may not provide per-
6 sonal services for compensation for or on behalf of a registered
7 lobbyist or a business entity retained to lobby, and may not have a
8 financial interest in a business that receives a substantial part of
9 its income from lobbyists and business entities retained to lobby.

10 (f) A person who violates this section is subject to the civil
11 sanctions authorized under AS 24.61.560(a) and other penalties au-
12 thorized under AS 24.45 (regulation of lobbying).

13 Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS AND
14 OTHER PUBLIC OFFICES. (a) A legislator may not serve on a governing
15 or advisory board of a nongovernmental organization that regularly has
16 a substantial interest in the legislative, administrative, and politi-
17 cal actions of the legislator.

18 (b) A legislative assistant may not serve in an elected public
19 office for which a candidate must file campaign disclosure statements
20 under AS 15.13, and may not serve in a position that requires confir-
21 mation by the legislature. A legislative assistant may serve on a
22 board of an organization, including a governmental entity, that regu-
23 larly has a substantial interest in the legislative activities of the
24 assistant, if the assistant discloses the board membership to the
25 commission. A legislative assistant may not, as part of the assis-
26 tant's employment, be personally involved in an issue or take a spe-
27 cific action that directly relates to an organization of which the
28 assistant is a board member.

29 (c) In extraordinary situations where the criteria for an

1 exemption exists, a legislator or legislative assistant may seek a
2 waiver of the provisions of this section or a modified order from the
3 commission.

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

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

16 (b) In extraordinary situations where the criteria for an ex-
17 emption exists, a legislator or legislative employee may seek a waiver
18 of the provisions of this section.

19 (c) A person who violates this section is subject to the civil
20 sanctions authorized under AS 24.61.560(a).

21 Sec. 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REP-
22 RESENTATIVE. (a) A legislator or legislative assistant may not for
23 compensation represent a person in a legal action against the state
24 where the state is the real party in interest, or receive compensation
25 or any other benefit for acting as a representative, advisor, or
26 consultant to persons regarding their actions against the state. This
27 provision may not be construed to prevent a legislator or legislative
28 assistant who is an attorney from representing a criminal defendant or
29 clients in competency, commitment, delinquency, support, or child in

1 need of aid cases or similar proceedings where the state is not the
2 real party in interest.

3 (b) A legislator or legislative assistant may not for compen-
4 sation represent, as an advocate, advisor, or consultant, a person in
5 a matter involving an agency, board, or commission of the state,
6 unless the matter involves a proceeding that is adjudicatory in nature
7 and there is no reasonable basis to conclude that the side represented
8 by the legislator or legislative employee has an unfair advantage. A
9 matter is considered to be adjudicatory in nature where opposing sides
10 are separately represented. This provision does not prohibit an
11 attorney from representing a client in an otherwise permissible action
12 before a criminal or civil court or prevent a legislator or legisla-
13 tive assistant from representing personal interests in an otherwise
14 proper proceeding. This subsection shall be construed to prohibit
15 compensated representation for purposes of obtaining or retaining a
16 state or local license, permit, franchise, grant, loan, or other
17 benefit, whether or not other parties contending for the benefit are
18 represented, unless the granting of the benefit is a purely ministeri-
19 al matter requiring little or no discretion.

20 (c) This section may not be construed to prohibit a legislator
21 or legislative assistant from informally advising a constituent about
22 the procedures or appropriateness of bringing an action against the
23 state or a local government. If a legislator or legislative assistant
24 in an otherwise proper manner advises a constituent or another in an
25 action against the state or a local government or before a state or
26 local government agency, the legislator or legislative employee may
27 not reveal nonpublic or confidential information.

28 (d) In extraordinary situations where the criteria for an ex-
29 emption exists, a legislator or legislative assistant may seek a

1 waiver of this section.

2 (e) A person who violates (a) or (b) of this section is subject
3 to the civil sanctions authorized under AS 24.61.560(a).

4 Sec. 24.61.340. RESTRICTED TRANSACTIONS: INTEREST IN STATE
5 CONTRACTS OR LEASES. (a) A legislator, a legislative assistant, or a
6 member of the immediate family of a legislator or legislative assis-
7 tant may not be a party to, or have a financial interest in, a state
8 contract or lease unless the contract or lease is permitted under (b),
9 (c), or (d) of this section.

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

29 (c) A contract or lease is permissible if the total amount of

1 the contract or lease over the course of a year is less than \$1,000
2 and it was let under circumstances that do not raise a substantial
3 question of improper influence.

4 (d) A contract or lease is permissible if it is a standardized
5 contract or lease that was developed under publicly adopted regula-
6 tions or procedures and is generally available to the public at large
7 or to members of a profession, occupation, or group to which the
8 legislator, legislative assistant, or member of the legislator's or
9 assistant's immediate family belongs.

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

13 (f) A legislator, legislative assistant, or former legislator or
14 legislative assistant, within one year of leaving legislative service,
15 may not seek or accept a contract with the state or a person that does
16 a substantial portion of its business with the state for goods or
17 personal services concerning a matter on which the legislator or
18 legislative assistant participated personally and substantially within
19 the last year of service.

20 (g) A person who violates this section is subject to civil
21 sanctions under AS 24.61.560(a) in addition to appropriate criminal
22 penalties under another law.

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

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

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

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

27 (e) If the commission determines that the nature and circum-
28 stances under which the legislator or legislative employee received a
29 state benefit or loan raises an appearance of impropriety or was in

1 fact the result of unfair or improper influence it shall be treated as
2 a violation of this section. In addition, the commission shall report
3 the violation to the attorney general for action under other civil or
4 criminal laws.

5 (f) The commission shall annually identify the programs and
6 loans to be audited by the division of legislative audit during the
7 following year, including the scope of the audit. The records of the
8 relevant state agencies shall be made available to the division of
9 legislative audit. The division of legislative audit shall prepare a
10 report to the commission on its findings. The report is confidential
11 until it is released by the commission.

12 (g) In extraordinary situations where the criteria for an ex-
13 emption exists, a legislator or legislative employee may seek a waiver
14 of this section.

15 (h) A person who violates this section is subject to the civil
16 sanctions authorized under AS 24.61.560(a) in addition to appropriate
17 criminal penalties under another law.

18 Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a)
19 Legislators and legislative employees must be extremely cautious and
20 circumspect about accepting a gratuity or favor, especially from
21 persons or entities that have a substantial interest in their legisla-
22 tive, administrative, or political actions. Even where there is a
23 genuine personal friendship, the acceptance of personal benefits from
24 those who could gain advantage by influencing official actions raises
25 suspicions that tend to undermine public trust. It is the intent of
26 this section to discourage all gratuities, but prohibit only those
27 that create unacceptable conflicts of interest or appearances of
28 impropriety.

29 (b) A legislator or legislative employee may not accept or

1 receive, directly or indirectly, a benefit as a gratuity from a person
2 or entity except as provided in this section. A legislator or legis-
3 lative employee may accept gratuities in the form of personal gifts,
4 free or subsidized travel, tickets to entertainment or sporting
5 events, unsolicited subscriptions to publications, lodging, pens,
6 calendars, candy, fruit baskets, flowers, and any other benefit,
7 provided that the aggregate value in a calendar year is not in excess
8 of \$100 from a single source. However, a benefit of any amount may
9 not be accepted under circumstances in which it could be reasonably
10 inferred that the gift is intended to influence the performance of
11 official duties, actions, or judgments.

12 (c) The following benefits may be accepted as gratuities without
13 regard to the \$100 limit of (b) of this section and they need not be
14 reported except as noted within the appropriate paragraph:

15 (1) gifts from immediate family members;

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

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

24 (4) food or foodstuffs indigenous to the state that are
25 shared generally as a cultural or social norm, and meals and beverages
26 provided and consumed at social or fund-raising events, conferences,
27 or professional meetings, at a restaurant or club, or as part of
28 personal hospitality at the residence or place of business of the
29 host; gratuities under this paragraph with a value of more than \$100

1 shall be reported on financial disclosure forms; this paragraph may
2 not be construed to exclude from the coverage of (b) of this section
3 gifts of packaged liquor, wine, or foodstuffs, nor does it exclude
4 from the coverage of (b) of this section the acceptance of a restau-
5 rant meal not consumed with the person providing the gift;

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

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

20 (7) hospitality including overnight lodging, food, and
21 beverages at the residence or second home of the host provided the
22 host is present, or, if the host is not present, the person is staying
23 as a house-sitter; if the host has a substantial interest in the
24 legislative, administrative, or political actions of the recipient, a
25 stay with a value of more than \$100 shall be reported on financial
26 disclosure forms; this paragraph may not be construed to permit the
27 use, other than as a house-sitter in a residence or a second home, of
28 a summer home, company retreat, resort facility, condominium or apart-
29 ment, or other lodging where the host is not personally present or,

1 regardless of the presence of the host, the purpose is to provide the
2 legislator or legislative employee with a paid or subsidized vacation
3 or similar benefit; the host may use customary and usual means of
4 transportation to transport the legislator or legislative employee to
5 the host's residence or the place of a social event;

6 (8) leave donated under AS 39.20.245(b);

7 (9) the portion of a student loan forgiven under former
8 AS 14.43.120(j).

9 (d) In extraordinary situations where the criteria for an exemp-
10 tion exists, a legislator or legislative employee may seek a waiver of
11 this section.

12 (e) A person who violates this section is subject to civil
13 sanctions under AS 24.61.560(a) and may be subject to prosecution
14 under AS 11.56.120 (receiving unlawful gratuities).

15 Sec. 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOY-
16 MENT AND HONORARIA. (a) Because legislators and many legislative
17 employees serve the state only part-time, most must engage in income
18 producing activities to supplement their legislative salaries. It is
19 the intent of this chapter to allow legislators and legislative em-
20 ployees substantial freedom in their ability to do so with due regard
21 for the state's interest in preventing conflicts of interest and
22 appearances of impropriety that undermine the integrity of government
23 and public trust.

24 (b) A legislator or legislative employee may not seek, accept,
25 or retain employment including as an advisor or consultant, that

26 (1) will preclude the fulfillment of legislative obliga-
27 tions;

28 (2) is likely to involve the disclosure or use of nonpublic
29 or confidential information acquired in the course of legislative

1 service;

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

5 (4) involves payments that are not commensurate with the
6 services rendered and appear to involve a premium as a result of the
7 legislator's or legislative employee's position in the legislature;

8 (5) is likely to require the legislator or legislative
9 employee, under conflict of interest and disqualification require-
10 ments, to refrain from taking legislative, administrative, or politi-
11 cal actions in an undue number of situations; or

12 (6) will require the legislator or legislative employee to
13 compromise another ethical or legal duty.

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

21 (d) A legislator or legislative assistant who accepts otherwise
22 permissible employment with a person that has a substantial interest
23 in legislative, administrative, or political actions is subject to
24 special disclosure provisions under AS 24.61.405 and shall avoid
25 conduct that would lead a reasonable person to believe that the legis-
26 lator or legislative employee is unable or unwilling to exercise
27 independent, objective, and impartial judgment in considering matters
28 that affect the interests of the legislator's or legislative employ-
29 ee's employer.

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

15 (f) In extraordinary situations where the criteria for an ex-
16 emption exists, a legislator or legislative employee may seek a waiver
17 of this section.

18 (g) A person who violates this section is subject to civil
19 sanctions under AS 24.61.560(a).

20 Sec. 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT
21 JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS. (a) The proper opera-
22 tion of democratic government requires that each public official carry
23 out the duties of office free from improper influences that tend to
24 prevent decisions from being made on the merits according to fair and
25 established procedures. Under our system of separation of powers,
26 legislators have the responsibility to exercise oversight to assure
27 that the executive branch is carrying out its functions equitably,
28 efficiently, and economically. This responsibility, combined with the
29 duty to provide legitimate constituent service, creates situations

1 where a legislator may become involved with administrative decisions
2 or proceedings that affect constituents. The purpose of this section
3 is to provide ground rules for that involvement so that the activity
4 does not unduly distort or politicize the administrative process,
5 while still affording the legislator the opportunity to advocate and
6 protect the interests of constituents.

7 (b) A legislator, either directly or indirectly, should not
8 interfere with the ability or willingness of a state or municipal
9 government body, official, or employee to make official decisions or
10 take appropriate actions on the merits, based on independent objective
11 judgment.

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

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

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

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

26 (d) This section may not be construed to prevent a legislator
27 from

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

1 (2) making inquiries about the status of a matter or help-
2 ing a constituent get a benefit or service the constituent is clearly
3 entitled to as a matter of right;

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

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

16 (e) A legislator who, directly or indirectly, intervenes in an
17 administrative consideration, action, or proceeding, should explicitly
18 convey to the administrators involved that the administrator is ex-
19 pected to make an independent judgment and that no advantages or
20 disadvantages to the administrator or the agency will result from a
21 favorable or unfavorable disposition.

22 (f) A person who violates (c) of this section is subject to
23 civil sanctions under AS 24.61.560(a) in addition to appropriate
24 criminal penalties under another law.

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

28 (1) discourage legislators and legislative assistants from
29 acting on a private or business interest in the performance of a

1 public duty;

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

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

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

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

15 Sec. 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS
16 AND LEGISLATIVE ASSISTANTS; "CATEGORY A" AND "CATEGORY B" INCOME
17 DEFINED. (a) A legislator, a candidate for the legislature, and a
18 legislative assistant shall disclose financial interests that would
19 cause a reasonable person to believe that the legislator's, candi-
20 date's, or legislative assistant's objectivity and ability to exercise
21 independent judgment in the public interest have been adversely af-
22 fected by those interests.

23 (b) A legislator, a candidate for the legislature, and a legis-
24 lative assistant shall file with the commission the reports required
25 under AS 24.61.400 - 24.61.410. A candidate for the legislature,
26 including an incumbent legislator, shall file the reports at the time
27 required under AS 15.25.030 or 15.25.180. In addition, legislators
28 and legislative assistants shall file annual reports on or before
29 April 15. The commission shall adopt filing guidelines and develop

1 forms that are compatible with financial disclosure forms required to
2 be filed with the Alaska Public Offices Commission under AS 39.50.030.

3 (c) A legislator, a candidate for the legislature, and a legis-
4 lative assistant shall disclose to the commission detailed information
5 as required under AS 24.61.405 and 24.61.410 on the sources and
6 amounts of outside income received by them, their spouses, and their
7 dependent children, except that disclosure of the amount of income
8 received by a legislator's or assistant's spouse or dependent children
9 is not required. If the spouse or dependent child receives income
10 from a person with a substantial interest in legislative, administra-
11 tive, or political actions of the legislator or legislative assistant,
12 the legislator or legislative assistant shall file a statement with
13 the commission stating that (1) all the funds earned by the spouse or
14 dependent child were reasonable payments for services actually ren-
15 dered, and (2) employment of the spouse or dependent child was not
16 related to any attempt to influence or do any favor for the legislator
17 or legislative assistant. The information shall be divided into two
18 categories, category A income and category B income. The legislator,
19 candidate, or legislative assistant shall also report information
20 relating to income and assets that a public official would be required
21 to report under AS 39.50.030.

22 (d) The commission shall adopt regulations relating to the
23 definitions of category A and B income and the reporting requirements
24 imposed by AS 24.61.400 - 24.61.410. The regulations must include
25 provisions that distinguish between income received for personal
26 services, income received from the ownership of property, income
27 received directly by the legislator, candidate for the legislature, or
28 legislative assistant, and income received by an entity in which the
29 legislator, candidate, or legislative assistant has an ownership

1 interest. The regulations may exclude from category A income, income
2 from sources such as interest on deposit accounts in regulated finan-
3 cial institutions.

4 (e) In AS 24.61.400 - 24.61.410,

5 (1) "category A income" refers to all benefits received, in
6 the form of monetary compensation or another thing of value, from
7 persons who are known or reasonably should be known to have a substan-
8 tial interest in legislative, administrative, or political actions;
9 income received from the legislature or an agency of the legislature
10 is not category A income;

11 (2) "category B income" refers to all benefits received, in
12 the form of monetary compensation or another thing of value, from
13 persons who do not, or are not known to fall within category A.

14 Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to all
15 benefits received from category A sources, a person required under
16 AS 24.61.400 to report shall file with the commission a statement that
17 must include,

18 (1) as to all income received as compensation for services,
19 regardless of the amount, the name and address of the source, a brief
20 statement describing the nature of the services performed including
21 sufficient detail to permit the commission to determine whether the
22 nature of the work created or would create a conflict of interest (for
23 example: "consultant re: expansion of operations;" "engineer, quality
24 control."), and the amount paid;

25 (2) as to each gratuity received and required to be re-
26 ported under AS 24.61.350(c)(4) and (7), the name and address of the
27 person providing the gratuity, a brief description of its nature, and
28 a good faith statement of its fair market value; if exact values are
29 not known, and cannot be found out without undue hardship or expense,

1 reasonable good faith estimates are acceptable; a loan that was for-
2 given during the reporting period must be reported as a gratuity;

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

6 (4) as to each loan or loan guarantee yielding loan pro-
7 ceeds of \$100 or more in the reporting period and the lender or
8 guarantor is a person with a substantial interest in legislative,
9 administrative, or political actions, the name and address of the
10 person making the loan or guarantee, the amount of the loan, the terms
11 and conditions under which the loan or guarantee was given, the amount
12 outstanding at the time of filing, and whether or not a written loan
13 agreement exists;

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

17 (6) if the source of a reported benefit is a partnership or
18 association doing business under a fictitious name, the names of the
19 principals.

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

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

25 (d) In extraordinary situations, a legislator, a candidate for
26 the legislature, or a legislative assistant may seek a waiver of this
27 provision under AS 24.61.530.

28 Sec. 24.61.410. REPORTING CATEGORY B INCOME. (a) A person
29 required under AS 24.61.400 to report shall file a statement listing

1 the items in AS 24.61.405(a)(1) - (6) that the person has received
2 from a category B source, except that the person shall disclose only
3 those income sources providing benefits worth \$1,000 or more. The
4 person is not required to report the amount of income from a report-
5 able source. As to gratuities, the requirements of AS 24.61.350(c)(4)
6 and (7) control, but apply to the candidates for the legislature as to
7 disclosure requirements only.

8 (b) The commission shall review category B statements to deter-
9 mine whether an impermissible conflict exists or would exist, whether
10 special orders or restrictions are required, and whether the state-
11 ments shall be considered to be public records and made available for
12 public inspection.

13 (c) If the person filing a statement under this section is a
14 legislator, or a candidate for the legislature, the statement is
15 presumptively public, which means that it will be made part of the
16 public record unless the legislator or candidate submitting it re-
17 quests that it be kept confidential, states the reasons for the re-
18 quest, and the commission finds that no valid public purpose would be
19 advanced by publication.

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

25 Sec. 24.61.420. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a)
26 A person required to make a disclosure under AS 24.61.100 - 24.61.420
27 may not knowingly make a false or deliberately misleading or incom-
28 plete disclosure to the commission, or file a disclosure after a
29 deadline set by this chapter or by a regulation adopted by the

1 commission under AS 24.61.160.

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

4 (c) In addition to the sanctions in (b) of this section, if the
5 commission finds that a candidate for the legislature, including an
6 incumbent legislator, has committed a substantial violation of this
7 section, the commission shall notify the lieutenant governor. The
8 lieutenant governor shall return the candidate's filing fee and shall
9 remove the candidate's name from the filing records. In this sub-
10 section "substantial violation" includes the refusal or failure to
11 make a filing required under AS 24.61.400 - 24.61.410.

12 Sec. 24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a)
13 Legislators shall abide by AS 44.62.310 - 44.62.312 (open meetings
14 law) and, to the greatest extent reasonably possible, exercise the
15 authority of their offices openly so that the public is informed about
16 governmental decisions and can hold them accountable for their
17 actions.

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

20 Sec. 24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING,
21 AND PROTECTION OF WHISTLE BLOWERS. (a) Legislators and legislative
22 employees shall maintain the integrity and trustworthiness of govern-
23 ment by taking whatever steps are necessary to prevent unethical
24 practices, unlawful conduct, corruption, mismanagement, gross waste of
25 public funds, danger to public safety, or another abuse of public
26 position, authority, or resources.

27 (b) Legislators and legislative employees who have a good faith
28 belief that the public interest requires the disclosure of govern-
29 mental policies or actions thought to be unlawful or improper should

1 reveal their information to appropriate authorities.

2 (c) A legislator or legislative employee may not, directly or
3 indirectly, subject a person who reports to the commission or another
4 government entity conduct the person reasonably believes is a viola-
5 tion of this chapter or any other state law, to reprisal, retaliation,
6 harassment, discrimination, or ridicule. A legislative employee who
7 is discharged, disciplined, involuntarily transferred, or otherwise
8 penalized by a legislator or another legislative employee may

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

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

12 (d) In addition to the special civil liability under (c)(2) of
13 this section, a person who violates this section is subject to the
14 civil sanctions authorized under AS 24.61.560(a).

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

18 (b) A person who violates this section is subject to the admin-
19 istrative sanctions authorized under AS 24.61.560(b), in addition to
20 liability under another criminal law or civil action arising from the
21 conduct.

22 ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.

23 Sec. 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. (a)
24 The Legislative Ethics Commission is established in the legislative
25 branch of government. The commission consists of nine members, se-
26 lected as follows:

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

29 (2) one member appointed jointly by the speaker of the

1 house and the house minority leader;

2 (3) two members appointed by the supreme court;

3 (4) one member appointed by the governor;

4 (5) one member appointed by the lieutenant governor;

5 (6) one member appointed by the Alaska Public Offices
6 Commission; and

7 (7) two members selected by majority vote of the members
8 appointed under (1) - (6) of this subsection.

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

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

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

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

25 Sec. 24.61.502. CERTIFICATION; LEGISLATIVE DECERTIFICATION OR
26 REMOVAL FROM OFFICE. (a) Upon appointment, a person appointed to the
27 commission shall execute a written oath that includes the following
28 undertaking:

29 I will solemnly perform the duties of this office in a

1 manner that is consistent with both the letter and
2 spirit of the Alaska Legislative Ethics Act and I shall
3 conform my own conduct to the provisions therein. I
4 acknowledge the obligation and need to interpret and
5 apply all its provisions, and the ethical principles
6 that underlie them, vigorously, promptly, fairly, and
7 in good faith. All my actions, decisions, and votes on
8 matters relating to my duties will be made purely on
9 the merits, objectively, independently, and without
10 political, regional, or ideological partisanship.

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

14 (b) Within 45 days after certification, a commissioner may be
15 decertified by a majority vote of both houses of the legislature, if
16 the legislature is in session, or b. a two-thirds vote of the members
17 of the legislative council if the legislature is not in session. If
18 decertified, the commissioner is disqualified and that seat on the
19 commission is vacant.

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

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

28 (b) Six commissioners constitute a quorum. A vote of the major-
29 ity of the commissioners present at a meeting in which a quorum is

1 present is required for official action of the commission.

2 (c) The commission may meet by teleconference.

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

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

12 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The commis-
13 sion shall hire an executive director and determine the director's
14 salary. The executive director serves at the pleasure of the commis-
15 sion.

16 (b) The executive director may employ and determine the compen-
17 sation of necessary employees, subject to the budget approved by the
18 commission. The executive director may, subject to the approval of
19 the commission, contract for services when those services are tempo-
20 rary or specialized in nature, or it is in the best interest of the
21 state.

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

25 (d) If the commission determines that an investigation is neces-
26 sary and that the investigation cannot be efficiently, promptly, or
27 adequately handled by commission staff, the executive director shall
28 nominate a special investigator to be appointed upon approval by the
29 commission. The executive director shall maintain a list of

1 individuals qualified to serve as a special investigator by virtue of
2 their experience, reputation, likely availability, willingness to
3 serve, and freedom from conflicts of interest.

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

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

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

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

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

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

24 (A) a candidate for the legislature;

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

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

29 (3) participate in lobbying activities that would require

1 the person to register as a lobbyist except as required to inform the
2 legislature concerning legislation requested by the commission or
3 other matters related to the commission; or

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

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

14 (e) Commissioners and the executive director are subject to
15 AS 39.50.

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

17 (a) The commission shall

18 (1) administer the provisions of this chapter;

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

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

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

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

28 (6) authorize research in the field of legislative ethics
29 and carry out the educational programs that are required by this

1 chapter and additional programs it considers necessary to effectuate
2 the policy and purposes of this chapter;

3 (7) prepare and distribute an ethics manual to legislators,
4 legislative employees, and lobbyists as provided in this chapter;

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

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

14 (b) The commission may

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

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

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

28 Sec. 24.61.520. INFORMAL NONBINDING ADVICE. The commission may
29 authorize and train its staff to give oral advice or provide a written

1 informal nonbinding advice letter to persons seeking guidance as to
2 the spirit or legal requirements of this chapter, provided that the
3 advice is given with the express stipulations that

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

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

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

14 (b) Requests for written advisory opinions shall be in writing
15 and must set out with reasonable specificity the facts and circum-
16 stances of a real or hypothetical case.

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

19 (d) An opinion shall be issued by official action of the commis-
20 sion. The vote of each commissioner participating in the opinion
21 shall be indicated on the opinion and it shall be forwarded to the
22 person requesting it and made a part of the public records of the
23 commission.

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

29 (f) The commission may review, withdraw, or elaborate on a

1 previously issued advisory opinion.

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

9 (h) The commission and all commission employees shall keep
10 confidential the identity of the requester and all information con-
11 veyed orally or in writing relating to the request, unless the re-
12 quester authorizes the commission to make public the requester's
13 identity or the information conveyed.

14 (i) Advisory opinions issued by the commission are public re-
15 cords. If the requester of the opinion has not waived confidentiality
16 under (h) of this section, the advisory opinion shall be written so
17 that the identity of the requester cannot be ascertained.

18 Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR
19 ADVICE. The commission may not bring a complaint against a person
20 based upon information voluntarily given to the commission by the
21 person in connection with a request for advice under AS 24.61.520 or
22 24.61.525, and may not use that information against the person in a
23 proceeding under AS 24.61.545 or 24.61.550. This subsection does not
24 preclude the commission from acting on a complaint concerning the
25 subject of a person's good faith request for advice if the complaint
26 is brought by another person, and does not preclude the commission
27 from using information or evidence obtained from an independent
28 source, even if that information or evidence was also submitted with a
29 request for advice.

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

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

- 7 (1) the name and address of the petitioner;
- 8 (2) relevant provisions involved in the exemption request;
- 9 (3) essential facts on which an exemption is requested;
- 10 (4) specific nature of the exemption sought;
- 11 (5) anticipated unfair or unreasonable consequences that
12 would result from a failure to grant the petition; and
- 13 (6) a certification that the petitioner verifies under
14 penalty of unsworn falsification that the facts stated are true to the
15 best of the petitioner's knowledge.

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

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

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

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

28 (d) The commission may request or permit the appearance of the
29 petitioner before the commission, in person or by teleconference, and

1 hold hearings regarding the exemption request.

2 a) Unless a shortened or expanded time is considered necessary
3 or appropriate by the commission, decisions on petitions for exemp-
4 tions shall be made within 30 days after filing the petition. Unless
5 the petitioner consents, extensions of time ordered by the commission
6 may not exceed an additional 60 days.

7 Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PRO-
8 CESSES. (a) The filing of a complaint is the first step in the
9 investigatory and adjudication process. It is the purpose of this
10 section to assure that complaints provide sufficient information on
11 which to proceed, yet not be so complex or burdensome that the re-
12 quirements unduly discourage or screen out valid good faith com-
13 plaints.

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

16 c) The commission shall provide a simple form for complaints.
17 A complaint must include

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

19 (2) a statement of the facts known or believed to be true
20 that form the basis of the complaint and the sources of the informa-
21 tion, including the approximate dates of the acts alleged and names
22 and addresses of persons with personal knowledge of the facts alleged;
23 and

24 (3) a certification that the complainant verifies under
25 penalty of unsworn falsification that the facts stated are true to the
26 best of the complainant's knowledge and that the complainant knows
27 that it is a crime under AS 11.56.805 to intentionally initiate a
28 false complaint.

29 d) Unless the chair of the commission concludes that immediate

1 notification would prejudice a preliminary investigation or subject
2 the complainant to an unreasonable risk, a copy of the complaint shall
3 be sent to the person charged with misconduct within two working days.
4 If the matter is to be kept from the respondent for more than 10 days,
5 a majority of the commission must approve and indicate the conditions
6 under which the respondent will be informed of the complaint.

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

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

15 (g) Once a complaint has been determined to be formally suffi-
16 cient, commission staff shall evaluate the complaint and advise the
17 chair as to its opinion as to whether it states a valid complaint that
18 should be investigated. If the executive director is a member of the
19 bar, the executive director may provide the advice. Otherwise, the
20 executive director shall appoint a duly qualified legal counsel to
21 assist in making the determinations required under this subsection.
22 To be valid, the complaint must allege

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

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

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

29 (B) if the person charged with misconduct

1 intentionally concealed or otherwise sought to prevent discovery
2 of the relevant facts within one year of the discovery of the
3 relevant facts and within eight years of the complaint; and

4 (3) that the person charged with misconduct is either a
5 legislator or legislative employee at the time of the filing of the
6 complaint or was a legislator or legislative employee within one year
7 of the filing.

8 (h) Within 20 days after the filing of the complaint, or within
9 45 days if the chair of the commission certifies additional time is
10 required, a determination shall be made on the substantive validity of
11 the complaint. If the chair concludes that there is no substantial
12 reason to question the opinion of staff as to the validity of a com-
13 plaint, the complaint shall either be dismissed or certified for
14 further consideration in accordance with the opinion. The chair or a
15 commissioner, however, may request a hearing on the validity of the
16 complaint at a meeting of the commission.

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

27 (j) If the commission concludes that some or all of the alle-
28 gations of the complaint, if proven, would constitute a violation of
29 this chapter, or if the commission has initiated the complaint, the

1 complaint shall be certified and a factual investigation shall com-
2 mence. The record of certification for further consideration is
3 confidential subject to subsequent actions that may make it part of
4 the public record.

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

9 (b) Before commencing an investigation, the commission shall
10 adopt a written resolution defining the scope of the investigation, a
11 copy of which shall be supplied to both the complainant and the re-
12 spondent. If, during the investigation, additional facts are dis-
13 covered that justify an expansion of the investigation and the pos-
14 sibility of additional charges beyond those alleged in the complaint,
15 the resolution shall be amended accordingly with copies sent to the
16 complainant and the respondent. The resolution, and the fact that an
17 investigation has been undertaken, shall be kept confidential by the
18 commission except that, upon inquiry, the commission may verify that
19 it is investigating a complaint along with a statement that no finding
20 of probable cause has been made and that no adverse inference of
21 impropriety or guilt should be drawn from the decision to investigate.
22 Additional facts concerning the nature or results of the investigation
23 may not be revealed except as provided in AS 24.61.545 after a deter-
24 mination of probable cause has been made.

25 (c) A legislator or a legislative employee may request in writ-
26 ing that the commission investigate charges of impropriety made
27 against the legislator or legislative employee. The request must
28 state with specificity the nature of the investigation requested. If
29 the commission agrees to undertake an investigation, the investigation

1 is not necessarily limited in scope by the request and, once begun, it
2 shall be handled as any other investigation, with the person request-
3 ing the investigation formally treated as a respondent.

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

9 (e) The person conducting the preliminary investigation may
10 order a hearing and subpoena witnesses and documents, conduct depo-
11 sitions under oath, require the participation of the respondent, and
12 issue interrogatories to be answered under oath. An oral or written
13 statement, whether incriminatory or exculpatory, may not be considered
14 in the investigator's report unless made under oath. The respondent
15 shall be given an adequate opportunity to provide testimonial and
16 documentary evidence.

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

27 Sec. 24.61.545. PROBABLE CAUSE DETERMINATION. (a) The commis-
28 sion shall consider the investigator's report in closed session and
29 determine whether substantial credible evidence exists to believe that

1 it is probable that a violation of a provision of this chapter for
2 which civil or administrative sanctions are authorized has occurred.

3 (b) If the commission does not find that substantial credible
4 evidence exists to warrant a full adjudicatory hearing, it shall
5 dismiss the complaint and so notify the complainant with a notice of
6 dismissal stating in detail the reason for dismissal. If the commis-
7 sion finds that the charges were frivolous, malicious, made in bad
8 faith, or that, in its opinion the respondent should be exonerated of
9 the charges, it shall so state in the notice of dismissal. If the
10 commission finds that the evidence supports violations outside the
11 scope of this chapter, it shall so state and forward the complaint and
12 its report to the appropriate enforcement body for disposition.

13 (c) A copy of the notice of dismissal shall be sent to the
14 respondent. The notice of dismissal and the investigator's report
15 containing findings and recommendations, but not the underlying in-
16 vestigatory materials, shall be made public unless the commission
17 determines that this would unfairly prejudice either the respondent or
18 complainant. This subsection may not be construed to prevent either
19 the complainant or respondent from making the notice of dismissal and
20 the report public.

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

28 (e) The hearing may not be scheduled to commence sooner than 20
29 days after service of the formal charge on the respondent. If the

1 respondent requests an earlier hearing date, the commission may, but
2 is not required to, consent. The commission shall, upon request,
3 grant the respondent reasonable additional time to prepare a defense.
4 The respondent may file a responsive pleading admitting or denying the
5 various allegations.

6 (f) The commission may suspend further proceedings if the re-
7 spondent acknowledges the violation and agrees to corrective actions
8 and sanctions considered appropriate by the commission. If the com-
9 mission suspends the proceedings or dismisses the charges as a result
10 of a negotiated settlement, the terms and conditions of the settlement
11 and the reasons for entering into the agreement shall be stated in a
12 written report that shall be sent to the complainant and made part of
13 the public record.

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

18 Sec. 24.61.550. ADJUDICATORY HEARING. (a) A formal hearing on
19 ethics charges against a respondent shall be conducted in a manner
20 that inspires confidence in the integrity and objectivity of the
21 process and demonstrates full consideration for the rights and reputa-
22 tion of the respondent.

23 (b) An adjudicatory hearing shall be before a hearing board
24 composed of the commission chair and four commissioners appointed by
25 the chair. If the chair cannot attend all hearing sessions without
26 undue inconvenience, the vice-chair shall serve in the chair's place.
27 If neither the chair nor the vice-chair is available, the chair shall
28 appoint another commissioner. Appointments to hearing boards shall be
29 rotated among the commissioners.

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

5 (d) An adjudicatory hearing shall be public under AS 44.62.310.
6 A hearing may not be held by teleconference. Except as expressly
7 provided in this chapter, procedures shall be consistent with hearing
8 procedures under AS 44.62.330 - 44.62.630. Upon request, the presid-
9 ing commissioner may issue reasonable discovery and protective orders
10 in a manner consistent with Rule 26 of the Alaska Rules of Civil
11 Procedure.

12 (e) A hearing board may

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

16 (2) compel the production of documentary or tangible evi-
17 dence;

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

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

22 (f) The respondent may

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

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

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

29 Sec. 24.61.555. FINDINGS AND RECOMMENDATIONS. (a) Within 10

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

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

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

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

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

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

29 (3) detailed disclosure, with or without additional

1 periodic reporting requirements;

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

4 (5) restitution or reimbursement;

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

6 (7) probationary status;

7 (8) a written reprimand;

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

11 (10) expulsion of a legislator or dismissal of a legislative
12 employee;

13 (11) payment of costs related to the investigation and
14 adjudication of the charge;

15 (12) another sanction fashioned to achieve the purposes of
16 this chapter.

17 (b) When a provision of this chapter provides for the imposition
18 of administrative sanctions under this subsection, the commission may
19 recommend any of the civil sanctions set out in (a) of this section
20 except sanctions under (a)(1) and (10).

21 (c) If the commission finds that a violation of AS 24.61.100 -
22 24.61.450 contributed substantially to the enactment of legislation or
23 to other legislative action, the commission may recommend to the
24 presiding officer of each house that the legislation be repealed or
25 amended or that the other legislative action be rescinded or modified.

26 Sec. 24.61.565. RECOMMENDATIONS TO THE LEGISLATURE WHERE VIOLA-
27 TOR IS A LEGISLATOR. (a) If the person found to have violated this
28 chapter is or was a member of the legislature, the hearing board's
29 recommendations shall be forwarded by the chair of the commission to

1 the presiding officer of the appropriate house of the legislature.

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

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

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

14 (e) In determining the sanctions, if any, to impose, the legis-
15 lature should scrupulously observe the rule of nonpartisanship. It
16 should not retry the basic facts nor question the hearing board's
17 findings of fact. The only issue before it should be the determina-
18 tion of the appropriate sanction assuming the validity of the board's
19 findings.

20 Sec. 24.61.570. RECOMMENDATIONS AND ORDER WHERE VIOLATOR IS A
21 LEGISLATIVE EMPLOYEE. (a) If the person found to have violated this
22 chapter is or was a legislative employee, the hearing board's recom-
23 mendations shall be forwarded to the full commission, which shall, as
24 soon as is reasonably possible, determine the sanctions, if any, to be
25 imposed. The commission may not retry the basic facts nor question
26 the hearing board's findings of fact. The only issue before it shall
27 be the determination of the appropriate sanction assuming the validity
28 of the board's findings. After determining the appropriate sanctions,
29 the commission shall issue a written order imposing the sanctions on

1 the employee.

2 (b) The commission shall order the employee's supervisor or
3 appointing authority, as appropriate, to impose sanctions in accor-
4 dance with the commission's order. Failure of the supervisor or
5 appointing authority to implement the commission's order is a viola-
6 tion of this chapter subject to civil sanctions under AS 24.61.560(a).

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

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

21 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may
22 publicly respond to a statement or interpretation made concerning the
23 contents of an advisory opinion or decision it has issued or is pur-
24 ported to have issued. A person who requests an advisory opinion and
25 makes that fact public is considered to have waived the confidential-
26 ity of the person's identity.

27 ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

28 Sec. 24.61.700. ETHICS EDUCATION PROGRAM. (a) The central
29 function of an ethics code is to prevent rather than punish unethical

1 conduct. Prevention depends almost entirely on an effective and
2 comprehensive ethics education program. The purpose of AS 24.61.700 -
3 24.61.760 is to assure that legislators and staff have the means and
4 opportunity to learn and understand the rules and principles underly-
5 ing the standards of conduct.

6 (b) The commission shall oversee and develop the following
7 components of a comprehensive ethics education program:

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

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

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

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

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

1 legislator, and a legislative employee. The education advisory com-
2 mittee may also include an outside expert in the field of ethics.

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

- 6 (1) legislative orientation training course;
- 7 (2) current issues and applications seminar; and
- 8 (3) lobbyist training course.

9 Sec. 24.61.730. LEGISLATIVE ORIENTATION TRAINING COURSE. (a)
10 The commission shall conduct a legislative ethics 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 Sec. 24.61.750. LOBBYIST TRAINING COURSE. (a) Lobbyists shall
16 complete a lobbyist training course conducted by the commission as a
17 condition of registering as a lobbyist under AS 24.45. A person who
18 first engages in activities requiring the person to register as a
19 lobbyist either before the commission has offered the training course
20 for that year, or after the training course has been offered for that
21 year, may be authorized by the commission to conditionally register
22 under AS 24.45 unless the person reasonably should have known that the
23 person was likely to engage in lobbying activities and could have
24 attended the most recent training course. A person with a conditional
25 registration must successfully complete the next training course
26 offered or the registration shall be revoked.

27 (b) The specific content of the training course shall be de-
28 termined by the education advisory committee, and shall include a
29 review of all ethics statutes, the rules and regulations relating to

1 appropriate lobbyist conduct, and the principles of public service
2 ethics.

3 (c) The commission shall certify to the Alaska Public Offices
4 Commission the names of persons successfully completing the training
5 course, including persons taking the course under (d) of this section.

6 (d) Lobbyists shall repeat the training course at least once
7 every three years and the commission shall update the course accord-
8 ingly.

9 (e) At the commission's discretion, lobbyists may be charged
10 reasonable fees to attend the training course.

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

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

22 (c) The commission may impose sanctions, including suspension of
23 pay and dismissal of legislative employees, recommendations for disci-
24 plinary action for legislators, and recommendations to revoke lobbyist
25 registrations, upon any legislator, legislative employee, or lobbyist
26 who fails to complete the ethics education requirements within a
27 reasonable amount of time, as determined by the commission.

28 (d) The commission shall supply the presiding officer of each
29 house with the names of those legislators and legislative employees

1 who have not complied with the ethics education requirements.

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

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

8 ARTICLE 5. GENERAL PROVISIONS.

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

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

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

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

23 Sec. 24.61.920. PRINCIPLE OF STRICT COMPLIANCE. In imposing
24 civil or administrative sanctions, the commission and the legislature
25 shall hold legislators and legislative employees strictly to the
26 provisions and spirit of this chapter. Except in extraordinary cir-
27 cumstances, legislators and employees may not assert a lack of knowl-
28 edge or understanding as a defense to a charge of misconduct.

29 Sec. 24.61.930. MENTAL STATE REQUIRED FOR CRIMINAL ACTIONS.

1 When a provision of this chapter is made subject to criminal penal-
2 ties, unless the provision specifically provides for another mental
3 state, the defendant in a criminal prosecution must be shown to have
4 acted with criminal negligence, as that term is defined in AS 11.81.-
5 900(a). AS 11.81.610(c) applies to this section.

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

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

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

24 Sec. 24.61.990. DEFINITIONS. In this chapter,

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

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

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

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

1 (xix) promise or offer of present or future employ-
2 ment;

3 (xx) use of autos, boats, apartments, or other
4 recreational or lodging facilities;

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

6 (xxii) licenses, patents, copyrights, or an interest
7 in them;

8 (xxiii) any other item, tangible or intangible,
9 having economic value;

10 (B) "anything of value," "benefit," or "thing of
11 value" does not include

12 (i) an item listed in AS 24.61.350(c);

13 (ii) campaign contributions, pledges, political
14 endorsements, support in a political campaign, or a promise
15 of endorsement or support;

16 (iii) contributions to a cause or organization,
17 including a charity, made in response to a direct sollicita-
18 tion from a legislator or a person acting at the legisla-
19 tor's direction;

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

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

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

25 (5) "close personal relationship" is a special relationship
26 between a legislator or legislative employee and another person that
27 creates strong bonds of loyalty, friendship, or love that could poten-
28 tially conflict with public duties and the obligation to exercise
29 objective independent judgment, or could create the appearance that

1 the other person may have access to confidential information or other-
2 wise receive favored treatment regarding public actions; it includes
3 relationships with immediate family members, long-term personal
4 friends, former business associates, and persons with whom the legis-
5 lator or legislative employee has a significant and continuous roman-
6 tic relationship;

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

8 (7) "compensation" means remuneration for personal services
9 rendered, including salary, fees, commissions, bonuses, and similar
10 payments, but excluding reimbursement for actual expenses incurred by
11 a person;

12 (8) "confidential information" means information that has
13 been classified confidential by law;

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

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

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

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

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

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

29 (15) "legislative action" means conduct relating to the

1 development, drafting, consideration, sponsorship, enactment or de-
2 feat, support or opposition to or of a law, amendment, resolution,
3 report, nomination, or other matter affected by legislative action or
4 inaction;

5 (16) "legislative assistant" means a legislative employee
6 whose assigned duties involve the exercise of substantial discretion
7 and judgment; it does not include employees who perform purely cler-
8 ical or ministerial functions; the legislative council shall propose
9 policies relating to the interpretation of this definition, and the
10 commission shall consider the adoption of these guidelines as regula-
11 tions under AS 24.61.160;

12 (17) "legislative employee" means a person, other than a
13 legislator, who is compensated by the legislative branch in return for
14 regular or substantial personal services, regardless of the person's
15 pay level or technical status as a full-time or part-time employee,
16 independent contractor, or consultant; it includes members and staff
17 of the commission; it does not include individuals who perform func-
18 tions that are purely incidental to legislative functions such as
19 security, messengers, maintenance, and print shop employees; for
20 purposes of this paragraph, "regular or substantial" means work that
21 is expected to involve, or does involve, at least 400 hours in a
22 calendar year or 300 hours during a regular legislative session; the
23 legislative council shall propose policies relating to the interpreta-
24 tion of this definition, and the commission shall consider the adop-
25 tion of these guidelines as regulations under AS 24.61.160;

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

1 Public Offices Commission;

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

4 (20) "nonpublic information" means information that

5 (A) is obtained in the course of a person's legisla-
6 tive duties and that is subject to public inspection under
7 AS 09.25.110 - 09.25.120, but that, because of its nature, is not
8 readily accessible to the public or the profession, occupation,
9 or group to which the person belongs; and

10 (B) if used or disclosed, a personal benefit or advan-
11 tage is likely to result;

12 (21) "political action" means conduct in which public offi-
13 cials, including legislators or legislative employees, use their
14 official position or political contacts to exercise influence on state
15 and local government employees or entities; it includes but is not
16 limited to intervening on behalf of constituents with a government
17 agency, endorsing, and pledging support or actively supporting a
18 legislative matter, a nominee, or a candidate for public office;

19 (22) "reasonably should know" means that, under the circum-
20 stances, a reasonable person would know a fact;

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

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

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

28 (a) A person commits the crime of false accusation if the person
29 knowingly or intentionally initiates a false complaint with the

1 [SELECT COMMITTEE ON] Legislative Ethics Commission established under
2 AS 24.61 [IN AS 24.60].

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

4 (b) A person filing a declaration of candidacy under this sec-
5 tion other than for a state legislative office shall simultaneously
6 file with the director a statement of income sources and business
7 interests that complies with the requirements of AS 39.50. A person
8 filing a declaration of candidacy for state legislative office shall
9 simultaneously file with the director a disclosure statement that
10 complies with the requirements of AS 24.61.400 - 24.61.410.

11 * Sec. 5. AS 15.25.030(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. 6. AS 15.25.180(b) is amended to read:

20 (b) A person filing a nominating petition under this section
21 other than for a state legislative office shall also file with the
22 director a statement of income sources and business interests that
23 complies with the requirements of AS 39.50 within 30 days of filing
24 the petition. A person filing a nominating petition for state legis-
25 lative office shall file with the director a disclosure statement that
26 complies with the requirements of AS 24.61.400 - 24.61.410 within 30
27 days of filing the petition.

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

29 (c) An incumbent public official other than a legislator who has

1 a current statement of income sources and business interests on file
2 with the Alaska Public Offices Commission, or an incumbent legislator
3 who has a current disclosure statement on file with the Legislative
4 Ethics Commission, is not required to file a statement of income
5 sources and business interests or a disclosure statement with the
6 declaration of candidacy under (b) of this section.

7 * Sec. 8. AS 24.10.100 is amended to read:

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

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

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

17 (1) during a legislative session if the legislator is not
18 living in the legislator's place of permanent residence during the
19 session; or

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

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

26 (c) In this section,

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

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

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

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

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

13 (c) A representative from a single-representative district may
14 voucher up to \$6,000 under this section. A representative from a
15 two-representative district and a senator from a single-senator dis-
16 trict may voucher up to \$7,500 under this section. A senator from a
17 two-senator district may voucher up to \$10,500 under this section.
18 Vouchers shall be processed under AS 24.10.120 and policies adopted by
19 the legislative council consistent with 26 U.S.C. 162.

20 (d) Notwithstanding (b) of this section, expenses related to
21 newsletters may not be paid under this section. The legislative
22 council shall adopt guidelines under which each legislator may prepare
23 and distribute two newsletters a year that comply with AS 24.61. The
24 guidelines must be consistent with AS 24.61 and regulations under that
25 chapter adopted by the Legislative Ethics Commission and must provide
26 for the payment of expenses for the newsletters from appropriations to
27 the legislature.

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

29 (b) During each regular session of the legislature, a member of

1 the legislature may be reimbursed for up to two round trip tickets
2 from Juneau to a city in the district from which the legislator was
3 elected. A trip paid for under this subsection may be for a personal,
4 family, business, or constituent purpose. This section does not apply
5 to travel as a part of a legislative committee or subcommittee or for
6 other official business of the legislature.

7 * Sec. 12. AS 24.40.020 is amended to read:

8 Sec. 24.40.020. CONTINUANCE IN A CRIMINAL PROCEEDING WHERE
9 DEFENDANT [, DEFENSE ATTORNEY] OR WITNESS IS A MEMBER OF THE LEGISLA-
10 TURE. Upon a showing that [THE ATTORNEY OF RECORD AT THE TIME OF THE
11 DEFENDANT'S FIRST APPEARANCE IN THE COURT OF RECORD OR] a principal
12 witness or a party in a criminal proceeding is a member of the legis-
13 lature and that the legislature is in session or that a legislative
14 interim committee of which the legislator is a member is meeting or is
15 to meet within the next seven days, the defendant is entitled to a
16 reasonable continuance of the date of trial until at least 15 days
17 after the legislative session or interim committee meeting. However,
18 a continuance for this reason may [SHALL] not exceed 30 days after
19 recess of the legislature or interim committee. A continuance may not
20 be granted for any longer time than it is affirmatively proved the
21 ends of justice require.

22 * Sec. 13. AS 24.40.031 is amended to read:

23 Sec. 24.40.031. POSTPONEMENT OF CIVIL PROCEEDINGS WHEN A PARTY
24 [OR ATTORNEY] IS A MEMBER OF THE LEGISLATURE. When it appears that a
25 party [OR AN ATTORNEY OF RECORD OF A PARTY] to a civil action is a
26 member of the legislature of this state [,] and that the legislature
27 is in session, the action shall be continued until 10 days after the
28 legislature has adjourned, unless the party [OR ATTORNEY] upon the
29 call of the action for trial waives the benefit of this section. When

1 it appears that a party [OR AN ATTORNEY OF RECORD OF A PARTY] to a
2 civil action is a member of the Alaska Legislative Council, the Legis-
3 lative Budget and Audit Committee, or one of their subcommittees, the
4 action shall be continued when the legislative council, budget and
5 audit committee, or the subcommittee, as the case may be, is holding a
6 meeting, unless the party [OR ATTORNEY] upon the call of the action
7 for trial waives the benefit of this section. When it is necessary to
8 file a brief or memorandum of law in an action that [WHICH] has been
9 continued under the provisions of this section, the action shall be
10 continued for a time sufficient to prepare and file the brief or
11 memorandum.

12 * Sec. 14. AS 24.45.041(a) is amended to read:

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

18 * Sec. 15. AS 24.45.041(f) is amended to read:

19 (f) Each lobbyist shall renew the registration annually by
20 filing a new registration statement together with a new authorization
21 to act as a lobbyist before engaging in lobbying. The lobbyist also
22 shall file any reports or statements the lobbyist has failed to file
23 for a previous reporting period. The commission may not renew lobby-
24 ing credentials until this provision is complied with and unless the
25 Legislative Ethics Commission has certified the lobbyist's name to the
26 commission under AS 24.61.750(c) and the lobbyist has complied with
27 AS 24.61.750(e).

28 * Sec. 16. AS 24.45.041 is amended by adding a new subsection to read:

29 (g) Notwithstanding (a) and (f) of this section, a lobbyist

1 whose name has not been certified to the commission under AS 24.61.-
2 750(c) may conditionally register or renew a registration under this
3 section if authorized by the Legislative Ethics Commission under
4 AS 24.61.750(a).

5 * Sec. 17. AS 24.45.121(a) is amended to read:

6 (a) A lobbyist may not

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

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

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

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

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

21 (6) accept or agree to accept any payment in any way con-
22 tingent upon the defeat, enactment, or outcome of any proposed legis-
23 lative or administrative action;

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

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

29 * Sec. 18. AS 39.25.110 is amended by adding a new paragraph to read:

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

3 * Sec. 19. AS 39.50.020 is amended to read:

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

29 (b) The governor, lieutenant governor, [MEMBERS OF THE

1 LEGISLATURE,] judicial officers, each commissioner, head or deputy
2 head of, or director of a division within, a department in the execu-
3 tive branch, assistant to the governor or chair [CHAIRMAN] or member
4 of a commission or board required to report under this chapter, shall
5 file the statement with the Alaska Public Offices Commission. Candi-
6 dates for the office of governor and [,] lieutenant governor [, AND
7 THE LEGISLATURE] shall file the statement under AS 15.25.030 or
8 15.25.180. Municipal officers, and candidates for elective municipal
9 office, shall file with the municipal clerk or other municipal offi-
10 cial designated to receive their filing for office. All statements
11 required to be filed under this chapter are public records.

12 * Sec. 20. AS 39.50.200(a)(3) is amended to read:

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

24 * Sec. 21. AS 39.52.910(a) is amended to read:

25 (a) Except as specifically provided, this chapter applies to all
26 public officers within executive-branch agencies, including members of
27 boards or commissions. This chapter does not apply to a former public
28 officer of an executive-branch agency unless a provision specifically
29 states that it so applies. This chapter does not apply to legislators

1 covered by AS 24.61 [AS 24.60].

2 * Sec. 22. AS 24.55.310, AS 24.60, AS 39.50.025, and 39.50.120 are
3 repealed.

4 * Sec. 23. INITIAL COMMISSION APPOINTMENTS. Notwithstanding AS 24.61.-
5 500(b), as added by sec. 2 of this Act, the terms of the members initially
6 appointed to the Legislative Ethics Commission are as follows:

7 (1) the members appointed by the senate and the house of rep-
8 resentatives and one of the members appointed by the Legislative Ethics
9 Commission, determined by lot, serve terms of five years;

10 (2) the member appointed by the governor and the second member
11 appointed by the Legislative Ethics Commission serve terms of four years;

12 (3) the member appointed by the Alaska Public Offices Commission
13 serves a term of three years;

14 (4) the member appointed by the lieutenant governor services a
15 term of two years; and

16 (5) the member appointed by the supreme court serves a term of
17 one year.

18 * Sec. 24. INITIAL TRAINING COURSES. The initial courses and seminars
19 required under AS 24.61.730 - 24.61.750, as added by sec. 2 of this Act,
20 shall be offered during January and February 1991. Notwithstanding AS 24.-
21 61.730(a), as enacted by sec. 2 of this Act, all legislators and legisla-
22 tive staff shall attend a legislative ethics orientation training course in
23 1991.

24 * Sec. 25. INITIAL RECOMMENDED REGULATIONS. The Alaska Legislative
25 Council shall make its initial recommendations to the Legislative Ethics
26 Commission under AS 24.61.160, as added by sec. 2 of this Act, by
27 January 21, 1991. If the legislative council does not comply with the
28 deadline under this section, the Legislative Ethics Commission shall pro-
29 ceed to adopt regulations under AS 24.61.160 on its own initiative.

1 * Sec. 26. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER
2 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 22 of this Act,
3 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,
4 the Legislative Ethics Commission may consider complaints alleging viola-
5 tions of AS 24.60 that occurred prior to January 21, 1991, and for which
6 proceedings have not been commenced or concluded prior to January 21, 1991.
7 For the purpose of this section, the Legislative Ethics Commission shall
8 follow the procedures established under AS 24.61, but may not recommend a
9 sanction or penalty not authorized under former AS 24.60.

10 * Sec. 27. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTH-
11 ERS. Notwithstanding AS 24.61.330, as added by sec. 2 of this Act, a
12 legislator or legislative assistant who is subject to AS 24.61.330 may,
13 until January 1, 1992, represent a person in a proceeding that would other-
14 wise be prohibited under AS 24.61.330 if the legislator or legislative
15 assistant promptly files a statement with the Legislative Ethics Commission
16 that includes the name of the client, an identifying name or number of the
17 action, a brief description of the nature of the action, and the amount of
18 compensation received or anticipated relating to the representation. The
19 statement shall be published in the journal of the appropriate house. If
20 information contained in the statement changes, a supplemental statement
21 shall be filed every 90 days until the matter is completed or January 1,
22 1992, at which time the representation must be terminated. The representa-
23 tion may continue beyond January 1, 1992, if the legislator or legislative
24 assistant applies for, and the Legislative Ethics Commission grants, an
25 exemption to the termination date under AS 24.61.530, as added by sec. 2 of
26 this Act. In this section, "legislative assistant" has the meaning given
27 in AS 24.61.990, as added by sec. 2 of this Act.

28 * Sec. 28. AS 24.61.160, 24.61.400(d), 24.61.500 - 24.61.720 and 24.-
29 61.990, as added by sec. 2 of this Act, and secs. 23 - 25 of this Act, take

1 effect July 1, 1990.

2 * Sec. 29. AS 24.61.200 - 24.61.240, as added by sec. 2 of this Act,
3 take effect November 6, 1990.

4 * Sec. 30. Except as provided in secs. 28 and 29 of this Act, this Act
5 takes effect January 21, 1991.

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

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 415 ()

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 legislative
12 employees; amending legislators' compensation and
13 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. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES.

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 ethical 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 ingness 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 advoca-
7 cy 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) therefore, the state needs a comprehensive ethics
14 program that responds to the challenges of the contemporary political
15 climate, preserves and protects the integrity of the legislative
16 process, and respects the needs of those who serve the legislature.

17 Sec. 24.61.020. PREAMBLE TO STATEMENT OF ETHICAL PRINCIPLES.
18 AS 24.61.025 - 24.61.060 state the overarching ethical principles of
19 legislative ethics. They are, by nature, broader and more philosoph-
20 ical than the standards of conduct and, therefore, not amenable to
21 strict enforcement. Their purpose is not to provide additional bases
22 of punishment, but to establish the theoretical and moral foundation
23 for the standards of conduct and to provide explicit guidance and
24 direction for those who wish to follow the ethical high road, not
25 simply out of fear of punishment but out of commitment and conscience.
26 These principles also establish criteria for interpretation and en-
27 forcement of the principles themselves and the standards of conduct
28 that follow. The principles shall be regarded as an integral part of
29 this chapter.

1 Sec. 24.61.025. PRINCIPLE OF GOOD FAITH. Each provision of this
2 chapter shall be construed and implemented with sincerity, integrity,
3 and a good faith commitment to advance rather than evade the purpose
4 and spirit of the provision.

5 Sec. 24.61.030. PRINCIPLE OF NONPARTISANSHIP. All actions,
6 decisions, and votes on matters relating to this chapter shall be made
7 on their merits. Decisions shall be made objectively and independent-
8 ly, and without party, regional, or ideological partisanship.

9 Sec. 24.61.035. PRINCIPLES OF PUBLIC TRUST. (a) Legislators
10 and legislative employees shall act so as to ensure the reality and
11 perception that the legislature is conducted according to the highest
12 principles of representative democracy and is worthy of public re-
13 spect, trust, and support.

14 (b) Legislators and legislative employees may not engage in
15 conduct that they know or reasonably should know is likely to create
16 in the minds of reasonable, objective, fair-minded observers the
17 perception that they have used their public position improperly or
18 otherwise have not conducted themselves in accordance with the ethical
19 principles and standards of conduct of this chapter.

20 Sec. 24.61.040. PRINCIPLES OF PUBLIC INTEREST. (a) Legislators
21 and legislative employees shall treat their government positions as a
22 public trust, using the powers and resources of public office only to
23 advance public interests, and not to attain personal benefits or
24 pursue other private interests incompatible with the public good.

25 (b) In pursuing the public interest, legislators and legislative
26 employees shall scrupulously observe and abide by the United States
27 and Alaska constitutions, all applicable laws, and democratic pro-
28 cesses.

29 (c) In pursuing the public interest, legislators and legislative

1 employees should

2 (1) put loyalty to democratic principles and to their
3 conscientious convictions about the overall public good above loyalty
4 to political party, narrow constituency, and individual interests that
5 are inconsistent with the general public interest;

6 (2) allocate public funds and formulate general public
7 policies only after evaluating information objectively and deciding
8 what is best for the public as a whole, not just for a narrow constit-
9 uency;

10 (3) take whatever steps are necessary to safeguard and
11 protect the reputation of state government and the integrity and
12 efficiency of their office, subordinating the interests of superiors,
13 colleagues, and friends to the interests of the state.

14 Sec. 24.61.045. PRINCIPLE OF ACCOUNTABILITY. Legislators and
15 legislative employees shall ensure that government is conducted open-
16 ly, efficiently, equitably, and honorably in a manner that permits the
17 citizenry to make informed judgments and hold government officials
18 accountable.

19 Sec. 24.61.050. PRINCIPLE OF REPRESENTATIVE DEMOCRACY. (a)
20 Legislators and legislative employees shall honor and respect the
21 principles and spirit of representative democracy and set a positive
22 example of good citizenship by scrupulously observing the letter and
23 spirit of laws and rules.

24 (b) A legislator or legislative employee may not knowingly use
25 improper artifices or schemes to circumvent the clear purpose of this
26 chapter or another law, use procedural powers or processes in a way
27 that prevents appropriate consideration of a matter, or exercise
28 leadership authority and power arbitrarily, arrogantly, or in another
29 way that violates the spirit of representative democracy.

1 Sec. 24.61.055. PRINCIPLE OF RESPECTABILITY; CONDUCT BEFITTING
2 THE LEGISLATURE. (a) Legislators and legislative employees shall
3 safeguard public confidence in the integrity of government by not
4 engaging in conduct that prevents them from carrying out their public
5 duties or that unreasonably casts discredit on the legislature.

6 (b) Legislators and legislative employees who believe that a
7 law, policy, or rule of a house is not achieving its intended purpose,
8 is creating unintended harms, or is wasteful or inefficient, shall
9 take affirmative steps to improve procedures in a way that will in-
10 crease the fairness and quality of government services and assure that
11 policies are implemented equitably, efficiently, and economically.

12 (c) A legislator or legislative employee may not knowingly
13 engage in conduct that violates the rights of others to be treated
14 fairly, and with dignity and respect.

15 Sec. 24.61.060. PRINCIPLE OF INDEPENDENT JUDGMENT. (a) Legis-
16 lators and legislative employees shall employ independent objective
17 judgment in performing their duties and shall decide all matters on
18 the merits.

19 (b) Legislators and legislative employees should avoid trans-
20 actions and relationships that create conflicts of interest and both
21 real and apparent improper influences. Where the interests and influ-
22 ences are unavoidable, legislators and legislative employees shall
23 subordinate other interests to their public duties.

24 (c) Legislators and legislative employees shall exercise their
25 powers and prerogatives without prejudice or favoritism. A legislator
26 or legislative employee may not use public authority simply to reward
27 relatives, friends, or political supporters or to hinder or punish
28 enemies and opponents.

29 ARTICLE 2. STANDARDS OF CONDUCT.

1 Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL
2 PRINCIPLE. Inherent in the concept that public office is a public
3 trust is the principle that legislators and legislative employees
4 refrain from using or attempting to use their government position to
5 attain

6 (1) personal financial gain, other than official legisla-
7 tive compensation

8 (2) benefits, advantages, or privileges not available to
9 the public at large, either for themselves or members of their immedi-
10 ate families;

11 (3) benefit for social or business associates, political
12 contributors, corporations, or other organizations in which the public
13 servant is involved; or

14 (4) political advantages where the use of office is incon-
15 sistent with the obligation to use public office only to advance the
16 public interest.

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

26 (b) A legislator or legislative employee may not accept anything
27 of value under circumstances where the legislator or legislative
28 employee knows or reasonably should know that it is offered with the
29 intent to influence legislative, administrative, or political action.

1 A person who violates this subsection is guilty of receiving a bribe
2 under AS 11.56.110 and is subject to civil sanctions under AS 24.61.-
3 560(a).

4 Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. (a) Legisla-
5 tors and legislative employees who receive an offer that reasonably
6 appears to have been intended to improperly influence legislative,
7 administrative, or political action, shall firmly and unequivocally
8 reject the offer and caution the person making it about a possible
9 violation of bribery laws.

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

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

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

1 under AS 11.46.

2 (b) A legislator or legislative employee may not seek, accept,
3 use, allocate, grant, or award public funds for a purpose other than
4 that approved by law, or make a false statement in connection with a
5 claim, request, or application for compensation, reimbursement, or
6 travel allowances from public funds. A person who violates this
7 subsection is subject to the civil sanctions authorized under AS 24.-
8 61.560(a) in addition to appropriate criminal penalties under another
9 law.

10 (c) A legislator or legislative employee may not require a
11 legislative employee on government time to perform personal services
12 or assist in a private activity. This subsection does not authorize
13 an employee on government time to perform services for the private
14 gain or advantage of the legislator or legislative employee. A person
15 who violates this subsection is subject to civil sanctions under
16 AS 24.61.560(a) in addition to appropriate criminal penalties under
17 another law.

18 (d) Notwithstanding (c) of this section, a legislator or legis-
19 lative employee may require a legislative employee on government time
20 to perform personal errands on an infrequent basis when those errands
21 are reasonably related to the official duties of the legislator or
22 legislative employee, including the legislator's or employee's need to
23 spend time on official duties that would otherwise be consumed in
24 doing the errands.

25 Sec. 24.61.140. MISUSE OF STATE PROPERTY AND RESOURCES FOR
26 POLITICAL PURPOSES. (a) It is the intent of this section to ensure
27 that public resources, including funds, facilities, and personnel are
28 used only for the good of the public at large and not to further
29 partisan campaign purposes or to influence the outcome of an election;

1 that elections are fair and open and not distorted by the use of
2 public resources to the advantage of individual candidates; and that
3 taxpayers are not forced to subsidize the campaign of an incumbent
4 legislator.

5 (b) A legislator or legislative employee may not use or author-
6 ize the use of public funds, time, facilities, equipment, mailing
7 lists, computer data, services, or another government asset or re-
8 source for the purpose of political fund raising, campaigning, to
9 influence the election of ~~a candidate~~ in an election. This subsection
10 does not prohibit the use of mailing lists, computer data, or other
11 public information lawfully obtained from a government agency and
12 available to the general public for nongovernmental purposes. A
13 person who violates this subsection may be prosecuted for theft under
14 AS 11.46.

15 (c) A legislator or legislative employee may not require a
16 legislative employee on government time to assist in political party
17 activities, campaigning, fund raising, or other partisan or personal
18 political activities.

19 (d) The legislative council shall adopt policies relating to a
20 legislator's use of public funds for the production of ~~publications~~,
21 newsletters, or similar publications for distribution to the legisla-
22 tor's constituents. The policies must address the form and content of
23 these publications and must include a requirement that the publica-
24 tions include

25 (1) a brief description of the nature of each bill intro-
26 duced by the legislator as a prime sponsor;

27 (2) an identification of significant bills voted on by the
28 legislator's house and the vote of the legislator; and

29 (3) the name of each significant contributor to the

1 legislator's campaign.

2 (e) Unless superseded by policies relating to the use of govern-
3 ment resources for political purposes developed by the legislative
4 council and adopted by the commission as regulations under AS 24.61.-
5 160, the following prohibitions apply:

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

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

25 (3) a legislator, or another person on behalf of the legis-
26 lator, or a campaign committee of the legislator, may not solicit or
27 accept or authorize the solicitation or acceptance of, a campaign
28 contribution in a facility or office ordinarily used to conduct state
29 government business; this provision applies to telephone

1 conversations, personal meetings, and solicitations by mail; if an
2 unsolicited contribution is offered it shall be refused or returned
3 promptly; if an unsolicited contribution is received in the mail, or
4 a lawfully solicited contribution is misdirected to an office ordi-
5 narily used to conduct state business, if otherwise lawful it may be
6 accepted but it may not be processed in that office and it shall be
7 delivered promptly to an appropriate location;

8 (4) a legislator, or another person on behalf of the legis-
9 lator, or a campaign committee of the legislator, may not distribute
10 or post literature, placards, posters, or other communications in-
11 tended to influence the election of a candidate in an election in a
12 facility or office ordinarily used to conduct state government busi-
13 ness.

14 (f) Except for a person who violates (e)(1) of this section and
15 whose conduct may be prosecuted as theft under AS 11.46, a person who
16 violates (c) or (e)(1) - (3) of this section or a regulation relating
17 to those provisions adopted under AS 24.61.160 is guilty of a class A
18 misdemeanor.

19 (g) In addition to criminal penalties, a person who violates
20 this section or a regulation relating to this section is subject to
21 civil sanctions under AS 24.61.560(a).

22 Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM
23 IMPROPER TASKS. (a) A legislative employee who knows or reasonably
24 should know that the employee has been asked to perform a personal or
25 political task in violation of AS 24.61.100 - 24.61.460 shall refuse
26 to perform it.

27 (b) If a legislator or legislative employee with supervisory
28 authority persists in requesting or demanding that a legislative
29 employee perform prohibited tasks, or if reprisals are threatened or

1 sanctions imposed as a result of the refusal to perform prohibited
2 tasks, the legislative employee subjected to the requests, threats, or
3 sanctions shall report the matter to the commission.

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

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

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

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

16 Sec. 24.61.170. USE OF NONPUBLIC INFORMATION FOR PRIVATE GAIN.

17 (a) A legislator or legislative employee may not use or disclose
18 nonpublic information acquired in the course of and by reason of
19 legislative service to obtain a benefit for the legislator or employee
20 or another person, including a person with whom the legislator or
21 legislative employee is associated or has negotiated prospective
22 employment. This subsection does not allow the disclosure of informa-
23 tion made confidential by law.

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

26 Sec. 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRI-
27 VATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
28 employee may not use or aid, induce, cause, or encourage others to
29 use, the authority, title, official letterhead, or prestige of the

1 legislator's or legislative employee's office for the benefit of the
2 legislator or legislative employee.

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

8 (c) A legislator or legislative employee may not endorse commer-
9 cial products by agreeing to use official letterhead or the legisla-
10 tor's or employee's in paid advertisements, unless the endorsement is
11 for a public purpose and the member receives no compensation.

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

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

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

25 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF
26 PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE EMPLOYEES. (a) A
27 legislative employee or person who has served as a member of the
28 legislature may not, within one year after the termination of the
29 person's legislative service, use or disclose nonpublic information to

1 obtain a benefit for the former legislator or employee or for another
2 person. This subsection does not allow the disclosure at any time of
3 information made confidential by law.

4 (b) Legislators and legislative assistants may not, for a period
5 of one year after leaving office or legislative employment, act as a
6 lobbyist before the legislature. In this subsection, "lobbyist"

7 (1) means a person who is required to register with the
8 Alaska Public Offices Commission under AS 24.45.041 and is described
9 under AS 24.45.171(8)(A); and

10 (2) does not include a volunteer lobbyist described in
11 AS 24.45.161(a)(1) or a representational lobbyist as defined under
12 regulations of the Alaska Public Offices Commission.

13 (c) A former legislator, within one year after leaving office,
14 may not solicit or accept anything of value under terms and conditions
15 where the compensation is not commensurate with the services performed
16 or where a reasonable person would believe that the stature of office
17 had been exploited.

18 (d) In extraordinary situations, a former legislator or legisla-
19 tive employee may seek a waiver of a provision of this section under
20 AS 24.61.530.

21 (e) A person who violates (a) - (c) of this section is guilty of
22 a class A misdemeanor and is subject to civil sanctions under AS 24.-
23 61.560(a).

24 Sec. 24.61.200. USE OF CAMPAIGN FUNDS: INTENT. Because the
25 right to solicit and accept funds from the public for the purpose of
26 supporting a person's campaign for office is purely an incident of our
27 democratic political system, the use that can properly be made of
28 campaign funds must be sharply limited to prevent actual misuse and
29 improper appearances of misuse of funds. Legislative campaign funds

1 are received, free of tax liability to the recipient, for the specific
2 purpose of assisting a candidate to get elected or reelected to of-
3 fice. Any other use of funds, whether for personal gain or other
4 purposes not closely related to bona fide campaign expenditures, is
5 improper.

6 Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS. Campaign funds
7 may be used only to advance the interests of the campaign. Campaign
8 funds may be properly expended for an otherwise lawful purpose intend-
9 ed to influence voters to elect or reelect the legislative candidate
10 to the legislature including, but not limited to: payment of staff
11 and consultants; rental of space and equipment for a campaign office;
12 purchase of media time and space; design work; printing of campaign
13 materials; postage; taking polls and interpreting them; telephone
14 installation and usage; costs of distribution of materials; advertis-
15 ing in organizational and club bulletins or other brochures; inscribed
16 promotional materials, including buttons, pencils, pens, and items of
17 clothing; necessary travel and related expenses for the candidate and
18 members of the candidate's staff or immediate family provided that the
19 travel and lodging are directly related to attempts to raise campaign
20 funds or influence voters; victory and thank you celebrations; news-
21 letters and mass mailings promoting the candidate; and payment of
22 attorney fees and other legal expenses incurred in the defense of a
23 civil, criminal, or administrative action arising directly out of the
24 conduct of the campaign or election process or out of the performance
25 of official actions taken as part of a candidate's governmental activ-
26 ities and duties.

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

29 (1) use funds raised and designated as campaign funds for

1 the personal benefit of the candidate or another person, or for pay-
2 ment of attorney fees and other legal expenses arising from civil,
3 criminal, or administrative actions based on conduct not directly
4 related to the campaign or official duties;

5 (2) convert surplus campaign funds or interest earned on
6 campaign funds to personal income;

7 (3) seek or claim a tax deduction or other economic benefit
8 for surplus funds disbursed to a charity under law.

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

11 (c) A legislative candidate, or another person on behalf of the
12 legislative candidate, or a campaign committee of the legislative
13 candidate, may not knowingly pay more than the fair market value for
14 goods or services purchased for the campaign.

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

19 (e) Except for funds received or postmarked before a general or
20 special election, a legislative candidate who has won office, and a
21 committee related to the election, may not accept campaign contribu-
22 tions. A post-election contribution must be returned.

23 (f) A legislative candidate and a committee controlled by a
24 legislative candidate may not use campaign funds to make a contribu-
25 tion to another candidate running for office or to a committee sup-
26 porting or opposing a candidate for office.

27 (g) Campaign funds may not be used to pay fines or other mone-
28 tary penalties or costs assessed against a candidate by a court or
29 other body, unless the fine, penalty, or cost is assessed as a result

1 of proscribed actions by a member or employee of a campaign committee
2 or another person acting on behalf of the candidate under circum-
3 stances where the candidate did not know of or have reason to know of
4 those actions.

5 Sec. 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. (a) If
6 a legislative candidate ceases to be a candidate or if there remains a
7 balance in the account of the candidate or a committee controlled by
8 the candidate after the date of the election, unexpended funds in
9 excess of the amount allowed under (b) of this section may only be
10 used as provided in (1) - (5) of this subsection or to pay for a
11 victory or thank you party. Within 60 days after the end of the
12 candidacy or the election, unexpended funds shall be

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

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

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

21 (4) donated to one or more charitable organizations that
22 qualify for a federal tax exemption provided that the charity is not
23 one that is controlled by the candidate or a member of the candidate's
24 immediate family or in which the candidate or a member of the candi-
25 date's immediate family is personally involved as a director, trustee,
26 member of the board, officer, or other position of responsibility;

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

1 (6) transferred, in an amount not to exceed \$1,000, to a
2 legislative office account for expenditures qualifying as business
3 expenses under 26 U.S.C. 162.

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

7 (c) Funds carried over under (b) of this section may be expended
8 for any political purpose for which campaign funds can otherwise
9 properly be used, but they may not be used for a campaign for an
10 office other than the state legislature.

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

12 (a) A legislative candidate, legislator, or legislative employee may
13 establish a legal defense fund to assist with the payment of attorney
14 fees and other costs arising from the legislator's or employee's
15 defense of a civil, criminal, or administrative action brought against
16 the legislator or employee. Contributions to a legal defense fund
17 that meet the requirements of this section are not subject to the
18 restrictions in AS 24.61.350.

19 (b) A legislative candidate, legislator, or legislative employee
20 who wishes to establish a legal defense fund account shall file a
21 statement of organization for the legal defense fund with the commis-
22 sion. The statement of organization must identify the specific civil,
23 criminal, or administrative proceeding or proceedings for which the
24 legal defense fund is established.

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

1 (d) Only a donation that is specifically designated by the donor
2 as being for the legal defense fund and is made payable to the legal
3 defense fund may be deposited in the legal defense fund account. A
4 donation that the recipient believes is intended for the legal defense
5 fund but that does not meet the requirements of this subsection shall
6 be returned to the donor.

7 (e) Expenditures from the legal defense fund account may be made
8 only for legal costs directly related to the civil, criminal, or
9 administrative proceeding or proceedings for which the legal defense
10 fund is established. Expenditures from the legal defense fund account
11 may not be used to pay or reimburse fines, penalties, judgments, or
12 settlements in connection with a criminal prosecution or a civil or
13 administrative action in which the legislative candidate, legislator,
14 or legislative employee is found to have committed, or admits to
15 having committed a violation of the law.

16 (f) Surplus funds remaining in the legal defense fund account
17 after the proceeding or proceedings for which the account is estab-
18 lished have concluded may not be used for another purpose. These
19 funds shall, within six months after the conclusion of the proceeding
20 or proceedings, be

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

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

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

26 (g) This section constitutes the sole means for legislators and
27 legislative employees to solicit or accept donations for legal costs
28 that may not be paid from campaign funds under AS 24.61.202. Except
29 for AS 24.61.240(b) and (c), the provisions of this chapter relating

1 to the solicitation and acceptance of campaign funds apply to the
2 solicitation and acceptance of contributions to a legal defense fund
3 established under this section. The commission may adopt regulations
4 limiting the dollar amount of contributions under this section and
5 shall adopt regulations requiring the disclosure of donors to a legal
6 defense fund.

7 (h) Funds received from fundraising events must be clearly
8 designated in advance as either for campaign purposes or for the legal
9 defense fund and all proceeds shall be dealt with as required by this
10 chapter.

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

13 Sec. 24.61.230. IMPROPER COERCION. (a) Legislators wield
14 substantial power and influence and it is essential that constituents
15 and others interested in their legislative, administrative, and polit-
16 ical actions have, and believe they have, a fair and adequate oppor-
17 tunity to express their concerns, grievances, and ideas without regard
18 to their willingness or ability to provide personal benefits, contrib-
19 ute to particular charitable causes favored by a legislator, or pro-
20 vide financial or other forms of political support.

21 (b) A legislator may not, directly or by authorizing another to
22 act on the legislator's behalf, state or imply that the legislator's
23 consideration of an issue, cause, or piece of legislation, or the
24 legislator's willingness to meet with a person, is dependent on the
25 person's making a campaign contribution, donating to a cause favored
26 by the legislator, or providing a thing of value to the legislator.

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

29 (1) agree to, or threaten to take or withhold a

1 legislative, administrative, or political action, including but not
2 limited to support or opposition to a bill, employment, nominations,
3 and appointments, as a result of a person's decision to provide or not
4 provide a political contribution;

5 (2) state or imply that the legislator will perform or
6 refrain from performing a lawful constituent service as a result of a
7 person's decision to provide or not provide a political contribution;

8 (3) agree to or participate in a scheme or plan intended to
9 evade the requirements of this chapter, a regulation adopted under
10 this chapter, or another financial disclosure provision of state law;
11 or

12 (4) knowingly accept a contribution given or offered in
13 violation of this chapter.

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

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

20 Sec. 24.61.240. FUNDRAISING LIMITATIONS. (a) Because the
21 process of campaign fundraising involves activities that take great
22 amounts of time and energy and that tend to place legislators in
23 situations rife with the potential for conflicts of interest, it is
24 the intent of this section that fundraising should be limited in ways
25 that permit legislators to concentrate their attention on public
26 matters.

27 (b) A legislator may not, either directly, through a campaign
28 committee, or other means, solicit or accept a campaign contribution
29 or a promise or pledge to make a contribution while the legislature is

1 in regular session.

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

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

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

20 (d) This section does not prohibit a legislator from making an
21 otherwise lawful contribution or from attending an otherwise lawful
22 fund raising activity at any time.

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

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(b) or (c) 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(b) and (c) 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 or legislative assistant admits, that the legislator or assistant
8 violated or caused, induced, aided, or encouraged a violation of
9 AS 24.61.205, 24.61.210, or 24.61.240(b) and (c), the legislator or
10 assistant is subject to sanctions under AS 24.61.560(a).

11 Sec. 24.61.250. GENERAL OBLIGATION TO AVOID CONFLICTS OF INTER-
12 EST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS.
13 Legislators and legislative employees shall safeguard their ability to
14 make independent, objective, fair, and impartial judgments by avoiding
15 financial relationships and transactions that may compromise or give the
16 appearance of compromising their objectivity, independence, or honesty.

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

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

28 (2) the person's authority in relation to the interest is

29 such that an action or decision is not likely to materially affect the

1 financial interest; or

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

6 Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRA-
7 TIVE, OR POLITICAL ACTION DEFINED. Conflicts of interest arise most
8 often and are most serious when a legislator or legislative employee
9 has a financial or personal relationship with other persons, including
10 governmental entities, that have a substantial interest in legisla-
11 tive, administrative, or political action. Persons, including govern-
12 mental entities, have a substantial interest if they

13 (1) are regulated by the legislature;

14 (2) provide goods or services to the legislature for com-
15 pensation or profit;

16 (3) seek employment in the legislative branch or a govern-
17 ment agency or in a private organization in which a legislator or
18 legislative employee is likely to have, or reasonably appears to have,
19 the ability to influence an employment decision;

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

25 (5) have or seek contracts for goods or services with an
26 agency of state government;

27 (6) are registered lobbyists;

28 (7) employ registered lobbyists; or

29 (8) represent, with or without compensation, a person or

1 (8) represent, with or without compensation, a person or
2 organization described in (1) - (7) of this section.

3 Sec. 24.61.265. CLOSE ECONOMIC ASSOCIATION DEFINED. "Close
4 economic association" refers to a financial relationship between two
5 or more persons that creates economic interests in a legislator or
6 legislative employee that either (1) conflict with public duties and
7 the obligation to exercise objective independent judgment; or (2)
8 create the appearance that the person may have access to confidential
9 information or otherwise receive favored treatment regarding public
10 actions. "Close economic association" includes, but is not limited
11 to, relationships involving compensation as an employee, agent, rep-
12 resentative, counselor, adviser, or consultant, including professional
13 services as between a lawyer and client or a financial planner and a
14 client; a financial interest resulting from an investment, business
15 enterprise, or interest in real property as a partner, investor,
16 associate, or major stockholder; a landlord and tenant or co-tenants
17 sharing housing expenses; a debt, loan, or loan guarantee; or another
18 relationship in which a legislator or legislative employee has a
19 substantial economic involvement with another person. In this sec-
20 tion, "person" includes governmental entities.

21 Sec. 24.61.270. DEALING WITH FINANCIAL CONFLICTS. Except in the
22 relatively few cases in which certain transactions or relationships
23 are banned by this chapter or where divestiture may be ordered by the
24 commission, conflicts of interest are dealt with primarily as a matter
25 of required public disclosure and voluntary restraint.

26 Sec. 24.61.275. CLOSE PERSONAL RELATIONSHIP DEFINED. A close
27 personal relationship is a special relationship between a legislator
28 or legislative employee and another person that creates strong bonds
29 of loyalty, friendship, or love that could potentially conflict with

1 public duties and the obligation to exercise objective independent
2 judgment or create the appearance that the person may have access to
3 confidential information or otherwise receive favored treatment re-
4 garding public actions. A close personal relationship includes, but
5 is not limited to, immediate family, long-term personal friends, or
6 former business associates, and persons with whom the legislator or
7 legislative employee has a significant and continuous romantic rela-
8 tionship.

9 Sec. 24.61.280. DEALING WITH PERSONAL RELATIONSHIP CONFLICTS OF
10 INTEREST. Except in the very few cases where certain relationships
11 give rise to specific legal limitations, such as the ban on nepotism,
12 personal relationship conflicts are not restricted or subject to
13 mandatory disclosure. However, this makes them no less damaging to
14 public trust. Close relationships that raise potential conflicts may
15 be unavoidable but legislators and legislative employees shall ensure
16 that they take no official actions under circumstances where the
17 personal relationship actually impedes the ability to make an indepen-
18 dent objective judgment on the merits. Legislators and legislative
19 employees may, but are not required to, disclose to the commission the
20 nature of relationships that might create appearances of impropriety
21 and seek informal or formal advice.

22 Sec. 24.61.290. RESTRICTED RELATIONSHIPS: NEPOTISM. (a) A
23 member of the immediate family of a legislator may not be employed for
24 compensation

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

27 (2) in either house in the interim between legislative
28 sessions; or

29 (3) by the commission, whether for compensation or not, at

1 any time.

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

5 (c) In cases where a member of the immediate family of a legis-
6 lator or legislative employee is uniquely qualified to perform a task,
7 or another extraordinary circumstance exists under which it would be
8 in the state's interest to waive the limitation of this section, an
9 exemption may be sought from and granted by the commission.

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

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

14 Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-
15 TORS, AND LEGISLATIVE EMPLOYEES. *Assistant* (a) It is important for legislators

16 and legislative employees to maintain and appear to maintain indepen-
17 dence from lobbyists seeking legislative, administrative, and politi-
18 cal actions. A legislator or a legislative candidate may not solicit

19 *or permit* ~~or cause~~ a registered lobbyist to actively engage in fundraising
20 activities for a legislative campaign or for a legal expense fund
21 under AS 24.61.220, which activities include (1) serving as a campaign
22 manager or director; (2) serving as a campaign treasurer or deputy
23 campaign treasurer on a finance or fundraising committee; (3) hosting
24 a fundraising event. This subsection may not be construed as prohib-
25 iting a lobbyist from making personal contributions to or personally
26 advocating on behalf of a candidate. A legislator or a legislative
27 candidate may not seek to evade the purposes of this subsection by
28 soliciting or knowingly permitting a lobbyist, a member of a business
29 entity retained to lobby, or an employee of a lobbyist to perform

1 similar fundraising services.

2 (b) Legislators and legislative employees who have a close
3 economic association with a registered lobbyist shall make a written
4 disclosure of the association in confidence to the commission. The
5 disclosure shall be made during the first week of each session. If a
6 legislator or legislative employee is not in office or employed during
7 the first week of the session, or if the association did not exist
8 during the first week of the session, the disclosure shall be made
9 within 30 days after taking office or being employed or the creation
10 of the association.

11 (c) The written disclosure must state the name of the persons
12 involved, the nature of the association, and a brief narrative of the
13 matters the legislator or legislative employee is working on that
14 could create an actual conflict of interest. If the commission re-
15 quests additional information it shall be promptly provided.

16 (d) The commission shall make a determination as to whether the
17 association creates a conflict of interest that warrants restrictions
18 or disclosure. After making the determination, the commission may
19 elect to

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

24 (e) A legislator or legislative assistant may not provide per-
25 sonal services for compensation for or on behalf of a registered
26 lobbyist or a business entity retained to lobby, and may not have a
27 financial interest in a business that receives a substantial part of
28 its income from lobbyists and business entities retained to lobby.

29 (f) A person who violates this section is subject to the civil

1 sanctions authorized under AS 24.61.560(a) and other penalties au-
2 thorized under AS 24.45 (regulation of lobbying).

3 Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS.

4 (a) A legislator may not serve on a governing or advisory board of a
5 nongovernmental organization that regularly has a substantial interest
6 in the legislative, administrative, and political actions of the
7 legislator.

8 (b) A legislative assistant may not serve in an elected public
9 office, including a municipal or school district office, or in a
10 position that requires confirmation by the legislature. A legislative
11 assistant may serve on a board of an organization, including a govern-
12 mental entity, that regularly has a substantial interest in the legis-
13 lative activities of the assistant, if the assistant discloses the
14 board membership to the commission. A legislative assistant may not,
15 as part of the assistant's employment, be personally involved in an
16 issue or take a specific action that directly relates to an organiza-
17 tion of which the assistant is a board member.

18 (c) In extraordinary situations where the criteria for an ex-
19 emption exists, a legislator or legislative assistant may seek a
20 waiver of the provisions of this section or a modified order from the
21 commission.

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

24 Sec. 24.61.320. RESTRICTED FINANCIAL INTERESTS. (a) Unless
25 required by the Uniform Rules of the Alaska State Legislature, a
26 legislator or legislative employee may not participate in legislative,
27 administrative, or political action if the legislator or legislative
28 employee has an equity or ownership interest in a business, invest-
29 ment, real property, lease, or other enterprise if the interest is

1 substantial and the effect of the action on that interest is greater
2 than the effect on a substantial class of persons to which the legis-
3 lator or legislative employee belongs as a member of a profession,
4 occupation, industry, or region.

5 (b) In extraordinary situations where the criteria for an ex-
6 emption exists, a legislator or legislative employee may seek a waiver
7 of the provisions of this section.

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

10 Sec. 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REP-
11 RESENTATIVE. (a) A legislator or legislative assistant may not
12 professionally represent a person in a legal action against the state
13 where the state is the real party in interest, or receive compensation
14 or any other benefit for acting as an informal representative, advi-
15 sor, or consultant to persons regarding their actions against the
16 state. This provision may not be construed to prevent a legislator or
17 legislative assistant who is an attorney from representing a criminal
18 defendant or clients in competency, commitment, delinquency, support,
19 or child in need of aid cases or similar proceedings where the state
20 is not the real party in interest.

21 (b) A legislator or legislative assistant may not professionally
22 represent either formally or informally as an advocate, advisor, or
23 consultant, a person in a matter involving an agency, board, or com-
24 mission of the state or a local government unless the matter involves
25 a proceeding that is adjudicatory in nature and there is no reasonable
26 basis to conclude that the side represented by the legislator or
27 legislative employee has an unfair advantage. A matter is considered
28 to be adjudicatory in nature where opposing sides are separately
29 represented. This provision does not prohibit an attorney from

1 representing a client in an otherwise permissible action before a
2 criminal or civil court or prevent a legislator or legislative assis-
3 tant from representing personal interests in an otherwise proper
4 proceeding. This provision shall be construed to prohibit formal and
5 informal professional representation for purposes of obtaining or
6 retaining a state or local license, permit, franchise, grant, loan, or
7 other entitlement, whether or not other parties contending for the
8 benefit are represented. If, however, the granting of the benefit is
9 a purely ministerial matter requiring little or no discretion, this
10 provision does not prohibit representation.

11 (c) Notwithstanding any other law to the contrary, a legislator
12 or legislative employee, acting as an attorney or representative of
13 another, may not seek or accept special treatment, privileges, rights,
14 or concessions solely by reason of service in the legislature.

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

23 (e) If an attorney is disqualified under this section, the firm
24 of the legislator or legislative assistant is also disqualified.

25 (f) In extraordinary situations where the criteria for an ex-
26 emption exists, a legislator or legislative assistant may seek a
27 waiver of this section.

28 (g) A person who violates this section is subject to the civil
29 sanctions authorized under AS 24.61.560(a).

1 Sec. 24.61.340. RESTRICTED TRANSACTIONS: INTEREST IN STATE
2 CONTRACTS OR LEASES. (a) A legislator, a legislative assistant, or a
3 member of the immediate family of a legislator or legislative assis-
4 tant may not be a party to, or have a financial interest in, a state
5 contract or lease unless the contract or lease is permitted under (b),
6 (c), or (d) of this section.

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

26 (c) A contract or lease is permissible if the total amount of
27 the contract or lease over the course of a year is less than \$1,000
28 and it was let under circumstances that raise no substantial question
29 as to the use of undue influence.

1 (d) A contract or lease is permissible if it is a standardized
2 contract or lease that was developed under publicly adopted regula-
3 tions or procedures and is generally available to the public at large
4 or to members of a profession, occupation, or group to which the
5 legislator, legislative assistant, or member of the legislator's or
6 assistant's immediate family belongs.

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

10 (f) A legislator, legislative assistant, or former legislator or
11 legislative assistant, within one year of leaving legislative service,
12 may not seek or accept a contract with the state or a person that does
13 a substantial portion of its business with the state for goods or
14 personal services concerning a matter on which the legislator or
15 legislative assistant participated personally and substantially within
16 the last year of service.

17 (g) A person who violates this section is subject to civil
18 sanctions under AS 24.61.560(a) in addition to appropriate criminal
19 penalties under another law.

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

27 (b) The commission shall review annually state programs and
28 state loans and publish a list of programs and loans, designating
29 which ones meet the qualifications stated.

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

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

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

1 criminal laws.

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

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 this section.

12 (h) A person who violates this section is subject to the civil
13 sanctions authorized under AS 24.61.560(a).

14 Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a)
15 Legislators and legislative employees must be extremely cautious and
16 circumspect about accepting a gratuity or favor, especially from
17 persons or entities that have a substantial interest in their legisla-
18 tive, administrative, or political actions. Even where there is a
19 genuine personal friendship, the acceptance of personal benefits from
20 those who could gain advantage by influencing official actions raises
21 suspicions that tend to undermine public trust. It is the intent of
22 this section to discourage all gratuities, but prohibit only those
23 that create unacceptable conflicts of interest or appearances of
24 impropriety.

25 (b) A legislator or legislative employee may not accept or
26 receive, directly or indirectly, a benefit as a gratuity from a person
27 or entity except as provided in this section. A legislator or legis-
28 lative employee may accept gratuities in the form of personal gifts,
29 free or subsidized travel, tickets to entertainment or sporting

1 events, unsolicited subscriptions to publications, lodging, pens,
2 calendars, candy, fruit baskets, flowers, and any other benefit,
3 provided that the aggregate value in a calendar year is not in excess
4 of \$100 from a single source. However, a benefit of any amount may
5 not be accepted under circumstances in which it could be reasonably
6 inferred that the gift is intended to influence the performance of
7 official duties, actions, or judgments.

8 (c) The following benefits may be accepted as gratuities without
9 regard to the \$100 limit of (b) of this section and they need not be
10 reported except as noted within the appropriate paragraph:

11 (1) gifts from immediate family members;

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

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

20 (4) food or foodstuffs indigenous to the state that are
21 shared generally as a cultural or social norm, and meals and beverages
22 provided and consumed at social or fund-raising events, conferences,
23 or professional meetings, at a restaurant or club, or as part of
24 personal hospitality at the residence or place of business of the
25 host; this paragraph may not be construed to exclude from the coverage
26 of (b) of this section gifts of packaged liquor, wine, or foodstuffs,
27 nor does it exclude from the coverage of (b) of this section the
28 acceptance of a restaurant meal not consumed with the person providing
29 the gift;

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

8 (6) reasonable and necessary expenses including reimburse-
9 ment for travel and related food and lodging, when they are incidental
10 to a trip paid for by a government agency or a ~~bona-fide~~ nonprofit
11 educational, charitable, or political institution for governmental or
12 educational purposes;

13 (7) 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,
18 the exempt stay shall be reported on financial disclosure forms; this
19 paragraph may not be construed to permit the use, other than as a
20 house-sitter in a residence or a second home, of a summer home,
21 company retreat, resort facility, condominium or apartment, or other
22 lodging where the host is not personally present or, regardless of the
23 presence of the host, the purpose is to provide the legislator or
24 legislative employee with a paid or subsidized vacation or similar
25 benefit; the host may use customary and usual means of transportation
26 to transport the legislator or legislative employee to the host's
27 residence or the place of a social event;

28 (8) leave donated under AS 39.20.245(b).

29 (d) In extraordinary situations where the criteria for an exemp-

1 tion exists, a legislator or legislative employee may seek a waiver of
2 this section.

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

6 Sec. 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOY-
7 MENT AND HONORARIA. (a) Because legislators and many legislative
8 employees serve the state only part-time, most must engage in income
9 producing activities to supplement their legislative salaries. It is
10 the intent of this chapter to allow legislators and legislative em-
11 ployees substantial freedom in their ability to do so with due regard
12 for the state's interest in preventing conflicts of interest and
13 appearances of impropriety that undermine the integrity of government
14 and public trust.

15 (b) A legislator or legislative employee may not seek, accept,
16 or retain employment, including as an advisor or consultant, that

17 (1) will preclude the fulfillment of legislative obliga-
18 tions;

19 (2) is likely to involve the disclosure or use of nonpublic
20 or confidential information acquired in the course of legislative
21 service;

22 (3) is likely to involve the legislator or employee acting
23 as a representative in a matter that makes use of the authority,
24 prestige, or title associated with legislative office;

25 (4) involves payments that by reasonable objective stan-
26 dards are not commensurate with the services rendered and appear to
27 involve a premium as a result of the legislator's or legislative
28 employee's position in the legislature;

29 (5) would require the legislator or legislative employee,

1 under conflict of interest and disqualification requirements, to re-
2 frain from taking legislative, administrative, or political actions in
3 an undue number of situations; or

4 (6) will require the legislator or legislative employee to
5 compromise another ethical or legal duty.

6 (c) A legislator or legislative employee may not receive compen-
7 sation for personal services from a state entity other than the legis-
8 lature except as specifically provided in this chapter or approved by
9 the commission. A legislator or legislative employee is not precluded
10 by this subsection from earning compensation at a state-funded school
11 or university, provided that influence was not used to obtain the
12 position.

13 (d) A legislator or legislative assistant who accepts otherwise
14 permissible employment with a person that has a substantial interest
15 in their legislative, administrative, or political actions is subject
16 to special disclosure provisions under AS 24.61.405 and shall avoid
17 conduct that would lead a reasonable person to believe that the legis-
18 lator or legislative employee is unable or unwilling to exercise
19 independent, objective, and impartial judgment in considering matters
20 that affect the interests of the legislator's or legislative em-
21 ployee's employer.

22 (e) A legislator or legislative employee may not seek or accept
23 honoraria in the form of a payment of money or anything of value from
24 a person or entity that has a substantial interest in legislative,
25 administrative, or political action as compensation for a speech,
26 panel presentation, appearance, or similar service. This paragraph
27 does not prevent a legislator or legislative employee from accepting
28 an honoraria from a governmental entity outside of the state, from a
29 university, or from another nonprofit educational or civic institu-

1 tion, provided that the amount paid is reasonable and commensurate
2 with the services performed and that the circumstances under which the
3 services are to be performed do not create a conflict of interest or
4 appearance of impropriety. Honoraria and related expenses shall be
5 reported on required disclosure forms. Under other provisions of this
6 chapter, a legislator or legislative employee is permitted to accept
7 travel and related expenses incurred as the result of an otherwise
8 permissible activity.

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

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

14 Sec. 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT
15 JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS. (a) The proper opera-
16 tion of democratic government requires that each public official carry
17 out the duties of office free from improper influences that tend to
18 prevent decisions from being made on the merits according to fair and
19 established procedures. Under our system of separation of powers,
20 legislators have the responsibility to exercise oversight to assure
21 that the executive branch is carrying out its functions equitably,
22 efficiently, and economically. This responsibility, combined with the
23 duty to provide legitimate constituent service, creates situations
24 where a legislator may become involved with administrative decisions
25 or proceedings that affect constituents. The purpose of this section
26 is to provide ground rules for that involvement so that the activity
27 does not unduly distort or politicize the administrative process,
28 while still affording the legislator the opportunity to advocate and
29 protect the interests of constituents.

1 (b) A legislator, either directly or indirectly, should not
2 interfere with the ability or willingness of a state or municipal
3 government body, official, or employee to make official decisions or
4 take appropriate actions on the merits, based on independent objective
5 judgment.

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

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

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

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

20 (d) This section may not be construed to prevent a legislator
21 from

22 (1) making inquiries about the status of a matter or help-
23 ing a constituent get a benefit or service the constituent is clearly
24 entitled to as a matter of right;

25 (2) openly advocating the position of constituents on the
26 merits, provided that no effort is made to influence the decision
27 making process by express or implied political pressure in matters
28 involving discretionary decisions of administrative bodies that will
29 have direct and significant economic or social effect on the legisla-

1 tor's district; or

2 (3) exercising vigilant oversight with respect to the
3 policies, regulations, procedures, and implementation practices of an
4 agency, provided that the oversight activities are conducted through
5 the normal committee processes of the legislature and that the focus
6 is on the policies, procedures, and practices of the agency and not
7 the handling of a particular matter.

8 X (e) A legislator who, directly or indirectly, intervenes in an
9 administrative consideration, action, or proceeding, should explicitly
10 convey to the administrators involved that the administrator is ex-
11 pected to make an independent judgment and that no advantages or
12 disadvantages to the administrator or the agency will result from a
13 favorable or unfavorable disposition.

14 (f) A person who violates (c) of this section is subject to
15 civil sanctions under AS 24.61.560(a) in addition to appropriate
16 criminal penalties under another law.

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

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

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

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

29 (4) develop accountability in government by permitting

1 public access to information necessary to judge the credentials and
2 performance of those who hold public office; and

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

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

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

24 (c) A legislator, a candidate for the legislature, and a legis-
25 lative assistant shall disclose to the commission detailed information
26 as required under AS 24.61.405 and 24.61.410 on the sources and
27 amounts of outside income received by them, their spouses, and their
28 dependent children, except that disclosure of the amount of income
29 received by a legislator's or assistant's spouse or dependent children

1 is not required. The information shall be divided into two categor-
2 ies, category A income and category B income. The legislator, candi-
3 date, or legislative assistant shall also report information relating
4 to income and assets that a public official would be required to
5 report under AS 39.50.030.

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

17 (e) In AS 24.61.400 - 24.61.410,

18 (1) "category A income" refers to all benefits received, in
19 the form of monetary compensation or another thing of value, from
20 persons who are known or reasonably should be known to have a substan-
21 tial interest in legislative, administrative, or political actions;
22 income received from the legislature or an agency of the legislature
23 is not category A income;

24 (2) "category B income" refers to all benefits received, in
25 the form of monetary compensation or another thing of value, from
26 persons who do not, or are not known to fall within category A.

27 Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to all
28 benefits received from category A sources, a person required under
29 AS 24.61.400 to report shall file with the commission a sworn state-

1 ment that must include,

2 (1) as to all income received as compensation for services,
3 regardless of the amount, the name and address of the source, a brief
4 statement describing the nature of the services performed including
5 sufficient detail to permit the commission to determine whether the
6 nature of the work created or would create a conflict of interest (for
7 example: "consultant re: expansion of operations;" "engineer, quality
8 control."), and the amount paid;

9 (2) as to each gratuity received and required to be re-
10 ported under AS 24.61.350(b) and (c) (7) - (9), the name and address of
11 the person providing the gratuity, a brief description of its nature,
12 and a good faith statement of its fair market value; if exact values
13 are not known, and cannot be found out without undue hardship or
14 expense, reasonable good faith estimates are acceptable; a loan that
15 was forgiven during the reporting period must be reported as a gratu-
16 ity;

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

20 (4) as to each loan and or loan guarantee yielding loan
21 proceeds of \$100 or more in the reporting period and the lender or
22 guarantor is a person with a substantial interest in legislative,
23 administrative, or political actions, the name and address of the
24 person making the loan or guarantee, the amount of the loan, the terms
25 and conditions under which the loan or guarantee was given, the amount
26 outstanding at the time of filing, and whether or not a written loan
27 agreement exists;

28 (5) if the source of a reported benefit is a corporation,
29 other than a publicly traded corporation, the name of its parent

1 corporation, if any, and names of its top corporate officers; and

2 (6) if the source of a reported benefit is a partnership or
3 association doing business under a fictitious name, the names of the
4 principals.

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

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

10 (d) In extraordinary situations, a legislator, a candidate for
11 the legislature, or a legislative assistant may seek a waiver of this
12 provision under AS 24.61.530.

13 Sec. 24.61.410. REPORTING CATEGORY B INCOME. (a) A person
14 required under AS 24.61.400 to report shall file a statement listing
15 the items in AS 24.61.405(a)(1) - (6) that the person has received
16 from a category B source, except that the person shall disclose only
17 those income sources providing benefits worth \$1,000 or more. The
18 person is not required to report the amount of income from a report-
19 able source. As to gratuities, the requirements of AS 24.61.-
20 350(c)(8) - (9) control, but apply to the candidates for the legisla-
21 ture as to disclosure requirements only.

22 (b) The commission shall review category B statements to deter-
23 mine whether an impermissible conflict exists or would exist, whether
24 special orders or restrictions are required, and whether the state-
25 ments shall be considered to be public records and made available for
26 public inspection.

27 (c) If the person filing a statement under this section is a
28 legislator, or a candidate for the legislature, the statement is
29 presumptively public, which means that it will be made part of the

1 public record unless the legislator or candidate submitting it re-
2 quests that it be kept confidential, states the reasons for the re-
3 quest, and the commission finds that no valid public purpose would be
4 advanced by publication.

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

10 Sec. 24.61.420. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a)
11 A person required to make a disclosure under AS 24.61.100 - 24.61.420
12 may not knowingly make a false or deliberately misleading or incom-
13 plete disclosure to the commission, or file a disclosure after a
14 deadline set by this chapter or by a regulation adopted by the commis-
15 sion under AS 24.61.160.

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

18 (c) In addition to the sanctions in (b) of this section, if the
19 commission finds that a candidate for the legislature, including an
20 incumbent legislator, has committed a substantial violation of this
21 section, the commission shall notify the lieutenant governor. The
22 lieutenant governor shall return the candidate's filing fee and shall
23 remove the candidate's name from the filing records. In this sub-
24 section "substantial violation" includes the refusal or failure to
25 make a filing required under AS 24.61.400 - 24.61.410.

26 Sec. 24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a)
27 Legislators shall abide by AS 44.62.310 - 44.62.312 (open meetings
28 law) and, to the greatest extent reasonably possible, exercise the
29 authority of their offices openly so that the public is informed about

1 governmental decisions and can hold them accountable for their
2 actions.

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

5 Sec. 24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING,
6 AND PROTECTION OF WHISTLE BLOWERS. (a) Legislators and legislative
7 employees shall maintain the integrity and trustworthiness of govern-
8 ment by taking whatever steps are necessary to prevent unethical
9 practices, unlawful conduct, corruption, mismanagement, gross waste of
10 public funds, danger to public safety, or another abuse of public
11 position, authority, or resources.

12 (b) Legislators and legislative employees who have a good faith
13 reasonable belief that the public interest requires the disclosure of
14 governmental policies or actions thought to be unlawful or improper
15 should reveal their information to appropriate authorities.

16 (c) A legislator or legislative employee may not, directly or
17 indirectly, subject a person who reports to the commission or another
18 government entity conduct the person reasonably believes is a viola-
19 tion of this chapter or any other state law, to reprisal, retaliation,
20 harassment, discrimination, or ridicule. A legislative employee who
21 is discharged, disciplined, involuntarily transferred, or otherwise
22 penalized by a legislator or another legislative employee may

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

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

26 (d) In addition to the special civil liability under (c)(2) of
27 this section, a person who violates this section is subject to the
28 civil sanctions authorized under AS 24.61.560(a).

29 Sec. 24.61.450. DUTY TOWARD COLLEAGUES AND SUBORDINATES. (a) A

1 legislator or legislative employee may not engage in acts of dis-
2 crimination in violation of AS 18.80.220.

3 (b) A person who violates this section is subject to the admin-
4 istrative sanctions authorized under AS 24.61.560(b), in addition to
5 liability under another criminal law or civil action arising from the
6 conduct.

7 ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.

8 Sec. 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. (a)
9 The Legislative Ethics Commission is established in the legislative
10 branch of government. The commission consists of nine members, se-
11 lected as follows:

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

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

16 (3) two members appointed by the supreme court;

17 (4) one member appointed by the governor;

18 (5) one member appointed by the lieutenant governor;

19 (6) one member appointed by the Alaska Public Offices
20 Commission; and

21 (7) two members selected by majority vote of the members
22 appointed under (1) - (6) of this subsection.

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

28 (c) A vacancy on the commission is filled in the same manner as
29 the original appointment to that seat on the commission. A vacancy

1 shall be filled within 30 days after the vacancy occurs.

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

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

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

14 I will solemnly perform the duties of this office in a
15 manner that is consistent with both the letter and
16 spirit of the Alaska Legislative Ethics Act and I shall
17 conform my own conduct to the provisions therein. I
18 acknowledge the obligation and need to interpret and
19 apply all its provisions, and the ethical principles
20 that underlie them, vigorously, promptly, fairly, and
21 in good faith. All my actions, decisions, and votes on
22 matters relating to my duties will be made purely on
23 the merits, objectively, independently, and without
24 political, regional, or ideological partisanship.

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

28 (b) Within 45 days after certification, a commissioner may be
29 decertified by a majority vote of both houses of the legislature, if

1 the legislature is in session, or by a two-thirds vote of the members
2 of the legislative council if the legislature is not in session. If
3 decertified, the commissioner is disqualified and that seat on the
4 commission is vacant.

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

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

13 (b) Six commissioners constitute a quorum. A vote of the major-
14 ity of the commissioners present at a meeting in which a quorum is
15 present is required for official action of the commission.

16 (c) The commission may meet by teleconference.

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

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

26 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The commis-
27 sion shall hire an executive director and determine the director's
28 salary. The executive director serves at the pleasure of the
29 commission.

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

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

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

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

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

26 (b) A commission employee, including a person who provides
27 personal services under a contract with the commission, may not be a
28 legislator, a legislative employee, an elected or appointed official
29 of another governmental entity, an officer of a political party, a

1 candidate for public office, or a registered lobbyist.

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

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

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

9 (A) a candidate for the legislature;

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

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

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

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

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

28 (e) Commissioners and the executive director are subject to
29 AS 39.50.

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

2 (a) The commission shall

3 (1) administer the provisions of this chapter;

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

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

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

11 (5) investigate and adjudicate complaints and recommend
12 disciplinary actions to the legislature;

13 (6) authorize research in the field of legislative ethics
14 and carry out the educational programs that are required by this
15 chapter and additional programs it considers necessary to effectuate
16 the policy and purposes of this chapter;

17 (7) prepare and distribute an ethics manual to legislators,
18 legislative employees, and lobbyists as provided in this chapter;

19 (8) mail by certified mail 2 copy of this chapter to a
20 candidate for the legislature upon the receipt of notice of the candi-
21 date's declaration of candidacy under AS 15.25.030 or petition under
22 AS 15.25.150;

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

28 (b) The commission may

29 (1) adopt regulations as required under specific provisions

1 of this chapter and to interpret and implement this chapter; in adopt-
2 ing regulations, the commission shall follow procedures that are
3 consistent with AS 44.62 (Administrative Procedure Act);

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

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

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

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

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

23 (3) information voluntarily provided to a commission em-
24 ployee is not necessarily confidential and may be used against the
25 person seeking the advice if it becomes material to a proceeding
26 before the commission.

27 Sec. 24.61.525. FORMAL BINDING ADVISORY OPINIONS. (a) The
28 commission may issue a formal written advisory opinion on its own
29 initiative, on the request of a person to whom this chapter applies,

1 or on the request of a person elected to the legislature who at the
2 time of election is not a member of the legislature.

3 (b) Requests for written advisory opinions shall be in writing
4 and must set out with reasonable specificity the facts and circum-
5 stances of a real or hypothetical case.

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

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

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

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

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

27 (h) The commission and all commission employees shall keep the
28 identity of the requester confidential unless the request, the
29 identity of the person making it, or information conveyed orally or in

1 writing relating to the request is or becomes material to a matter
2 before the commission.

3 (i) Advisory opinions issued by the commission are public re-
4 cords. If the requester of the opinion has not waived confidentiality
5 under (h) of this section, the advisory opinion shall be written so
6 that the identity of the requester cannot be ascertained.

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

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

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

- 25 (1) the name and address of the petitioner;
26 (2) relevant provisions involved in the exemption request;
27 (3) essential facts on which an exemption is requested;
28 (4) specific nature of the exemption sought;
29 (5) anticipated unfair or unreasonable consequences that

1 would result from a failure to grant the petition; and

2 (6) a certification that the petitioner verifies under
3 penalty of unsworn falsification that the facts stated are true to the
4 best of the petitioner's knowledge.

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

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

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

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

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

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

25 Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PRO-
26 CESSES. (a) The filing of a complaint is the first step in the
27 investigatory and adjudication process. It is the purpose of this
28 section to assure that complaints provide sufficient information on
29 which to proceed, yet not be so complex or burdensome that the re-

1 requirements unduly discourage or screen out valid good faith com-
2 plaints.

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

5 (c) The commission shall provide a simple form for complaints.
6 A complaint must include

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

8 (2) a statement of the facts known or believed to be true
9 that form the basis of the complaint and the sources of the informa-
10 tion, including the approximate dates of the acts alleged and names
11 and addresses of persons with personal knowledge of the facts all-
12 and

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

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

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

29 (f) Upon receiving a complaint, commission staff shall review it

1 for formal sufficiency within five days of filing. If the complaint
2 is unsigned or otherwise deficient on its face it shall be returned to
3 the complainant with a statement of the nature of the deficiency.

4 (g) Once a complaint has been determined to be formally suffi-
5 cient, commission staff shall evaluate the complaint and advise the
6 chair as to its opinion as to whether it states a valid complaint that
7 should be investigated. If the executive director is a member of the
8 bar, the executive director may provide the advice. Otherwise, the
9 executive director shall appoint a duly qualified legal counsel to
10 assist in making the determinations required under this subsection.
11 To be valid, the complaint must allege

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

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

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

18 (B) if the person charged with misconduct intention-
19 ally concealed or otherwise sought to prevent discovery of the
20 relevant facts within one year of the discovery of the relevant
21 facts and within eight years of the complaint; and

22 (3) that the person charged with misconduct is either a
23 legislator or legislative employee at the time of the filing of the
24 complaint or was a legislator or legislative employee within one year
25 of the filing.

26 (h) Within 20 days after the filing of the complaint, or within
27 45 days if the chair of the commission certifies additional time is
28 required, a determination shall be made on the substantive validity of
29 the complaint. If the chair concludes that there is no substantial

1 reason to question the opinion of staff as to the validity of a com-
2 plaint, the complaint shall either be dismissed or certified for
3 further consideration in accordance with the opinion. The chair or a
4 commissioner, however, may request a hearing on the validity of the
5 complaint at a meeting of the commission.

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

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

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

27 (b) Before commencing an investigation, the commission shall
28 adopt a written resolution defining the scope of the investigation, a
29 copy of which shall be supplied to both the complainant and the re-

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

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

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

27 (e) The person conducting the preliminary investigation may
28 order a hearing and subpoena witnesses and documents, conduct
29 depositions under oath, require the participation of the respondent,

1 and issue interrogatories to be answered under oath. An oral or
2 written statement, whether incriminatory or exculpatory, may not be
3 considered in the investigator's report unless made under oath. The
4 respondent shall be given an adequate opportunity to provide testimo-
5 nial and documentary evidence.

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

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

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

1 its report to the appropriate enforcement body for disposition.

2 (c) A copy of the notice of dismissal shall be sent to the
3 respondent. The notice of dismissal and the investigator's report
4 containing findings and recommendations, but not the underlying in-
5 vestigatory materials, shall be made public unless the commission
6 determines that this would unfairly prejudice either the respondent or
7 complainant. This subsection may not be construed to prevent either
8 the complainant or respondent from making the notice of dismissal and
9 the report public.

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

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

24 (f) The commission may suspend further proceedings if the re-
25 spondent acknowledges the violation and agrees to corrective actions
26 and sanctions considered appropriate by the commission. If the com-
27 mission suspends the proceedings or dismisses the charges as a result
28 of a negotiated settlement, the terms and conditions of the settlement
29 and the reasons for entering into the agreement shall be stated in a

1 written report that shall be sent to the complainant and made part of
2 the public record.

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

7 Sec. 24.61.550. ADJUDICATORY HEARING. (a) A formal hearing on
8 ethics charges against a respondent shall be conducted in a manner
9 that inspires confidence in the integrity and objectivity of the
10 process and demonstrates full consideration for the rights and reputa-
11 tion of the respondent.

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

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

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

1 (e) A hearing board may

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

5 (2) compel the production of documentary or tangible evi-
6 dence;

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

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

11 (f) The respondent may

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

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

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

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

24 (b) As to each charge on which the evidence was found to be
25 insufficient to establish a violation, the hearing board shall include
26 its findings in its written opinion. If the board finds that the
27 charges were frivolous, malicious, made in bad faith, or that, in its
28 opinion the respondent should be exonerated of the charges, it shall
29 so state in its opinion. The respondent's reasonable legal fees

1 should be paid in full or in part from public funds if the respondent
2 is exonerated.

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

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

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

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

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

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

22 (5) restitution or reimbursement;

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

24 (7) probationary status;

25 (8) a written reprimand;

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

29 (10) expulsion of a legislator or dismissal of a legislative

1 employee;

2 (11) payment of costs related to the investigation and
3 adjudication of the charge;

4 (12) another sanction fashioned to achieve the purposes of
5 this chapter.

6 (b) When a provision of this chapter provides for the imposition
7 of administrative sanctions under this subsection, the commission may
8 recommend any of the civil sanctions set out in (a) of this section
9 except sanctions under (a)(1) and (10).

10 (c) If the commission finds that a violation of AS 24.61.100 -
11 24.61.450 contributed substantially to the enactment of legislation or
12 to other legislative action, the commission may recommend to the
13 presiding officer of each house that the legislation be repealed or
14 amended or that the other legislative action be rescinded or modified.

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

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

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

29 (d) Except in the case of expulsion, which requires a two-thirds

1 vote, all other sanctions shall be determined by a majority vote of
2 the full house.

3 (e) In determining the sanctions, if any, to impose, the legis-
4 lature should scrupulously observe the rule of nonpartisanship. It
5 should not retry the basic facts nor question the hearing board's
6 findings of fact. The only issue before it should be the determina-
7 tion of the appropriate sanction assuming the validity of the board's
8 findings.

9 Sec. 24.61.570. RECOMMENDATIONS AND ORDER WHERE VIOLATOR IS A
10 LEGISLATIVE EMPLOYEE. (a) If the person found to have violated this
11 chapter is or was a legislative employee, the hearing board's recom-
12 mendations shall be forwarded to the full commission, which shall, as
13 soon as is reasonably possible, determine the sanctions, if any, to be
14 imposed. The commission may not retry the basic facts nor question
15 the hearing board's findings of fact. The only issue before it shall
16 be the determination of the appropriate sanction assuming the validity
17 of the board's findings. After determining the appropriate sanctions,
18 the commission shall issue a written order imposing the sanctions on
19 the employee.

20 (b) The commission shall order the employee's supervisor or
21 appointing authority, as appropriate, to impose sanctions in accor-
22 dance with the commission's order. Failure of the supervisor or
23 appointing authority to implement the commission's order is a viola-
24 tion of this chapter subject to civil sanctions under AS 24.61.560(a).

25 Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL. (a) The
26 attorney general may independently bring civil or criminal actions
27 relating to violations under this chapter regardless of the outcome or
28 settlement of a charge before the commission, provided that (1) the
29 attorney general may not bring an independent civil action under this

1 chapter if the provision violated is subject only to administrative
2 sanctions under AS 24.61.560(b); and (2) the cumulative civil penal-
3 ties imposed for a violation may not exceed the amount that could be
4 imposed in an action before the commission. This subsection does not
5 prohibit the attorney general from bringing an action under another
6 civil or criminal law.

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

10 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may
11 publicly respond to a statement or interpretation made concerning the
12 contents of an advisory opinion or decision it has issued or is pur-
13 ported to have issued. A person who requests an advisory opinion and
14 makes that fact public is considered to have waived the confidential-
15 ity of the person's identity.

16 ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

17 Sec. 24.61.700. ETHICS EDUCATION PROGRAM. (a) The central
18 function of an ethics code is to prevent rather than punish unethical
19 conduct. Prevention depends almost entirely on an effective and
20 comprehensive ethics education program. The purpose of AS 24.61.700 -
21 24.61.760 is to assure that legislators and staff have the means and
22 opportunity to learn and understand the rules and principles underly-
23 ing the standards of conduct.

24 (b) The commission shall oversee and develop the following
25 components of a comprehensive ethics education program:

- 26 (1) publish an ethics education manual;
27 (2) establish an education advisory committee; and
28 (3) design and implement a legislative orientation training
29 course, a current issues and applications seminar, and a lobbyist

1 training course.

2 Sec. 24.61.710. ETHICS EDUCATION MANUAL. (a) The commission
3 shall prepare and publish a legislative ethics manual, which must
4 contain all ethics statutes, regulations, and related information,
5 including detailed explanations of technical and specific legal re-
6 quirements as well as the underlying purposes and ethical principles
7 that comprise the spirit of the requirements. The manual must include
8 realistic examples with recommended actions, as well as questions and
9 answers regarding common problems and situations.

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

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

16 Sec. 24.61.720. EDUCATION ADVISORY COMMITTEE. (a) The commis-
17 sion chair shall appoint five members to an education advisory commit-
18 tee, that shall include at least two members of the commission, a
19 legislator, and a legislative employee. The education advisory com-
20 mittee may also include an outside expert in the field of ethics.

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

- 24 (1) legislative orientation training course;
25 (2) current issues and applications seminar; and
26 (3) lobbyist training course.

27 Sec. 24.61.730. LEGISLATIVE ORIENTATION TRAINING COURSE. (a)
28 The commission shall conduct a legislative ethics orientation training
29 course. The course shall be offered in January of each year. A

1 legislator and a legislative employee shall attend and complete the
2 first course offered after their initial election, appointment, or
3 hiring date.

4 (b) The education advisory committee shall determine the specif-
5 ic content of the course, and it shall cover the ethics laws, internal
6 rules and policies, as well as the technical and specific legal re-
7 quirements that legislators and legislative employees must follow.
8 The course shall also cover the underlying purposes and ethical prin-
9 ciples of all ethics laws, internal rules and policies, and other
10 related regulations. The course shall highlight the principles of
11 public service ethics and the intent of ethics laws, including their
12 application to practical situations.

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

17 Sec. 24.61.740. CURRENT ISSUES AND APPLICATIONS SEMINAR. (a)
18 The commission shall conduct a current issues and applications seminar
19 in January of each odd-numbered year. The seminar is mandatory for
20 all legislators and legislative employees who have previously complet-
21 ed the legislative ethics orientation training course.

22 (b) The specific content of the seminar shall be determined by
23 the education advisory committee, and shall include an overview of all
24 new substantive changes in the laws in the form of amendments, re-
25 visions, and new ethics advisory opinions. The seminar shall include
26 discussions on problem solving skills, practical ethical issues likely
27 to confront a legislator or legislative employee, and the underlying
28 principles of public service ethics.

29 (c) The commission shall offer separate sessions of the seminar

1 for legislators and for legislative employees, and shall offer as many
2 sessions as necessary to accommodate the number of people required to
3 take the seminar.

4 Sec. 24.61.750. LOBBYIST TRAINING COURSE. (a) Lobbyists shall
5 complete a lobbyist training course conducted by the commission as a
6 condition of registering as a lobbyist under AS 24.45. A person who
7 first engages in activities requiring the person to register as a
8 lobbyist either before the commission has offered the training course
9 for that year, or after the training course has been offered for that
10 year, may be authorized by the commission to conditionally register
11 under AS 24.45 unless the person reasonably should have known that the
12 person was likely to engage in lobbying activities and could have
13 attended the most recent training course. A person with a conditional
14 registration must successfully complete the next training course
15 offered or the registration shall be revoked.

16 (b) The specific content of the training course shall be de-
17 termined by the education advisory committee, and shall include a
18 review of all ethics statutes, the rules and regulations relating to
19 appropriate lobbyist conduct, and the principles of public service
20 ethics.

21 (c) The commission shall certify to the Alaska Public Offices
22 Commission the names of persons successfully completing the training
23 course, including persons taking the course under (d) of this section.

24 (d) Lobbyists shall repeat the training course at least once
25 every three years and the commission shall update the course accord-
26 ingly.

27 (e) At the commission's discretion, lobbyists may be charged
28 reasonable fees to attend the training course.

29 Sec. 24.61.760. ADMINISTRATIVE PROVISIONS. (a) The commission

1 shall assure the continued implementation, improvement, and modifica-
2 tion of the ethics education programs. The commission shall develop
3 procedures to assure the attendance of, and course completion by, all
4 legislators, legislative employees, and lobbyists.

5 (b) The commission shall assure the attendance of legislative
6 employees who are not in and cannot travel to Juneau by offering the
7 programs by teleconference. When a teleconference connection is
8 unavailable, the commission shall distribute video tapes to the em-
9 ployees or arrange to have them travel to a site where a live or
10 teleconference course is available.

11 (c) The commission may impose sanctions, including suspension of
12 pay and dismissal of legislative employees, recommendations for disci-
13 plinary action for legislators, and recommendations to revoke lobbyist
14 registrations, upon any legislator, legislative employee, or lobbyist
15 who fails to complete the ethics education requirements within a
16 reasonable amount of time, as determined by the commission.

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

20 (e) The commission shall offer all of the education programs at
21 appropriate times and locations and shall provide adequate notice of
22 them.

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

26 ARTICLE 5. GENERAL PROVISIONS.

27 Sec. 24.61.900. RELATIONSHIP TO COMMON LAW AND OTHER LAWS. (a)
28 The provisions of this chapter specifically replace, supersede, and
29 where necessary repeal provisions of the common law relating to legis-

1 lative conflict of interest.

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

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

8 (b) Certain specified provisions apply to former members of the
9 legislature, candidates for the legislature, former legislative em-
10 ployees, persons who have transactions with legislators or legislative
11 employees, and lobbyists.

12 Sec. 24.61.920. PRINCIPLE OF STRICT COMPLIANCE. In imposing
13 civil or administrative sanctions, the commission and the legislature
14 shall hold legislators and legislative employees strictly to the
15 provisions and spirit of this chapter. Except in extraordinary cir-
16 cumstances, legislators and employees may not assert a lack of knowl-
17 edge or understanding as a defense to a charge of misconduct.

18 Sec. 24.61.930. MENTAL STATE REQUIRED FOR CRIMINAL ACTIONS.
19 When a provision of this chapter is made subject to criminal penal-
20 ties, unless the provision specifically provides for another mental
21 state, the defendant in a criminal prosecution must be shown to have
22 acted with criminal negligence, as that term is defined in AS 11.81.-
23 900(a). AS 11.81.610(c) applies to this section.

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

27 Sec. 24.61.950. COOPERATION OF OTHERS. If the commission re-
28 quests their cooperation, a state agency, official, employee, or a
29 person whose conduct is regulated by this chapter shall cooperate with

1 the commission. An individual shall make information reasonably
2 related to an investigation available to the commission on written
3 request. The commission may request and shall receive from every
4 officer, department, division, board, agency, commission, house of the
5 legislature, or other agency of the state, cooperation and assistance
6 in the performance of its duties.

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

13 Sec. 24.61.990. DEFINITIONS. In this chapter,

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

19 (2) "anything of value," "benefit," or "thing of value"
20 includes all matters, whether tangible or intangible, that could
21 reasonably be considered to be an advantage, of worth, use, or service
22 to the person to whom it is conferred; the terms are intended to be
23 interpreted broadly and encompass all matters that the recipient might
24 find sufficiently desirable to do something in exchange for;

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

- 27 (i) money;
28 (ii) products or merchandise;
29 (iii) works of art or collectibles;

- 1 (iv) stocks, bonds, notes, or options;
2 (v) an interest in real property;
3 (vi) contracts or a promise of a future interest
4 in a contract;
5 (vii) an interest or a promise of a future interest
6 in a business;
7 (viii) meals, beverages, or lodging;
8 (ix) transportation;
9 (x) services, including loaned employees;
10 (xi) loans, loan guarantees, co-signing;
11 (xii) forgiveness of a debt;
12 (xiii) discounts or rebates not extended to the
13 public generally;
14 (xiv) preferential treatment;
15 (xv) tickets or admissions;
16 (xvi) free or discounted use of office facilities;
17 (xvii) loan of office equipment;
18 (xviii) radio or television time;
19 (xix) promise or offer of present or future employ-
20 ment;
21 (xx) use of autos, boats, apartments, or other
22 recreational or lodging facilities;
23 (xxi) intangible rights such as a cause of action;
24 (xxii) licenses, patents, copyrights, or an interest
25 in them;
26 (xxiii) any other item, tangible or intangible,
27 having economic value;
28 (B) "anything of value," "benefit," or "thing of
29 value" does not include

1 (i) an item listed in AS 24.61.350(c)(1) - (8);

2 (ii) campaign contributions, pledges, political
3 endorsements, support in a political campaign, or a promise
4 of endorsement or support;

5 (iii) contributions to a cause or organization,
6 including a charity, made in response to a direct solici-
7 tation from a legislator or a person acting at the legisla-
8 tor's direction;

9 (3) "close economic association" has the meaning given in
10 AS 24.61.265;

11 (4) "close personal relationship" is a special relationship
12 between a legislator or legislative employee and another person that
13 creates strong bonds of loyalty, friendship, or love that could poten-
14 tially conflict with public duties and the obligation to exercise
15 objective independent judgment, or could create the appearance that
16 the other person may have access to confidential information or other-
17 wise receive favored treatment regarding public actions; it includes
18 relationships with immediate family members, long-term personal
19 friends, former business associates, and persons with whom the legis-
20 lator or legislative employee has a significant and continuous roman-
21 tic relationship;

22 (5) "commission" means the Legislative Ethics Commission;

23 (6) "confidential information" means information that has
24 been classified confidential by law;

25 (7) "exonerate" means to free from a charge or the imputa-
26 tion of guilt, or to prove blameless;

27 (8) "financial conflict of interest" has the meaning given
28 in AS 24.61.255;

29 (9) "immediate family" means the spouse, parents, including

1 parents-in-law, children, including a stepchild and an adoptive child,
2 and siblings of a person;

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

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

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

13 (13) "legislative assistant" means a legislative employee
14 whose assigned duties involve the exercise of substantial discretion
15 and judgment; it does not include employees who perform purely cler-
16 ical or ministerial functions; the legislative council shall propose
17 policies relating to the interpretation of this definition, and the
18 commission shall consider the adoption of these guidelines as regula-
19 tions under AS 24.61.160;

20 (14) "legislative employee" means a person, other than a
21 legislator, who is compensated by the legislative branch in return for
22 regular or substantial personal services, regardless of the person's
23 pay level or technical status as a full-time or part-time employee,
24 independent contractor, or consultant; it includes members and staff
25 of the commission; it does not include individuals who perform func-
26 tions that are purely incidental to legislative functions such as
27 security, messengers, maintenance, and print shop employees; for
28 purposes of this paragraph, "regular or substantial" means work that
29 is expected to involve, or does involve, at least 400 hours in a

1 calendar year or 300 hours during a regular legislative session; the
2 legislative council shall propose policies relating to the interpreta-
3 tion of this definition, and the commission shall consider the adop-
4 tion of these guidelines as regulations under AS 24.61.160;

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

7 (16) "nonpublic information" means information that

8 (A) is obtained in the course of a person's legisla-
9 tive duties and that is subject to public inspection under
10 AS 09.25.110 - 09.25.120, but that, because of its nature, is not
11 readily accessible to the public or the profession, occupation,
12 or group to which the person belongs; and

13 (B) if used or disclosed, a personal benefit or advan-
14 tage is likely to result;

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

22 (18) "reasonably should know" means that, under the circum-
23 stances, a reasonable person would know a fact;

24 (19) "registered lobbyist" means a person who is required to
25 register under AS 24.45.041 and is described under AS 24.45.171(8)(A),
26 but does not include a volunteer lobbyist described in AS 24.45.-
27 161(a)(1) or a representational lobbyist as defined under regulations
28 of the Alaska Public Offices commission.

29 (20) "representation" means action taken on behalf of anoth-

1 er, whether for compensation or not, including but not limited to
2 telephone calls and meetings and appearances at proceedings or meet-
3 ings;

4 (21) "substantial interest in legislative, administrative,
5 or political action" has the meaning given in AS 24.61.260.

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

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

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

12 (b) A person filing a declaration of candidacy under this sec-
13 tion other than for a state legislative office shall simultaneously
14 file with the director a statement of income sources and business
15 interests that complies with the requirements of AS 39.50. A person
16 filing a declaration of candidacy for state legislative office shall
17 simultaneously file with the director a disclosure statement that
18 complies with the requirements of AS 24.61.400 - 24.61.410.

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

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

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

28 (b) A person filing a nominating petition under this section
29 other than for a state legislative office shall also file with the

1 director a statement of income sources and business interests that
2 complies with the requirements of AS 39.50 within 30 days of filing
3 the petition. A person filing a nominating petition for state legis-
4 lative office shall file with the director a disclosure statement that
5 complies with the requirements of AS 24.61.400 - 24.61.410 within 30
6 days of filing the petition.

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

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

15 * Sec. 8. AS 24.10.100 is amended to read:

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

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

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

25 (1) during a legislative session if the legislator is not
26 living in the legislator's place of permanent residence during the
27 session; or

28 (2) while on committee business or other legislative busi-
29 ness in a place that is not the legislator's place of permanent resi-

1 dence.

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

5 (c) In this section,

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

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

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

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

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

21 (c) A representative from a single-representative district may
22 voucher up to \$6,000 under this section. A representative from a
23 two-representative district and a senator from a single-senator dis-
24 trict may voucher up to \$7,500 under this section. A senator from a
25 two-senator district may voucher up to \$10,500 under this section.
26 Vouchers shall be processed under AS 24.10.120 and policies adopted by
27 the legislative council consistent with 26 U.S.C. 162.

28 (d) Notwithstanding (b) of this section, expenses related to
29 newsletters may not be paid under this section. The legislative

1 council shall adopt guidelines under which each legislator may prepare
2 and distribute two newsletters a year that comply with AS 24.61. The
3 guidelines must be consistent with AS 24.61 and regulations under that
4 chapter adopted by the Legislative Ethics Commission and must provide
5 for the payment of expenses for the newsletters from appropriations to
6 the legislature.

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

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

15 * Sec. 12. AS 24.40.020 is amended to read:

16 Sec. 24.40.020. CONTINUANCE IN A CRIMINAL PROCEEDING WHERE
17 DEFENDANT [, DEFENSE ATTORNEY] OR WITNESS IS A MEMBER OF THE LEGISLA-
18 TURE. Upon a showing that [THE ATTORNEY OF RECORD AT THE TIME OF THE
19 DEFENDANT'S FIRST APPEARANCE IN THE COURT OF RECORD OR] a principal
20 witness or a party in a criminal proceeding is a member of the legis-
21 lature and that the legislature is in session or that a legislative
22 interim committee of which the legislator is a member is meeting or is
23 to meet within the next seven days, the defendant is entitled to a
24 reasonable continuance of the date of trial until at least 15 days
25 after the legislative session or interim committee meeting. However,
26 a continuance for this reason may [SHALL] not exceed 30 days after
27 recess of the legislature or interim committee. A continuance may not
28 be granted for any longer time than it is affirmatively proved the
29 ends of justice require.

1 * Sec. 13. AS 24.40.031 is amended to read:

2 Sec. 24.40.031. POSTPONEMENT OF CIVIL PROCEEDINGS WHEN A PARTY
3 [OR ATTORNEY] IS A MEMBER OF THE LEGISLATURE. When it appears that a
4 party [OR AN ATTORNEY OF RECORD OF A PARTY] to a civil action is a
5 member of the legislature of this state [,] and that the legislature
6 is in session, the action shall be continued until 10 days after the
7 legislature has adjourned, unless the party [OR ATTORNEY] upon the
8 call of the action for trial waives the benefit of this section. When
9 it appears that a party [OR AN ATTORNEY OF RECORD OF A PARTY] to a
10 civil action is a member of the Alaska Legislative Council, the Legis-
11 lative Budget and Audit Committee, or one of their subcommittees, the
12 action shall be continued when the legislative council, budget and
13 audit committee, or the subcommittee, as the case may be, is holding a
14 meeting, unless the party [OR ATTORNEY] upon the call of the action
15 for trial waives the benefit of this section. When it is necessary to
16 file a brief or memorandum of law in an action that [WHICH] has been
17 continued under the provisions of this section, the action shall be
18 continued for a time sufficient to prepare and file the brief or
19 memorandum.

20 * Sec. 14. AS 24.45.041(a) is amended to read:

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

26 * Sec. 15. AS 24.45.041(f) is amended to read:

27 (f) Each lobbyist shall renew the registration annually by
28 filing a new registration statement together with a new authorization
29 to act as a lobbyist before engaging in lobbying. The lobbyist also

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

7 * Sec. 16. AS 24.45.041 is amended by adding a new subsection to read:

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

13 * Sec. 17. AS 24.45.121(a) is amended to read:

14 Sec. 24.45.121. PROHIBITIONS. (a) A lobbyist may not

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

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

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

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

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

29 (6) accept or agree to accept any payment in any way con-

1 tingent upon the defeat, enactment, or outcome of any proposed legis-
2 lative or administrative action;

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

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

8 * Sec. 18. AS 39.25.110 is amended by adding a new paragraph to read:

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

11 * Sec. 19. AS 39.50.020 is amended to read:

12 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a)
13 A judicial officer, commissioner, chair [CHAIRMAN] or member of a
14 state commission or board specified in AS 39.50.200(b), a person hired
15 or appointed as head or deputy head of, or director of a division
16 within, a department in the executive branch, a person appointed as
17 assistant to the governor, and a municipal officer, shall file a
18 statement giving income sources and business interests, under oath and
19 on penalty of perjury, within 30 days after taking office as a public
20 official. Candidates for governor and lieutenant governor [STATE
21 ELECTIVE OFFICE] shall file such a statement with the director of
22 elections at the time of filing a declaration of candidacy or within
23 30 days of the filing of any nominating petition, or within 30 days of
24 becoming a candidate by any other means. Candidates for elective
25 municipal office shall file such a statement at the time of filing a
26 nominating petition, declaration of candidacy, or other required
27 filing for the elective municipal office. Refusal or failure to file
28 within the time prescribed shall require that the candidate's filing
29 fees, if any, and filing for office be refused or that a previously

1 accepted filing fee be returned and the candidate's name removed from
2 the filing records. A statement shall also be filed by public offi-
3 cials no later than April 15 or 15 days after the person files a
4 federal income tax return in each following year, whichever comes
5 first. Persons who, on or after December 11, 1974, were members of
6 boards or commissions not named in AS 39.50.200(b) are not required to
7 file financial statements.

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

20 * Sec. 20. AS 39.50.200(a)(8) is amended to read:

21 (8) "public official" means a judicial officer. [A MEMBER
22 OF THE LEGISLATURE, THE FISCAL ANALYST OF THE LEGISLATIVE FINANCE
23 DIVISION, THE LEGISLATIVE AUDITOR OF THE LEGISLATIVE AUDIT DIVISION,
24 THE EXECUTIVE DIRECTOR OF THE LEGISLATIVE AFFAIRS AGENCY AND THE
25 DIRECTORS OF THE DIVISIONS WITHIN THE LEGISLATIVE AFFAIRS AGENCY,] the
26 governor, the lieutenant governor, a person hired or appointed as the
27 head or deputy head of, or director of a division, a department in the
28 executive branch, an assistant to the governor, chair [CHAIRMAN] or
29 member of a state commission or board, the executive director of the

1 Alaska Tourism Marketing Council, and each appointed or elected munic-
2 ipal officer;

3 * Sec. 21. AS 39.52.910(a) is amended to read:

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

10 * Sec. 22. AS 24.60, AS 39.50.025, and 39.50.120 are repealed.

11 * Sec. 23. INITIAL COMMISSION APPOINTMENTS. Notwithstanding AS 24.61.-
12 500(b), as added by sec. 2 of this Act, the terms of the members initially
13 appointed to the Legislative Ethics Commission are as follows:

14 (1) the members appointed by the senate and the house of rep-
15 resentatives and one of the members appointed by the Legislative Ethics
16 Commission, determined by lot, serve terms of five years;

17 (2) the member appointed by the governor and the second member
18 appointed by the Legislative Ethics Commission serve terms of four years;

19 (3) the member appointed by the Alaska Public Offices Commission
20 serves a term of three years;

21 (4) the member appointed by the lieutenant governor services a
22 term of two years; and

23 (5) the member appointed by the supreme court serves a term of
24 one year.

25 * Sec. 24. INITIAL TRAINING COURSES. The initial courses and seminars
26 required under AS 24.61.730 - 24.61.750, as added by sec. 2 of this Act,
27 shall be offered during January and February 1991. Notwithstanding AS 24.-
28 61.730(a), as enacted by sec. 2 of this Act, all legislators and legisla-
29 tive staff shall attend a legislative ethics orientation training course in
CSSB 415()

1 1991.

2 * Sec. 25. INITIAL RECOMMENDED REGULATIONS. The Alaska Legislative
3 Council shall make its initial recommendations to the Legislative Ethics
4 Commission under AS 24.61.160, as added by sec. 2 of this Act, by
5 January 21, 1991. If the legislative council does not comply with the
6 deadline under this section, the Legislative Ethics Commission shall pro-
7 ceed to adopt regulations under AS 24.61.160 on its own initiative.

8 * Sec. 26. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER
9 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 22 of this Act,
10 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,
11 the Legislative Ethics Commission may consider complaints alleging viola-
12 tions of AS 24.60 that occurred prior to January 21, 1991, and for which
13 proceedings have not been commenced or concluded prior to January 21, 1991.
14 For the purpose of this section, the Legislative Ethics Commission shall
15 follow the procedures established under AS 24.61, but may not recommend a
16 sanction or penalty not authorized under former AS 24.60.

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

1 tion may continue beyond January 1, 1992, if the legislator or legislative
2 assistant applies for, and the Legislative Ethics Commission grants, an
3 exemption to the termination date under AS 24.61.530, as added by sec. 2 of
4 this Act. In this section, "legislative assistant" has the meaning given
5 in AS 24.61.990, as added by sec. 2 of this Act.

6 * Sec. 28. AS 24.61.160, 24.61.400(d), 24.61.500 - 24.61.720 and 24.-
7 61.990, as added by sec. 2 of this Act, and secs. 23 - 25 of this Act, take
8 effect July 1, 1990.

9 * Sec. 29. AS 24.61.200 - 24.61.240, as added by sec. 2 of this Act,
10 take effect November 6, 1990.

11 * Sec. 30. Except as provided in secs. 28 and 29 of this Act, this Act
12 takes effect January 21, 1991.
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Sec. 24.61.526. REQUESTS FOR ADVICE THROUGH ANOTHER. A person who believes that the person may have violated or may be violating a provision of this chapter and who wishes to request advice under AS 24.61.520 or AS 24.61.525 may have another person request the advice in a manner that avoids the disclosure of the identity of the interested party.

Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR ADVICE. Information voluntarily given to the commission in connection with a request for advice under AS 24.61.520 or 24.61.525, and the identity of the person requesting the advice, shall be kept confidential unless the information reveals facts that suggest that a violation of this chapter has occurred and that, in the commission's discretion, justify the filing of a complaint under AS 24.61.535 or the use of the facts in a proceeding under AS 24.61.545 or 24.61.-550. Though a person covered by this chapter will be held to knowledge of this provision whether or not the person was informed of it at the time of voluntarily providing information, the commission shall take reasonable efforts to remind persons that the information may be used either as the basis of a complaint or during a proceeding.

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Current

MASTER LIST OF SUGGESTED CHANGES

✓ AS 24.61.010 -

✓ AS 24.61.015- Rieger #1, Hope p.1

✓ AS 24.61.020 - Gaguine #1

✓ AS 24.61.025 - .

✓ AS 24.61.030 - Rieger #2

✓ AS 24.61.035 - Rieger #3

✓ AS 24.61.040 - Rieger #4, ACLU p.1

AS 24.61.045 -

✓ AS 24.61.050 - Josephson #1 - 3

✓ AS 24.61.055 - Hope p.2

✓ AS 24.61.060 - Rieger #5, Josephson # 4 - 6

✓ AS 24.61.100 - Josephson #7 - 9

✓ AS 24.61.110 - Rieger #7, Otto #1

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— AS 24.61.120 - Baldwin #1, Josephson #10 - 11, Pourchot #1,

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AS 24.61.130 - Rieger #8 - 9, Baldwin #2, Otto #2 - 3,
Q1 - 2, Josephson, #12 - 16, Pourchot #2, Hope p.3

AS 24.61.140 - Rieger #10 - 14, Baldwin #3, Otto #4 - 9, Q3,
Josephson #17 - 25, Pourchot #3 - 7, ACLU p.2 - 3, Gaguine
#2

AS 24.61.150 - Rieger #15, Pourchot #18

AS 24.61.160 - Otto #10

AS 24.61.170 - Baldwin #14, Otto #11 - 12, Josephson #26

AS 24.61.180 - Dierdorff #1, Baldwin #5 - 7, Otto #13 - 22,
Q4 - 5, Josephson #27 (like Dierdorff), Pourchot #9, Fowler
p.2, ACLU p.3

AS 24.61.190 - Rieger #17 - 18, Baldwin #8, Otto #23 - 26,
Q6 & 19a, Josephson #28 - 37, Pourchot #10 - 11, Fowler p.2,
Hope p.4 - 5, ACLU p.3 - 4, Gaguine #3

AS 24.61.200 - Pourchot #12, ACLU p.4

AS 24.61.202 - Rieger #20, Josephson #38, Pourchot #13,
Gaguine #4

AS 24.61.205 - Rieger #21 - 23, Otto #27 - 30, Q7, Josephson
#39, ACLU p.4, Gaguine #5

AS 24.61.210 - Rieger #24, Otto Q19b, Gaguine #6

AS 24.61.220 - Rieger #25, Dierdorff #2, Baldwin #9, Josephson #40 (like Dierdorff), Pourchot #14 - 15, Otto Q8 (like Dierdorff) - 9, Gaguine #7

AS 24.61.230 - Rieger #26, Otto #31 - 33, Josephson #41 (like Otto), Pourchot #16, ACLU p.4 - 5, Gaguine #8

AS 24.61.240 - Rieger #27, Baldwin #10, Josephson #42 - 43, Pourchot #17, ACLU p.6, Otto Q10

AS 24.61.250 - Rieger #28, ACLU p.6

AS 24.61.255 -

AS 24.61.260 - Rieger #29, Josephson #44, Pourchot #18 - 19

AS 24.61.265 -

AS 24.61.270 - Pourchot #20

AS 24.61.275 - Rieger #30, Josephson 45, Pourchot #21, Hope p.6 - 7, ACLU p.6 - 7

AS 24.61.280 - Josephson #46, Pourchot #22

AS 24.61.290 - Hanley #1, Pourchot #23, Hope p.8

AS 24.61.300 - Rieger #31 - 36, Josephson #47 - 49, Pourchot #24 - 26, ACLU p.6 - 7

✓ AS 24.61.310 - Rieger #37, Chenoweth #1, Baldwin #11,
Josephson #50 (inaccurate), 51 - 53, Pourchot #27, Hope p.9,
ACLU p.7

✓ AS 24.61.320 - Rieger #38, Baldwin #12, Josephson #50 (right
place), Pourchot #28

✓ AS 24.61.330 - Rieger #39 - 40, Gaguine #9 - 10

✓ AS 24.61.340 - Rieger #41 - 44, Dierdorff #3, Baldwin #13 -
15, Otto #34 - 35, Q19e & f, Josephson #54 - 55 (like
Dierdorff), Pourchot #29, Fowler p.2 - 3

✓ AS 24.61.345 - Rieger #45, Pourchot #30, Otto Q19g, Gaguine
#11

X AS 24.61.350 - Rieger #46 - 51, Dierdorff #4 - 6, Baldwin
#16 - 17, Josephson #56 (like Dierdorff), Pourchot #31 - 36,
Hope p.10, ACLU p.7, Otto Q11, Gaguine #12

X AS 24.61.360 - Rieger #52, Chenoweth #2, Baldwin #18,
Pourchot #37, Hope p.11, Otto Q19h

X AS 24.61.370 - Rieger #53, Pourchot #38, Hope p.12

X AS 24.61.380 - Rieger #54, Dierdorff #7, Josephson #57 - 58,
Pourchot #39 - 41, Hope p.13 (agrees with Josephson), Otto
Q12, Gaguine #13

X AS 24.61.390 -

AS 24.61.400 - 420 - Rieger #55, APOC #1, #2

AS 24.61.400 - Rieger #55a & b, Baldwin #19, Otto #36,
Josephson #59, Pourchot #42, Hope p.14, ACLU p.7

AS 24.61.405 - Rieger #55c, d, e, f, and g, Pourchot #43,
Hope p.15

AS 24.61.410 - Rieger #55h & i

AS 24.61.415 - Rieger #55j, Dierdorff #8, Gaguine #14

AS 24.61.420 - Dierdorff #9, Otto Q19 (like Dierdorff)

AS 24.61.430 - Rieger #56, Baldwin #20, Pourchot #44, Hope
p.16, Gaguine #15

AS 24.61.440 - Rieger #57, Hanley #2, Fowler p.3, Otto Q13

AS 24.61.450 - Rieger #58

AS 24.61.460 - Rieger #60, Otto #37 (typo), Josephson #60 -
61, ACLU p.7 - 8

AS 24.61.500 - Rieger #61 - 62

AS 24.61.502 -

AS 24.61.504 -

AS 24.61.506 - Rieger #63

AS 24.61.508 - Otto #38, Pourchot #45, Gaguine #16

✓ AS 24.61.510 - APOC #3

✓ AS 24.61.515 -

✓ AS 24.61.520 - Rieger #64, Hope p.18 (agrees with Rieger)

✓ AS 24.61.525 - Rieger #65

✓ AS 24.61.530 - Rieger #66 - 67, Hope P.17 & 19

✓ AS 24.61.535 - Rieger #68 - 70, Hope p.20 - 21

✓ AS 24.61.540 - Rieger #71 - 72

✓ AS 24.61.545 - Rieger #73 - 76

✓ AS 24.61.550 - Rieger #77, Hope p.22, Gaguine #17 - 18

✓ AS 24.61.555 - Rieger #78 - 80, Hope p.23

✓ AS 24.61.560 - Dierdorff #11, Hope p.24, ACLU p.8 (like Hope)

✓ AS 24.61.565 - Rieger #81 - 82, Gaguine #19

✓ AS 24.61.570 - Rieger #83 - 84

✓ AS 24.61.575 - Rieger #85

AS 24.61.580 - Rieger #86, Hope p.25 (like Rieger)

AS 24.61.700 -

✓ AS 24.61.710 - Hope p.26

✓ AS 24.61.720 -

✓ AS 24.61.730 - Rieger #87, Pourchot #46, ACLU p.8

✓ AS 24.61.740 - Rieger #88, Pourchot #46 (again) - 47, ACLU
p.8

✓ AS 24.61.750 - Rieger #89, Pourchot #48, ACLU p.8

✓ AS 24.61.760 - Rieger #90, Pourchot #49 - 51

✓ AS 24.61.900 -

✓ AS 24.61.910 -

✓ AS 24.61.920 - Rieger #91

✓ AS 24.61.930 -

✓ AS 24.61.940 -

✓ AS 24.61.950 - Rieger #92, Fowler p.3 - 4, Otto Q14

✓ AS 24.61.960 - Hope p.27 (unnecessary)

AS 24.61.990 - Rieger #93 - 97, Dierdorff #10, Otto #39 -
41, Q15 - 17, 19j, Pourchot #52 - 55, Gaguine #20

Bill Sec. 3 -

Bill Sec. 4 -

Bill Sec. 5 - Pourchot #56 (see Josephson #69)

Bill Sec. 6 - Otto Q18

Bill Sec. 7 -

Bill Sec. 8 -

Bill Sec. 9 - .

Bill Sec. 10 - Rieger #100

Bill Sec. 11 - Rieger #101

Bill Sec. 12 -

Bill Sec. 13 - Hope p.28

Bill Sec. 14 - Rieger #102

Bill Sec. 15 -

Bill Sec. 16 - Rieger #102

Bill Sec. 17 -

Bill Sec. 18 -

Bill Sec. 19 -

Bill Sec. 20 -

Bill Sec. 21 -

Bill Sec. 22 -

Bill Sec. 23 -

Bill Sec. 24 - Rieger #103

Bill Sec. 25 - .

Bill Sec. 26 -

Bill Sec. 27 -

Additions to AS 24.61 - Szymanski #1

Additions to rest of bill - Fowler p.1, Donley

JBG:lmb

L10/080

COMMENTARY AND SUGGESTIONS RE: LEGISLATIVE ETHICS ACT OF 1990

WORK DRAFT 4/29/90

by Michael Josephson

Government Ethics Center, Josephson Institute

- X 1. P7, L18: Sec. 24.61.045 ACCOUNTABILITY. Subsection (c) from 24.61.430 (4/18 draft) was to be placed here. Related commentary should also be moved.
- X 2. P8, L21: Sec. 24.61.060. PRINCIPLE OF INDEPENDENT JUDGMENT. Change "the interests" to "such interests".
- X 3. P9, L9-10: Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL. Should read: "either for themselves, members of their families, or friends;"
- X 4. P10, L7: Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. Change "shall" to "should".
- X 5. P11, L18-24: Sec. 24.61.130. MISUSE OF STATE RESOURCES FOR PERSONAL GAIN. Subsection (c) should read: "A legislator or legislative employee may not require or permit a legislative employee to perform personal services or assist in a private activity except in unusual and infrequent situations where the personal service is reasonably necessary to permit the legislator or legislative employee to perform official duties, and where the performance of the service by the legislative employee will not create the reasonable perception of improper use of government staff for personal purposes." [Retain last sentence, lines 16-17]

DELETE (d) lines 18-24

- X 6. P12, L27: Sec. 24.61.140. MISUSE OF STATE RESOURCES FOR POLITICAL GAIN.

REPLACE LANGUAGE AS "(2) a brief description of the nature of each committee substitute or significant amendment offered by the legislator."

- X 8. P12, L29: add Money limit for contribution. Suggest: \$250.

X 9. ADD TO COMMENTARY

(d) Contents of Newsletters. The purpose of the requirements regarding revelation of bills, committee substitutes and significant amendments introduced by a legislator, as well as the legislator's votes on significant bills acted on by the legislator's house is to provide constituents with detailed relevant information which will inform them of the actions and judgments of their representatives and empower them to hold the legislator accountable. The regulations drawn up by legislative council should provide a uniform statement of all significant bills to be used by all legislators and should otherwise advance the purposes of this provision. The information required under (d) of this section must include all activity since the last mailing or be approved by the commission.

*190
language
(Amended)
W. Ramey
Sanction*

X

10. P15, L16-23 24.61.170. USE OF NONPUBLIC INFORMATION ETC.
REPLACE SECTION WITH FOLLOWING.

"USE OF INFORMATION GAINED IN THE COURSE OF LEGISLATIVE DUTIES.

(a) In the course of their official duties, legislators and legislative employees may acquire information confidential as a matter of law and other information not generally known or accessible even though it is technically available to the public. In some cases, simply learning of information before it is generally available can provide a substantial advantage for those who use or disclose it. A legislator or legislative employee may not actually or reasonably appear to gain special personal benefits by virtue of access to information resulting from public service.

(b) A legislator or legislative employee may not use or disclose confidential information for any purpose. In addition, a legislator or legislative employee may not receive any personal benefit for the disclosure of nonconfidential information acquired in the course of and by reason of legislative service nor may any information so acquired be disclosed or used for personal gain or for the gain of another unless and until such information is actually and practically accessible to the general public.

(c) Legislators and legislative employees may not agree to keep information private or secret if the information is of the type that is required by law to be available to the public but they should keep proper commitments to keep matters confidential where such confidentiality is consistent with law, professional discretion and the public interest.

(d) A person who reveals information confidential as a matter of law or receives a personal benefit for the disclosure of nonconfidential information under subsection (b) is guilty of a class A misdemeanor and is subject to civil sanctions under AS 24.61.560(a). Violations of any other provision of this section subjects the violator to civil sanctions under AS 24.61.560(a)."

X

11. P16, L2: Sec. 24.61.180. MISUSE OF TITLE, ETC.

reinsert: "or another person. This provision includes, but is not limited to, a prohibition against the use of authority, title, or prestige to obtain employment, contracts for goods or services, clients, grants, or loans."

AND (b) P14, L25-29 from 4/18 draft OR add to comment as part of Commentary (b).

X

12. P16, L21: DISCUSS ISSUE OF USE OF NAME IN POLITICAL ENDORSEMENTS. "Endorsed by the Speaker of the House and Chairman of the Finance Committee"

X

13. P17, L4-12: Sec. 24.61.190. POST-SERVICE RESTRICTIONS.
DELETE AND REPLACE WITH:

"(b) Legislators may not for compensation, for a period of one year after leaving office, act as a registered lobbyist or a representative for another in seeking to influence a (1) legislator or legislative employee to take or withhold legislative, administrative, or political action; or 2) state agency, public official or employee to take or withhold official action if the agency is one over which the former

legislator had special oversight or budget authority."

"(c) [Use definition from P16, L14-20 4/18 draft]

"(d) A legislative assistant may not for compensation, for a period of one year after leaving legislative service act as a registered lobbyist seeking to influence a (1) state legislator or legislative employee to take or withhold legislative, administrative or political action; (2) state agency, public official, or employee to take official action relating to a matter on which the former legislative assistant worked personally and substantially."

(f): "If within one year of termination of legislative service, a former legislative assistant, who is not a registered lobbyist, in the course of employment with a governmental, nonprofit or business entity, engages in direct communications designed to influence a state legislator or legislative employee to take or withhold legislative, administrative or political action; or a state agency, public official, or employee with responsibility in an area or on a matter in which the former legislative assistant worked personally and substantially to take or withhold administrative action, the former legislative assistant shall disclose the contacts to the legislative ethics commission. The disclosure shall be in writing, describe the date, nature and purpose of the communication, and identify the person or persons contacted."

(g): "Nothing in this provision shall be construed to prohibit a former legislator or legislative assistant from [insert here language from lobbyist statute with definition that permits a person to testify as a witness, lobby if serving as a public official or respond to requests for information -- I don't have the statute with me, sorry]."

OTHERWISE MUST CHANGE COMMENTARY

14. P18, L26: Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS.

DEFINE, "part of a candidate's governmental activities and duties"

15. P18-19: Sec. 24.61.205. PROHIBITED USES OF CAMPAIGN FUNDS.

ADD TO COMMENTARY AT END OF (c):

"Campaign funds should not be used in a way that would create in the mind of a reasonable person the belief that the funds are for the personal financial benefit of the candidate or the candidate's immediate family, or to unjustly enrich another person. Thus, campaign funds may not be paid to a member of the candidate's immediate family as an employee or for goods or services unless the amounts paid do not exceed the fair market value for the goods or services. Excess amounts paid to family members is a form of improper conversion of campaign funds to personal use."

16. P25, L1: Sec. 24.61.240. FUNDRAISING LIMITATIONS.

ADD "nor may a legislator solicit funds, host a fund raising event, for any other person or otherwise encourage persons to contribute to political campaign of any sort while the legislature is in session. This provision does not prevent fund raising activities for a bona fide nonpolitical charitable organization, provided such activities comply with AS 24.61.230."

under use...

2

17. P27, L11: Sec. 24.61.260. SUBSTANTIAL INTEREST DEFINED

After "action." insert "This provision does not suggest or imply that there is any impropriety in having financial or personal relationships with persons who have a substantial interest in legislative, administrative or political action or that such transactions or relationships should be avoided. The purpose of the designation is to identify those who by virtue of their interest in the professional actions of legislators and legislative employees have an incentive to influence such actions and, therefore, transactions and relationships with this interested class should be subject to closer scrutiny."

IF NOT ADDED HERE, ADD TO COMMENTARY (NEW SECTION)

18. P30, L19: Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, ETC.

change to "cause or permit"

Cross reference to lobbyist obligations at p. 89.

19. P30, L27

Cross reference to lobbyist obligations at p.89 "A lobbyist may not seek to evade the purposes of this subsection by directing a business associate or other person to perform similar fund raising services."

20. P32, L3: Sec. 24.61.310. BOARD MEMBERSHIPS

ADD TO CAPTION TITLE "; OTHER PUBLIC OFFICES"

21. P32, L24-25: Sec. 24.61.320. RESTRICTED FINANCIAL INTERESTS.

Change opening phrase to:

"Notwithstanding any contrary provision of the Uniform Rules of the Alaska Legislature,"

OR

at P33, L4 Add:

"A legislator should not consent to the participation or vote of any other legislator who has a conflict of interest under this section."

22. P33, L1: change "substantial" to a money amount

23. P39, L15 and L20 Sec. 24.61.350 GRATUITIES

ADD SECTIONS ON sample merchandise and subscriptions for clarity.

24. P39, L24

after "hospitality" add "provided the cost does not exceed over \$50."

OR another amount

25. P40, L 7

foreign gifts -- should be reported and not aggregated over \$100 after "funds" insert "gifts received under this section shall be reported on financial disclosure forms."

X 26. P40, L12

Reinstate language about length of stay and payment for spouses/companions from P38 L27; P39, L1-8 4/18 draft

X 27. P44, L1: Sec. 24.61.380. IMPROPER INTERFERENCE
CHANGE "should not" to "may not"

28. P44, L11

Reconsider reinserting explanatory language at P43, L18-19, 4/18 draft

29. P47, L1 Sec. 24.61.400. CONFLICT OF INTEREST DISCLOSURE.

After "required." insert "If the spouse or dependent child receives income from a person with a substantial interest in legislative, administrative or political actions of the legislator or legislative assistant, the legislator or legislative assistant shall file a certified statement with the commission stating that (1) all the funds earned by the spouse or dependent child were reasonable payments for services actually rendered, (2) employment of the spouse or dependent child was not related to any attempt to influence or do any favor for the legislator or legislative assistant, and (3) that, to the best of the legislator or legislative assistant's knowledge, the compensation presents no conflict of interest."

30. P50, L10 Sec. 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS.

REINSTATE P49, L1-29; P50, L1-8 4/18 DRAFT

OR

Provide some means of assuring that employee gains and reports all information involved in section.

ADDITIONAL COMMENTARY AND SUGGESTIONS
RE: LEGISLATIVE ETHICS ACT OF 1990
WORK DRAFT 4/29/90
by Michael Josephson
Government Ethics Center, Josephson Institute

31. P27, L13-15; L25-26: Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION DEFINED.

Delete (1), (2) and insert

"(1) are actively involved in efforts seeking to influence a particular legislative, administrative or political decision;

(2) are subject to continuous regulation and oversight of the legislature;

Delete (5) and insert

(5) have or seek contracts for goods or services with the legislature or any agency of state government in excess of \$10,000 annually."

BE SURE TO MAKE CHANGES IN ALL PLACES THIS DEFINITION OCCURS

32. ADD TO COMMENTARY

AS 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION DEFINED.

(a) PURPOSE OF DEFINITION. The purpose of this definition is to designate those persons, companies and entities which have a substantial interest in the decisions and actions of a legislator or legislative employee because this interest creates incentives to influence persons in the legislative process. In Alaska, a significant majority of companies and government bodies are included in this definition. There are, of course, many entirely legitimate means of influencing legislative actions and no presumption of impropriety should attach to relationships between legislators and legislative employees and those that have a substantial interest in their actions. On the other hand, private transactions with such persons raise a sufficiently serious potential for conflict of interest that they should be subjected to public scrutiny.

(b) REGULATED INDUSTRIES. Subsection (2) of this definition is meant to designate firms and industries that are continuously and closely regulated by the legislature. This includes but is not necessarily limited to firms and associations involved in telecommunications, utilities, oil and gas, fisheries, mining, and forestry. It does not include professions and occupations such as nursing, optometry and veterinarians which are subject to state regulation on the less pervasive or continuous basis. Persons and firms in areas not considered to be continuously and closely regulated may, nevertheless, have a substantial interest in legislative, administrative or political action under subsection (1) when they are involved with seeking to influence actions relating to their industry or profession.

33. P60, L7-18: Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR ADVICE.

Delete new section and insert

ch m
"Information voluntarily given to the commission in connection with request for advice under AS 24.61.520 or 24.61.525 and the identity of the person requesting the advice shall be kept confidential unless the information reveals facts which establish a violation of this chapter and which, in the commission's discretion, justify the filing of a complaint or the use of such information in a proceeding under AS 24.61.545 or 24.61.550. [The commission represents the legislature as a whole and, ultimately, the people of Alaska and not the person who seeks informal or formal advice. Though persons covered by this chapter will be held to knowledge of this provision whether or not they were informed of it at the time they voluntarily provided information, the commission shall take reasonable efforts to remind persons that the information may be used either as the basis of a complaint or during a proceeding."

REASONS. THE PRESENT PROPOSAL CREATES AN UNRESOLVABLE CONFLICT OF INTEREST BETWEEN THE COMMISSION'S OBLIGATION TO NOT USE INFORMATION PROVIDED BY THE PERSON REQUESTING ADVICE AND THE OBLIGATION TO DILIGENTLY ENFORCE THIS CHAPTER. THE INDEPENDENT SOURCE RULE, AS WITH A SIMILAR RULE IN CRIMINAL PROCEDURE RELATING TO THE USE OF INFORMATION OBTAINED IN VIOLATION OF THE CONSTITUTION, CREATES ENORMOUS BURDEN OF PROOF PROBLEMS AND PROVIDES A TECHNICAL BASIS FOR DISMISSAL OF A CASE THAT WOULD CREATE GREAT PROBLEMS OF PUBLIC TRUST. NO ONE IS REQUIRED TO GIVE SUCH INFORMATION AND THERE ARE NO SELF-INCRIMINATION PROBLEMS. MOREOVER, MOST ADVICE WILL AND SHOULD RELATE TO CONDUCT NOT YET UNDERTAKEN AND THEREFORE THE REQUESTER HAS THE OPTION OF REFRAINING FROM THE CONDUCT IF SO ADVISED. ON THE OTHER HAND, IF A PERSON ACTS IN SPITE OF THE ADVICE OF THE COMMISSION OR HAS ALREADY ACTED THE COMMISSION'S HANDS MUST NOT BE TIED WITH RESPECT TO BRINGING A COMPLAINT OR USING THE INFORMATION THEY HAVE IN A PROCEEDING. A CLEVER PERSON COULD CREATE A POSSIBLE BASIS FOR DISMISSAL AND IMPOSE A HIGH BURDEN OF PROOF ON THE COMMISSION TO PROVE THEY OBTAINED INFORMATION FROM AN INDEPENDENT SOURCE.

34. CHANGE COMMENTARY 525(b) to 527.

You may want to add part of the above reasoning to the commentary:

35. P61, L13: ADD A NEW SECTION:

Sec. 24.61.32 COMMENTARY AND GUIDELINES. In all matters relating to this chapter the commission shall refer to and interpret provisions consistent with the Commentary and Guidelines.

36. P69, L29; P70 L1-2: Sec. 24.61.555. FINDINGS AND RECOMMENDATIONS.

Delete and change to: "The opinion may also recommend what, if any, portion of the respondent's legal fees shall be paid from public funds if the respondent is exonerated."

REASONING. I RECOMMEND AGAINST EFFECTIVELY CREATING A LEGAL RIGHT TO RECOVER LEGAL FEES. THE PRESENT PROVISION CAN BE SO READ AND WILL AUTOMATICALLY MAKE THE ISSUE "WHAT IS REASONABLE" IN THE LEGAL FEE AREA. THIS MAY DEPEND ON WHO ONE HIRES AND HOW MANY LAWYERS ONE HIRES. IN ADDITION, MAKING LEGAL FEES MANDATORY WITH EXONERATION MAY AFFECT THE WILLINGNESS TO EXONERATE. I RECOMMEND THAT THE TWO THINGS BE SEPARATE: EXONERATION AND REIMBURSEMENT FOR LEGAL FEES.

influencing legislative or administrative action as defined in AS 24.45.171(1), (6), (7) and this chapter; when a person becomes a lobbyist upon meeting the tests of this section, he must register in accordance with AS 24.45.041 and must report in accordance with AS 24.45.051 and 2 AAC 50. (Eff. 12/29/77, Reg. 64)

Authority: AS 24.45.021(b)

AS 24.45.041

AS 24.45.051

AS 24.45.061(b)

AS 24.45.171(1),(6),(7),(8)(A),
(10)(B),(11) and (12)

ARTICLE 5. GENERAL PROVISIONS

Section

905. Advisory opinions

910. Availability of reports filed with the commission

920. Definitions

2 AAC 50.905. ADVISORY OPINIONS. (a) A person or group may request an advisory opinion, concerning AS 15.13, AS 39.50, AS 24.45, or this chapter.

(b) Each advisory opinion request must describe a specific transaction or activity that the requesting person or group is presently engaged in, or intends to undertake in the future. Advisory opinion requests must include a complete description of all relevant facts. Requests posing a hypothetical situation, or regarding the activities of third parties, will not be considered by the commission staff.

(c) The commission staff shall review all requests for advisory opinions submitted under this section. If the staff determines a request is incomplete or does not qualify for consideration under (a) and (b) of this section, it shall notify the requesting person or group and specify the deficiencies in the request.

(d) Advisory opinion requests and advisory opinions are public records.

(e) The commission staff shall issue a proposed advisory opinion approving or disapproving of the activity, and may make other recommendations to the commission.

(f) The commission will review the proposed advisory opinion and will, in its discretion, review written or oral comments by any person, or any other relevant evidence. The commission will approve, disapprove, or modify the proposed advisory opinion. The commission will approve an advisory opinion by the affirmative vote of at least four members, or else the advisory opinion will be considered disapproved.

(g) An advisory opinion rendered by the commission may be relied upon to the extent that commission staff may not commence a preliminary investigation under 2 AAC 50.390(i), 2 AAC 50.460, or 2 AAC 50.507(i) of

(1) any person involved in the specific transaction or activity with respect to which an advisory opinion approving of the activity was rendered.

(2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which an advisory opinion was rendered.

(h) The commission will, in its discretion, reconsider an advisory opinion at any time upon the motion of a commissioner who voted with the majority that originally approved the opinion, and if the commission adopts the motion to reconsider by the affirmative vote of at least four members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates. Actions taken in good faith reliance by the requesting party before they receive written notice of reconsideration may not be the subject of a preliminary investigation under 2 AAC 50.390(i), 2 AAC 50.460, or 2 AAC 50.507(i). (Eff. 1/4/86, Reg. 97)

Authority: AS 15.13.030

Adopted as a work draft by the
Joint Committee on the AK Leg Ethics Act

6-2007H
Dierdorff
4/18/90

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

IN THE SENATE

CS FOR SENATE BILL NO. 415 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act establishing a legislative ethics commission and standards of conduct for legislators and legislative employees, former legislators and employees, and lobbyists; amending legislators' compensation and allowances; and providing for an effective date."

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

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

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

CHAPTER 61. LEGISLATIVE ETHICS ACT OF 1990.

ARTICLE 1. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES.

Sec. 24.61.010. PURPOSE. This chapter is enacted to

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

(2) provide a comprehensive and unified statement of the ethical principles, considerations, and obligations inherent in the public trust theory of government service and establish specific standards of conduct to ensure that those entrusted with public authority avoid conduct that might undermine the people's respect for the legislature; and

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

1 Sec. 24.61.015. LEGISLATIVE FINDINGS. The legislature finds
2 that

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

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

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

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

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

26 (6) the state's commitment to the notion of a citizen
27 legislature requires that legislators be drawn from all parts of
28 society; they cannot and should not be without personal and financial
29 interests in the decisions and policies of government, and they are

1 expected and permitted to earn outside income;

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

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

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

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

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

24 (12) effective democratic government depends on the will-
25 ingness of the people to exercise responsible citizenship by voluntary
26 compliance with laws and by active participation in the democratic
27 process; when the public's trust in and respect for government is
28 high, citizens are more likely to fully participate by voting, becom-
29 ing better informed, and becoming more active in public debate and

1 discourse in a way that engenders civic pride and makes government
2 more representative, more responsive, and more effective;

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

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

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

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

29 (17) legislative decisions must be made in a context of

1 clashing interests; the growing effect of state laws and regulations
2 creates incentives for competing special interests to seek to influ-
3 ence the election and policy-making processes through organized advoc-
4 acy and through the use of campaign contributions;

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

10 (19) therefore, the state needs a comprehensive ethics
11 program that responds to the challenges of the contemporary political
12 climate, preserves and protects the integrity of the legislative
13 process, and respects the needs of those who serve the legislature.

14 Sec. 24.61.020. PREAMBLE TO STATEMENT OF ETHICAL PRINCIPLES.
15 AS 24.61.025 - 24.61.060 state the overarching ethical principles of
16 legislative ethics. They are, by nature, broader and more philosoph-
17 ical than the standards of conduct and, therefore, somewhat less
18 amenable to strict enforcement.) [Their primary purpose is not to
19 provide additional bases of punishment] but to establish the theoret-
20 ical and moral foundation for the standards of conduct and to provide
21 explicit guidance and direction for those who wish to follow the
22 ethical high road, not simply out of fear of punishment but out of
23 commitment and conscience. These principles also establish criteria
24 for interpretation and enforcement of the principles themselves and
25 the standards of conduct that follow. The principles shall be re-
26 garded as an integral part of this chapter.

27 Sec. 24.61.025. PRINCIPLE OF GOOD FAITH. Each provision of this
28 chapter shall be construed and implemented with sincerity, integrity,
29 and a good faith commitment to advance rather than evade the purpose

1 and spirit of the provision.

2 Sec. 24.61.030. PRINCIPLE OF NONPARTISANSHIP. All actions,
3 decisions, and votes on matters relating to this chapter shall be made
4 purely on their merits. Decisions shall be made objectively and
5 independently, and without party, regional, or ideological partisan-
6 ship.

7 Sec. 24.61.035. PRINCIPLES OF PUBLIC TRUST. (a) Legislators
8 and legislative employees shall act so as to ensure the reality and
9 perception that the legislature is conducted according to the highest
10 principles of representative democracy and is worthy of public re-
11 spect, trust, and support.

12 (b) Legislators and legislative employees may not engage in
13 conduct that they know or reasonably should know is likely to create
14 in the minds of reasonable, objective, fair-minded observers the
15 perception that they have used their public position improperly or
16 otherwise have not conducted themselves in accordance with the ethical
17 principles and standards of conduct of this chapter.

18 Sec. 24.61.040. PRINCIPLES OF PUBLIC INTEREST. (a) Legislators
19 and legislative employees shall treat their government positions as a
20 public trust, using the powers and resources of public office only to
21 advance public interests, and not to attain personal benefits or
22 pursue other private interests incompatible with the public good.

23 (b) In pursuing the public interest, legislators and legislative
24 employees shall scrupulously observe and abide by the United States
25 and Alaska constitutions, all applicable laws, and democratic pro-
26 cesses.

27 (c) In pursuing the public interest, legislators and legislative
28 employees should

29 (1) put loyalty to democratic principles and to their

1 conscientious convictions about the overall public good above loyalty
2 to political party, narrow constituency, and individual interests that
3 are inconsistent with the general public interest;

4 (2) allocate public funds and formulate general public
5 policies only after evaluating information objectively and deciding
6 what is best for the public as a whole, not just for a narrow constit-
7 uency;

8 (3) take whatever steps are necessary to safeguard and
9 protect the reputation of state government and the integrity and
10 efficiency of their office, subordinating the interests of superiors,
11 colleagues, and friends to the interests of the state.

12 Sec. 24.61.045. PRINCIPLE OF ACCOUNTABILITY. Legislators and
13 legislative employees shall ensure that government is conducted open-
14 ly, efficiently, equitably, and honorably in a manner that permits the
15 citizenry to make informed judgments and hold government officials
16 accountable.

17 *Reprint Review*
18 Sec. 24.61.050. PRINCIPLE OF DEMOCRATIC LEADERSHIP. Legislators
19 and legislative employees shall honor and respect the principles and
20 spirit of representative democracy and set a positive example of good
21 citizenship by scrupulously observing the letter and spirit of laws
22 and rules.

23 Sec. 24.61.055. PRINCIPLE OF RESPECTABILITY; CONDUCT BEFITTING
24 THE LEGISLATURE. Legislators and legislative employees shall safe-
25 guard public confidence in the integrity of government by not engaging
26 in conduct that demonstrates they are not fit for public office,
27 prevents them from carrying out their public duties, or that unrea-
28 sonably casts discredit on the legislature.

29 Sec. 24.61.060. PRINCIPLE OF INDEPENDENT JUDGMENT. Legislators
and legislative employees shall employ independent objective judgment

1 in performing their duties, deciding all matters on the merits, free
2 from conflicts of interest and both real and apparent improper influ-
3 ences.

4 ARTICLE 2. STANDARDS OF CONDUCT.

5 Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL
6 PRINCIPLE. Inherent in the concept that public office is a public
7 trust is the principle that persons ^{shall} refrain from using or attempting
8 to use their government position to attain

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

11 (2) undue personal benefits, advantages, or privileges not
12 available to the public at large, either for themselves or members of
13 their immediate families;

14 (3) undue private benefit for social or business associ-
15 ates, political contributors, corporations, or other organizations in
16 which the public servant is involved; or

17 (4) narrow political advantages where the use of office is
18 inconsistent with the obligation to use public office only to advance
19 the public interest.

20 Sec. 24.61.110. IMPROPER BENEFIT FROM PERFORMANCE OF PUBLIC
21 DUTIES. (a) A legislator or legislative employee may not solicit,
22 agree to accept, or accept a benefit other than official compensation
23 for the proper performance of public responsibilities. This subsec-
24 tion may not be construed to prohibit lawful solicitation for and
25 acceptance of campaign contributions or the acceptance of a lawful
26 gratuity under AS 24.61.350. A person who violates this subsection is
27 guilty of receiving unlawful gratuities under AS 11.56.120 and is
28 subject to civil sanctions under AS 24.61.560(a).

29 (b) A legislator or legislative employee may not accept anything

1 of value under circumstances where the legislator or legislative
2 employee knows or reasonably should know that it is offered with the
3 intent to influence legislative, administrative, or political action.
4 A person who violates this subsection is guilty of receiving a bribe
5 under AS 11.56.110 and is subject to civil sanctions under AS 24.61.-
6 560(a).

7 Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. (a) Legisla-
8 tors and legislative employees who receive an offer that reasonably
9 appears to have been intended to improperly influence legislative,
10 administrative, or political action, shall firmly and unequivocally
11 reject the offer and caution the person making it about a possible
12 violation of bribery laws.

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

15 (c) A person who violates this section is subject to the civil
16 sanctions authorized under AS 24.61.560(a).

17 Sec. 24.61.130. MISUSE OF STATE PROPERTY AND RESOURCES FOR
18 PRIVATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
19 employee may not use public funds, time, facilities, equipment, mail-
20 ing lists, computer data, services, or any other government asset or
21 resource for an unauthorized nongovernmental purpose or for the pri-
22 vate gain or advantage of either the legislator, legislative employee,
23 or another person unless authorized by law. / A person who violates
24 this subsection is guilty of theft under AS 11.46 and is subject to
25 civil sanctions under AS 24.61.560(a).

26 (b) A legislator or legislative employee may not seek, accept,
27 use, allocate, grant, or award public funds for a purpose other than
28 that approved by law, or make a false statement in connection with a
29 claim, request, or application for compensation, reimbursement, or

1 travel allowances from public funds. A person who violates this
2 subsection is subject to the civil sanctions authorized under AS 24.-
3 61.560(a) in addition to appropriate criminal penalties under another
4 law.

5 (c) A legislator or legislative employee may not require a
6 legislative employee on government time to perform personal services
7 or assist in a private activity unless the personal service or private
8 activity is directly related to the official duties of the legislator
9 or legislative employee. This subsection does not authorize an em-
10 ployee on government time to perform services for the private gain or
11 advantage of the legislator or legislative employee. A person who
12 violates this subsection is guilty of a class A misdemeanor and is
13 subject to civil sanctions under AS 24.61.560(a).

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

23 (b) A legislator or legislative employee may not use or author-
24 ize the use of public funds, time, facilities, equipment, mailing
25 lists, computer data, services, or another government asset or re-
26 source for the purpose of political fund raising, campaigning, to
27 influence the election of a candidate in an election, or other purely
28 political purpose. This subsection does not prohibit the use of
29 mailing lists or computer data lawfully obtained from a government

1 agency and available to the general public for nongovernmental pur-
2 poses. [A person who violates this subsection is guilty of theft under
3 AS 11.46.]

4 (c) A legislator or legislative employee may not require a
5 legislative employee on government time to assist in political party
6 activities, campaigning, fund raising, or other partisan or personal
7 political activities.

8 (d) A legislator may not use public funds to produce or distrib-
9 ute a printed flyer, newsletter, or similar publication for mass
10 distribution to constituents unless the publication contains a clear
11 statement of the following information:

12 (1) a brief description of the nature of each bill intro-
13 duced by the legislator as a prime sponsor;

14 (2) ~~a brief description of the nature of each committee~~
15 ~~substitute or significant amendment offered by the legislator;~~

16 (3) an identification of each bill voted on by the legisla-
17 tor's house and the vote of the legislator;

18 (4) the name of ^{legislator} ~~each~~ contributor ^{of} \$250 or more.

19 (e) The information required under (d) of this section must
20 include all activity since the last mailing or, if a previous state-
21 paid mailing was not sent, during the most recent legislative session,
22 up to and including activity at the time the publication is prepared,
23 and must be in the form prescribed by guidelines prepared by the
24 legislative council and adopted by the ^{rules adopted by legislature} ~~commission~~ under AS 24.61.160.
25 This provision does not affect the content of a publication prepared
26 and distributed with campaign funds.

27 (f) Unless superseded by ^{rules} ~~regulations~~ relating to the use of
28 government resources for political purposes developed by the legisla-
29 ^{legislature} ~~ture~~ and adopted by the commission under AS 24.61.160, the following

1 prohibitions apply:

2 (1) a legislator may not use or authorize the use of public
3 funds, property, time, personnel, or other resources to produce,
4 print, photocopy, publish, broadcast, or otherwise disseminate ma-
5 terial intended to influence the election of a candidate in an elec-
6 tion; this provision applies to newsletters and other constituent
7 correspondence that by their nature, content, timing, or use are
8 intended to influence an election, even if the materials do not make a
9 specific reference to the election;

10 (2) unless approved by the commission, public funds may not
11 be used to print or distribute a mass mailing from or about a legisla-
12 tor who is a candidate for reelection to the legislature or another
13 state office during the period beginning 90 days before the primary
14 election in which the legislator is a candidate, and ending the day
15 after the final election that year in which the legislator is a candi-
16 date;

17 (3) a legislator, or another person on behalf of the legis-
18 lator, or a campaign committee of the legislator, may not solicit or
19 accept a campaign contribution in a facility or office ordinarily used
20 to conduct state government business; this provision applies to tele-
21 phone conversations, personal meetings, and solicitations by mail; if
22 an unsolicited contribution is offered it shall be refused or returned
23 promptly; if an unsolicited contribution is received in the mail, or
24 a lawfully solicited contribution is misdirected to an office ordi-
25 narily used to conduct state business, if otherwise lawful it may be
26 accepted but it may not be processed in that office and it shall be
27 delivered promptly to an appropriate location;

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

1 or post literature, placards, posters, or other communications de-
2 signed to influence the election of a candidate in an election in a
3 facility or office ordinarily used to conduct state government busi-
4 ness.

5 (g) Except for a person who violates (f)(1) of this section and
6 whose conduct may be prosecuted as theft under AS 11.46, a person who
7 violates (c), (d), (e), or (f) of this section or a regulation adopted
8 under these provisions is guilty of a class A misdemeanor. *under AS 2* *and as an*

9 (h) In addition to criminal penalties, a person who violates
10 this section is subject to civil sanctions under AS 24.61.560(a).

11 Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM
12 IMPROPER TASKS. (a) A legislative employee who knows or reasonably
13 should know that the employee has been asked to perform a personal or
14 political task in violation of AS 24.61.100 - 24.61.460 shall refuse
15 to perform it. *may*

16 (b) If a legislator or legislative employee with supervisory
17 authority persists in requesting or demanding that a legislative
18 employee perform prohibited tasks, or if reprisals are threatened or
19 sanctions imposed as a result of the refusal to perform prohibited
20 tasks, the legislative employee subjected to the requests, threats, or
21 sanctions shall report the matter to the commission.

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

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

25 (a) The legislative council shall develop and recommend for adoption
26 by the commission detailed regulations relating to the use of govern-
27 ment property, resources, and personnel to assure that the provisions
28 of AS 24.61.140 - 24.61.160 and regulations adopted by the commission
29 are interpreted uniformly and fairly and are consistent with the

1 spirit of this chapter. The legislative council shall annually review
2 the regulations and recommend necessary changes to the commission.

3 (b) If the legislative council fails to make recommendations for
4 the adoption or modification of regulations under (a) of this section,
5 the commission shall develop and adopt the regulations on its own
6 initiative.

7 Sec. 24.61.170. USE OF NONPUBLIC ~~AND~~ INFORMATION FOR PRIVATE
8 GAIN. (a) A legislator or legislative employee may not use or dis-
9 close nonpublic information acquired in the course of and by reason of
10 legislative service to obtain private gain for the legislator or
11 employee or another person or business, including a person or business
12 with whom the legislator or legislative employee is associated or has
13 negotiated prospective employment. This subsection does not allow the
14 disclosure of information made confidential by law.

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

17 Sec. 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRI-
18 VATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
19 employee may not use, or allow others to use, the authority, title, or
20 prestige of the legislator's or employee's office to obtain private
21 economic benefits for the legislator, legislative employee, or another
22 person. This provision includes, but is not limited to, a prohibition
23 against the use of authority, title, or prestige to obtain employment,
24 contracts for goods or services, clients, grants, or loans.

25 (b) A legislator or legislative employee may not use official
26 letterhead in private matters or refer to the legislator's or legisla-
27 tive employee's public position as a means of inducing or intimidating
28 persons to resolve disputes more favorably, provide preferential
29 treatment, or give free tickets, discounts, favors, or other advan-

1 tages.

2 (c) A legislator or legislative employee may not use, or allow
3 others to use, the authority, title, or prestige of the legislator's
4 or employee's office in the context of an endorsement of a commercial
5 product or service. Official letterhead may not be used in materials
6 endorsing a product, service, or candidate for office. This provision
7 may not be construed to prohibit the use of a

8 (1) legislator's or legislative employee's official title
9 or letterhead in the course of a recommendation of a person for em-
10 ployment; or

11 (2) legislator's official title, used in a dignified manner
12 along with the name, as part of a political endorsement.

13 (d) A legislator or legislative employee may not solicit or
14 accept compensation of any sort under terms and conditions where the
15 compensation is not commensurate with the services performed or that
16 would otherwise create in the minds of reasonable persons the percep-
17 tion that the stature of office has been exploited for private gain.

18 (e) The legislative council shall adopt a written definition of
19 "official letterhead" for purposes of this section.

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

23 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF
24 PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE EMPLOYEES. (a) A
25 legislative assistant or person who has served as a member of the
26 legislature may not, within one year after the expiration of the
27 person's legislative service, use or disclose nonpublic information
28 acquired in the course of and by reason of legislative service to
29 obtain private personal gain or for the gain of another, including a

1 person or business with whom the former legislator or legislative
2 employee is associated. A person subject to this subsection may not,
3 at any time, use or disclose information that is by law confidential.

4 (b) Legislators and legislative assistants may not for compen-
5 sation, for a period of one year after leaving office, (act on their
6 own behalf) or assist another as a lobbyist, representative, consul-
7 tant, advisor, or advocate in seeking to influence a

8 (1) legislator or legislative employee to take or withhold
9 legislative, administrative, or political action;

10 (2) state agency, public official, or employee with respon-
11 sibility in an area in which the person, while a legislator or legis-
12 lative assistant, had special oversight or budget authority, to take
13 or withhold administrative action.

14 (c) A person is considered to have had special oversight or
15 budget authority over an agency if the person served, within the last
16 year of the person's legislative term, as the president of the senate,
17 speaker of the house, chair of the finance committee of either house,
18 or as chair of a committee directly concerned on a regular basis with
19 the agency's activities, or served as a legislative assistant for a
20 person described in this subsection.

21 (d) A former legislator, within one year after leaving office,
22 may not solicit or accept compensation of any sort under terms and
23 conditions where the compensation is not commensurate with the ser-
24 vices performed or that would otherwise create in the minds of reason-
25 able persons the perception that the stature of office has been ex-
26 ploited for private gain.

27 (e) This section does not prohibit a former legislative assis-
28 tant from being employed by another government agency if the legisla-
29 tive assistant obtains an exemption under AS 24.61.530.

1 (f) 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. 24.61.200. USE OF CAMPAIGN FUNDS: INTENT. Because the
4 right to solicit and accept funds from the public for the purpose of
5 supporting a person's campaign for office is purely an incident of our
6 democratic political system, the use that can properly be made of
7 campaign funds must be sharply limited to prevent actual misuse and
8 improper appearances of misuse of funds. Legislative campaign funds
9 are received, free of tax liability to the recipient, for the specific
10 purpose of assisting a candidate to get elected or reelected to of-
11 fice. Any other use of funds, whether for personal gain or other
12 purposes not closely related to bona fide campaign expenditures, is
13 improper.

14 Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS. Campaign funds
15 may be used only as is reasonable and necessary to advance the inter-
16 ests of the campaign. Campaign funds may be properly expended for an
17 otherwise lawful purpose intended to influence voters to elect or
18 reelect the legislative candidate to the legislature including, but
19 not limited to: payment of staff and consultants; rental of space and
20 equipment for a campaign office; purchase of media time and space;
21 design work; printing of campaign materials; postage; taking polls and
22 interpreting them; telephone installation and usage; costs of distri-
23 bution of materials; advertising in organizational and club bulletins
24 or other brochures; inscribed promotional materials, including but-
25 tons, pencils, pens, and items of clothing; necessary travel and
26 related expenses for the candidate and ~~a~~ ^{members} of the candidate's
27 staff or immediate family provided ^{that} the travel and lodging are
28 directly related to attempts to ^{influence} voters; victory and thank
29 you celebrations; and newsletters and mass mailings promoting the

1 candidate.

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

4 (1) use funds raised and designated as campaign funds for
5 personal economic benefit; *9.*

6 (2) convert surplus campaign funds or interest earned on
7 campaign funds to personal income;

8 (3) seek or claim a tax deduction or other economic benefit
9 for surplus funds disbursed to a charity under law.

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

12 (c) A person or company providing goods or services to the
13 campaign may not knowingly be paid more than the fair market value of
14 the goods or services purchased.

15 (d) Funds ~~may~~ *shall* not be used in a way that would create in the mind
16 of a reasonable person the belief that the funds are for the personal
17 financial benefit of the candidate or the candidate's immediate
18 family, or to unjustly enrich another person. Campaign funds may not
19 be paid to a member of the candidate's immediate family as an employee
20 or for goods or services provided to the campaign unless the amounts
21 paid are reasonable and proper for the goods or services provided.
22 Excess amounts paid to family members shall be treated as an improper
23 conversion of campaign funds to personal use.

24 *Amended* (e) Except for funds received or postmarked before a final
25 election, a legislative candidate who has won office, and a committee
26 related to the election, may not accept campaign contributions. A
27 post-election contribution shall be treated as an illegal gratuity and
28 must be returned.

29 (f) A legislative candidate and a committee controlled by a

1 legislative candidate may not use campaign funds to make a contribu-
2 tion to another candidate running for office or to a committee
3 supporting or opposing a candidate for office.

4 (g) Campaign funds may not be used to pay fines or other mone-
5 tary penalties or costs assessed against a candidate by a court or
6 other body, unless the fine, penalty, or cost is assessed as a result
7 of proscribed actions by a member or employee of a campaign committee
8 or another person acting on behalf of the candidate under circum-
9 stances where the candidate did not know of or have reason to know of
10 those actions.

11 (h) A person who violates this section is guilty of a class A
12 misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

13 Sec. 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. (a) If
14 a legislative candidate ceases to be a candidate or if there remains a
15 balance in the account of the candidate or a committee controlled by
16 the candidate after the date of the election, unexpended funds in
17 excess of the amount allowed under (b) of this section may only be
18 used as provided in (1) - (5) of this subsection or to pay for a
19 victory or thank you party. Within 60 days after the end of the
20 candidacy or the election, unexpended funds shall be

21 (1) used to retire bona fide loans supported by ^{written} appropriate
22 documentation including loans made to a campaign by the legislative
23 candidate or a member of the candidate's immediate family provided
24 that all other outstanding loans are paid first;

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

27 (3) paid to the Department of Revenue for deposit to the
28 general fund;

29 (4) donated to one or more charitable organizations that

1 qualify for a federal tax exemption provided that the charity is not
2 one that is controlled by the candidate or a member of the candidate's
3 immediate family or in which the candidate or a member of the candi-
4 date's immediate family is personally involved as a director, trustee,
5 member of the board, officer, or other position of responsibility; or

6 (5) transferred to an ongoing political account controlled
7 by the candidate, but only in the amounts and according to the re-
8 quirements set out in (b) of this section.

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

12 (c) Funds carried over under this section may be expended for
13 any political purpose for which campaign funds can otherwise properly
14 be used, but they may not be used for a campaign for an office other
15 than the state legislature.

16 Sec. 24.61.220. PAYMENT OF LEGAL EXPENSES; LEGAL EXPENSE FUNDS.

17 (a) Campaign funds may be used to defray attorney fees and other
18 legal costs incurred in the candidate's legal defense to a civil,
19 criminal, or administrative action arising directly out of the conduct
20 of the campaign or election process or the performance of official
21 action taken as part of the legislator's governmental activities and
22 duties. Campaign funds may not be expended on defense costs relating
23 to criminal, ethics, or civil charges based on nonofficial personal
24 conduct; however, those costs may be paid from a legal expense fund
25 established under this section.

26 (b) A legislative candidate, legislator, or legislative employee
27 who wishes to establish a legal expense fund account shall file a
28 statement of organization for the legal expense fund with the commis-
29 sion. The statement of organization must identify the specific civil,

1 criminal, or administrative proceeding or proceedings for which the
2 legal expense fund is established.

3 (c) The legal expense fund shall establish a single account at
4 an office of a financial institution located in the state. A donation
5 to the candidate, legislator, or legislative employee for legal expen-
6 ses shall be deposited into that account if the donation meets the
7 requirements of (d) of this section.

8 (d) Only a donation that is specifically designated by the donor
9 as being for the legal expense fund and is made payable to the legal
10 expense fund may be deposited in the legal expense fund account.

11 (e) Expenditures from the legal expense fund account may be made
12 only for legal costs directly related to the civil, criminal, or
13 administrative proceeding or proceedings for which the legal expense
14 fund is established. Expenditures from the legal expense fund account
15 may not be used to pay or reimburse fines, penalties, judgments, or
16 settlements in connection with a criminal prosecution or a civil or
17 administrative action in which the legislative candidate, legislator,
18 or legislative employee is found to have committed, or admits to
19 having committed a violation of the law.

20 (f) Surplus funds remaining in the legal expense fund account
21 after the proceeding or proceedings for which the account is estab-
22 lished have concluded may not be used for another purpose and shall be
23 returned to donors on a pro rata basis as to contributions in excess
24 of \$100 or given to the Department of Revenue for deposit in the ge-
25 neral fund within six months after the final conclusion of the pro-
26 ceeding or proceedings.

27 (g) This section constitutes the sole means for soliciting or
28 accepting donations for legal costs described in this section that may
29 not be paid from campaign funds. Except for the provisions of this

chapter relating to the times during which political contributions may be solicited or accepted, and provisions inconsistent with specific provisions of this section, this chapter applies to the solicitation and acceptance of funds under this section. The commission may adopt regulations limiting the dollar amount of contributions under this section. *shelley v. adobe, disclosure provisions, regulatory requiring*

(h) Funds received from testimonial dinners or other fund raising events must be clearly designated in advance as either for campaign purposes or for the legal expense fund and all proceeds shall be dealt with accordingly.

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

Sec. 24.61.230. IMPROPER COERCION. (a) Legislators wield substantial power and influence and it is essential that constituents and others interested in their legislative, administrative, and political actions have, and believe they have, a fair and adequate opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits, contribute to particular charitable causes favored by a legislator, or provide financial or other forms of political support.

(b) A legislator may not, directly or through others acting on the legislator's behalf, engage in conduct that the legislator knows or reasonably should know is likely to create the belief or impression in another that persons and the causes they represent will receive more or less favorable consideration, or that they will be given more or less equal opportunity to personally state their case, or otherwise be benefited or disadvantaged as a direct result of their willingness to provide

(1) funds for a campaign contribution or another cause

1 favored by the legislator; or

2 (2) the legislator with personal benefits or political
3 support.

4 (c) A legislator may not directly or through others acting on
5 the legislator's behalf,

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

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

14 (3) ~~participate in a discussion, scheme, or plan clearly~~
15 ~~designed to evade the plain spirit and purpose of campaign and contri-~~
16 ~~bution regulations or financial disclosure provision of state law; or~~

17 (4) knowingly accept a contribution given or offered in
18 violation of law. *Deliberate Chapter*

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

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

25 Sec. 24.61.240. FUND RAISING LIMITATIONS. (a) Because the
26 process of campaign fund raising involves activities that take great
27 amounts of time and energy and that tend to place legislators in
28 situations rife with the potential for conflicts of interest, it is
29 the intent of this section that fund raising should be limited in ways

1 that permit legislators to concentrate their attention on public
2 matters.

3 (b) A legislator may not, either directly, through a campaign
4 committee, or other means, solicit or accept a campaign contribution
5 or a promise or pledge to make a contribution while the legislature is
6 in regular or special session / nor may a legislator otherwise be
7 involved in a fund raising activity for the legislator's own campaign
8 or for another person while the legislature is in session.

9 (c) A legislator may not, either directly, through a campaign
10 committee, or other means, solicit or accept a campaign contribution
11 or a promise or pledge to make a contribution relating to candidacy
12 for the legislature except during the following periods:

13 (1) legislators and other incumbent elected public offi-
14 cials intending to run for the legislature may raise funds from June 1
15 until December 31 in the year before the year of an election in which
16 they intend to be a candidate, and from June 1 through the final
17 election in November in the year of the election;

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 final election in November in the year of the
22 election.

23 (d) This section does not prohibit a legislator from making an
24 otherwise lawful contribution or from attending an otherwise lawful
25 fund raising activity at any time.

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

29 Sec. 24.61.250. GENERAL OBLIGATION TO AVOID CONFLICTS OF INTER-

1 EST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS.
2 Legislators and legislative employees shall safeguard their ability to
3 make independent, objective, fair, and impartial judgments by ~~scrupu-~~
4 ~~lously seeking to avoid~~ financial, social, and political relationships
5 and transactions that may compromise or give the appearance of com-
6 promising their objectivity, independence, or honesty.

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

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

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

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

25 Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRA-
26 TIVE, OR POLITICAL ACTION DEFINED. Conflicts of interest arise most
27 often and are most serious when a legislator or legislative employee
28 has a financial or personal relationship with other persons, including
29 governmental entities, that have a substantial interest in legisla-

1 tive, administrative, or political action. Persons, including govern-
2 mental entities, have a substantial interest if they

3 (1) are regulated by the legislature;

4 (2) provide goods or services to the legislature for com-
5 pensation or profit;

6 (3) seek employment in the legislative branch or a govern-
7 ment agency or in a private organization in which a legislator or
8 legislative employee is likely to have, or reasonably appears to have,
9 the ability to influence an employment decision;

10 (4) will be directly and substantially affected, either
11 financially or personally, by a contemplated legislative, administra-
12 tive, or political action in a way that is greater than the effect on
13 a substantial class of persons to which the person belongs as a member
14 of a profession, occupation, industry, or region;

15 (5) have or seek contracts for goods or services with an
16 agency of state government;

17 (6) are registered lobbyists;

18 (7) employ registered lobbyists; or

19 (8) represent, with or without compensation, a person or
20 organization described in (1) - (7) of this section.

21 Sec. 24.61.265. CLOSE ECONOMIC ASSOCIATION DEFINED. "Close
22 economic association" refers to a financial relationship between two
23 or more persons that creates economic interests in a legislator or
24 legislative employee that either (1) conflict with public duties and
25 the obligation to exercise objective independent judgment; or (2)
26 create the appearance that the person may have undue access to confi-
27 dential information or otherwise receive favored treatment regarding
28 public actions. "Close economic association" includes, but is not
29 limited to, relationships involving compensation as an employee,

1 agent, representative, counselor, adviser, or consultant, including
2 professional services as between a lawyer and client or a financial
3 planner and a client; a financial interest resulting from an invest-
4 ment, business enterprise, or interest in real property as a partner,
5 investor, associate, or major stockholder; a landlord and tenant or
6 co-tenants sharing housing expenses; a debt, loan, or loan guarantee;
7 or another relationship in which a legislator or legislative employee
8 has a substantial economic involvement with another person. In this
9 section, "person" includes governmental entities.

10 Sec. 24.61.270. DEALING WITH FINANCIAL CONFLICTS. Except in the
11 relatively few cases in which certain ~~conflict-laden~~ transactions or
12 relationships are banned by this chapter or where divestiture will be
13 ordered by the commission, conflicts of interest are dealt with pri-
14 marily as a matter of required public disclosure and voluntary re-
15 straint.

16 Sec. 24.61.275. ~~PERSONAL RELATIONSHIP CONFLICTS OF INTEREST~~
17 DEFINED. [A personal relationship conflict of interest exists when a
18 legislator or legislative employee is involved in a close personal
19 relationship with another person who is likely to be substantially
20 affected by an official action or decision the legislator or legisla-
21 tive employee might make.] A close personal relationship is a special
22 relationship between a legislator or legislative employee and another
23 person that creates strong bonds of loyalty, friendship, or love that
24 could potentially conflict with public duties and the obligation to
25 exercise objective independent judgment or create the appearance that
26 the person may have undue access to confidential information or other-
27 wise receive favored treatment regarding public actions. A close
28 personal relationship includes, but is not limited to, immediate
29 family, long-term personal friends, or former business associates, and

1 persons with whom the legislator or legislative employee has a signif-
2 ican and continuous romantic relationship.

3 Sec. 24.61.280. DEALING WITH PERSONAL RELATIONSHIP CONFLICTS OF
4 INTEREST. Except in the very few cases where certain relationships
5 give rise to specific legal limitations, such as the ban on nepotism,
6 personal relationship conflicts are not restricted or subject to
7 mandatory disclosure. However, this makes them no less damaging to
8 public trust. *They rest directly on the public trust.* Legislators and legislative employees shall avoid,
9 where reasonably possible, ~~getting~~ into situations where they have
10 personal relationship conflicts of interest. Where the situations are
11 not reasonably avoidable, legislators and legislative employees shall
12 take affirmative steps to disclose the conflicts that are not apparent
13 and refrain, where reasonably possible, from making decisions or
14 taking actions affected by the conflict.

15 Sec. 24.61.290. RESTRICTED RELATIONSHIPS: NEPOTISM. (a) A
16 member of the immediate family of a legislator may not be employed for
17 compensation

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

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

22 (3) by the commission, whether for compensation or not, at
23 any time.

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

27 (c) In cases where a member of the immediate family of a legis-
28 lator or legislative employee is uniquely qualified to perform a task,
29 or another extraordinary circumstance exists under which it would be

1 in the state's interest to waive the limitation of this section, an
2 exemption may be sought from the commission.

3 (d) For purposes of this section, ^{if granted by} a legislator is not an employ-
4 ee of the legislature.

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

7 Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-
8 TORS, AND LEGISLATIVE EMPLOYEES. (a) A registered lobbyist may not
9 serve as a campaign manager or director, serve as a campaign treasurer
10 or deputy campaign treasurer on a finance or fund-raising committee,
11 host a fund-raising event, or otherwise engage actively in the fund-
12 raising activity of a legislative campaign or for a legal expense fund
13 under AS 24.61.220. Although this subsection prohibits a lobbyist
14 from engaging in all forms of fund raising, it may not be construed to
15 prohibit a lobbyist from making personal contributions to or person-
16 ally advocating on behalf of a candidate.

17 (b) Legislators and legislative employees who have a close
18 economic association or a close personal relationship with a regis-
19 tered lobbyist shall make a written disclosure of the relationship in
20 confidence to the commission. The disclosure shall be made during the
21 first week of each session. If a legislator or legislative employee
22 is not in office or employed during the first week of the session, the
23 disclosure shall be made within 30 days after taking office or being
24 employed. If the relationship did not exist during the first week of
25 the session, the disclosure shall be made no later than ³⁰~~45~~ days after
26 formation of the relationship.

27 (c) The written disclosure must state the name of the persons
28 involved, the nature of the relationship, and a brief narrative of the
29 matters the legislator or legislative employee is working on or rea-

sonably might work on in the future that could create an actual conflict of interest. If the commission requests additional information it shall be promptly provided.

(d) The commission shall make a determination as to whether the relationship creates a conflict of interest that ~~requires~~ ^{requires} restrictions or disclosure. After making the determination, the commission may elect to

(1) keep the matter confidential;

(2) ~~order~~ ^{recommend} some restriction in the activities; *or*

(3) order ^{positive} disclosure in the journal of the appropriate

or

(4) order a combination of (1) and (2) or (2) and (3) of

this subsection.

(e) A legislator or legislative assistant may not provide personal services for ^{polity retention to lower} compensation for or on behalf of a registered lobbyist, lobbying firm, or another organization or firm that regularly engages in lobbying the legislature or state agencies, boards, or commissions, nor may a legislator or legislative assistant have a financial interest in a business that receives a substantial part of its income from lobbyists, lobbying firms, or another organization or firm that regularly engages in lobbying the legislature or state agencies, boards, or commissions.

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

Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS.

(a) A legislator or legislative employee may not serve on a governing or advisory board of an organization that regularly has a substantial interest in the legislative, administrative, and political actions of

1 the legislator or legislative employee.

2 (b) In extraordinary situations where the criteria for an
3 exemption exists, a legislator or legislative employee may seek a
4 waiver of the provisions of this section or a modified order from the
5 commission.

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

8 Sec. 24.61.320. RESTRICTED FINANCIAL INTERESTS. *Unless Required by the House of Reps*
9 (a) A legisla-
10 tor or legislative employee may not participate in legislative, admin-
11 istrative, or political action if the legislator or legislative em-
12 ployee has an equity or ownership interest in a business, investment,
13 real property, lease, or other enterprise if the interest has a fair
14 market value of \$25,000 or more and the effect of the action on that
15 interest is greater than the effect on a substantial class of persons
16 to which the legislator or legislative employee belongs as a member of
17 a profession, occupation, industry, or region.

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

21 (c) A person who violates this section is subject to the civil
22 sanctions authorized under AS 24.61.560(a).

23 Sec. 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REP-
24 RESENTATIVE. (a) A legislator or legislative assistant may not
25 professionally represent a person in a legal action against the state
26 where the state is the real party in interest, or receive compensation
27 or any other benefit for acting as an informal representative, advi-
28 sor, or consultant to persons regarding their actions against the
29 state. This provision may not be construed to prevent a legislator or
legislative assistant who is an attorney from representing a criminal

1 defendant or clients in competency, commitment, delinquency, support,
2 or child in need of aid cases or similar proceedings where the state
3 is not the real party in interest.

4 (b) A legislator or legislative assistant may not professionally
5 represent ~~either formally or informally~~ as an advocate, advisor, or
6 consultant, a person in a matter involving an agency, board, or com-
7 mission of the state ~~or a local government~~ unless the matter involves
8 a proceeding that is adjudicatory in nature and there is no reasonable
9 basis to conclude that the side represented by the legislator or
10 legislative employee has an unfair advantage. A matter is considered
11 to be adjudicatory in nature where opposing sides are separately
12 represented. This provision does not prohibit an attorney from repre-
13 senting a client in an otherwise permissible action before a criminal
14 or civil court or prevent a legislator or legislative assistant from
15 representing personal interests in an otherwise proper proceeding.
16 This provision shall be construed to prohibit ~~formal and informal~~
17 professional representation for purposes of obtaining or retaining a
18 state or local license, permit, franchise, grant, loan, or other
19 entitlement, whether or not other parties contending for the benefit
20 are represented. If, however, the granting of the benefit is a purely
21 ministerial matter requiring little or no discretion, this provision
22 does not prohibit representation.

23 (c) Notwithstanding any other law to the contrary, a legislator
24 or legislative employee, acting as an attorney or representative of
25 another, may not seek or accept special treatment, privileges, rights,
26 or concessions solely by reason of service in the legislature.

27 (d) This section may not be construed to prohibit a legislator
28 or legislative assistant from informally advising a constituent about
29 the procedures or appropriateness of bringing an action against the

1 state or a local government. If a legislator or legislative assistant
2 in an otherwise proper manner advises a constituent or another in an
3 action against the state or a local government or before a state or
4 local government agency, the legislator or legislative employee may
5 not reveal nonpublic or confidential information.

6 (e) ~~If an attorney is disqualified under this section, the firm~~
7 ~~of the legislator or legislative assistant is also disqualified.~~

8 (f) In extraordinary situations where the criteria for an ex-
9 emption exists, a legislator or legislative assistant may seek a
10 waiver of this section.

11 (g) A person who violates this section is subject to the civil
12 sanctions authorized under AS 24.61.560(a).

13 Sec. 24.61.340. RESTRICTED TRANSACTIONS: INTEREST IN STATE
14 CONTRACTS OR LEASES. (a) A legislator, a legislative assistant, or a
15 member of the immediate family of a legislator or legislative assis-
16 tant may not be a party to, or have a financial interest in, a state
17 contract or lease unless the contract or lease is permitted under (b),
18 (c), or (d) of this section.

19 (b) A contract is permissible if the contract is let through
20 competitive sealed bidding under AS 36.30 (State Procurement Code) and
21 the legislator or legislative assistant has filed a statement with the
22 commission at the time the bid is made certifying under penalty of
23 unsworn falsification that the legislator or legislative assistant did
24 not have (1) access to nonpublic or confidential information that
25 reasonably could appear to provide an advantage; or (2) discussions or
26 contacts with state officials involved in letting the contract about
27 the contract that could influence the decision. The statement must
28 also specify the nature of the legislator or legislative assistant's
29 personal or immediate family interest, including the percentage or

1 share of profits that will be realized. If the commission requests
2 additional information, it shall be promptly provided. If the
3 commission believes the nature or circumstances of the contract raise
4 impermissible conflicts of interest, it may void the contract or order
5 restrictions. The statement filed by the legislator or legislative
6 assistant regarding the contract shall be made part of the public
7 record and published in the journal of the appropriate house.

8 (c) A contract or lease is permissible if the total amount of
9 the contract or lease over the course of a year is less than \$1,000
10 and it was let under circumstances that raise no substantial question
11 as to the use of undue influence.

12 (d) A contract or lease is permissible if the contract or lease
13 was developed and standardized under published guidelines and the
14 benefits and rights conferred are widely available to the general
15 public under the same terms and conditions.

16 (e) A legislator or legislative assistant may not seek or accept
17 compensation, whether in the form of a commission, bonus, retainer,
18 kickback, or other form, ^{to procure} on a state contract, ~~nor may~~ ^{my not} a legislator or
19 legislative assistant receive similar compensation for services relat-
20 ing to recommending, supporting, or advocating a contract between a
21 person and an entity of state government, an entity of local govern-
22 ment that receives substantial state subsidy, or a private enterprise
23 that does a substantial portion of its business with state government.

24 (f) A legislator, legislative assistant, or former legislator or
25 legislative assistant, within one year of leaving legislative service,
26 may not seek or accept a contract for goods or personal services, ~~or~~
27 ~~other compensation~~ concerning a matter on which the legislator or
28 legislative assistant worked extensively within the last year of
29 service.

1 (g) A person who violates this section is subject to civil
2 sanctions under AS 24.61.560(a) in addition to appropriate criminal
3 penalties under another law.

4 Sec. 24.61.345. PARTICIPATION IN GENERAL STATEWIDE PROGRAMS
5 PERMISSIBLE. (a) A legislator or legislative employee may ^{without sanction} properly
6 participate in statewide benefit programs or receive a loan from the
7 state if the program or loan is generally available to members of the
8 public, is subject to fixed, objective eligibility standards, and
9 requires minimal discretion in determining qualification.

10 (b) The commission shall review annually state programs and
11 state loans and publish a list of programs and loans, designating
12 which ones meet the qualifications stated.

13 (c) A legislator or legislative employee who participates in a
14 program or receives a loan that does not qualify under this section
15 shall file a written report with the commission by the first Monday in
16 February of each year stating the amounts of the loans or other bene-
17 fits received during the preceding calendar year from nonqualifying
18 programs. If the commission requests additional information it shall
19 be promptly provided. The commission shall promptly compile a list of
20 the statements indicating the loans and programs and amounts and send
21 it to the presiding officer of each house who shall have it published
22 in the supplemental journals within three weeks of the filing date.

23 (d) If loan proceeds or other program benefits are received from
24 nonqualifying programs or loans after January 15, the legislator or
25 legislative employee shall file a statement with the commission within
26 30 days after the beginning of participation in the state program or
27 receipt of proceeds from the state loan. The statement shall be
28 promptly forwarded to the presiding officer of the appropriate house
29 who shall cause it to be published in the supplemental journal.

1 (e) If the commission determines that the nature and circum-
2 stances under which the legislator or legislative employee received a
3 state benefit or loan raises an ~~untrue~~ appearance of impropriety or was
4 in fact the result of unfair or improper influence it shall be treated
5 as a violation of this section. In addition, the commission shall
6 report the violation to the attorney general for action under other
7 civil or criminal laws.

8 (f) The commission shall annually identify the programs and
9 loans to be audited by the division of legislative audit during the
10 following year, including the scope of the audit. The records of the
11 relevant state agencies shall be made available to the division of
12 legislative audit. The division of legislative audit shall prepare a
13 report to the commission on its findings. The report is confidential
14 until it is released by the commission.

15 (g) In extraordinary situations where the criteria for an ex-
16 emption exists, a legislator or legislative employee may seek a waiver
17 of this section.

18 (h) A person who violates this section is subject to the civil
19 sanctions authorized under AS 24.61.560(a).

20 Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a)
21 *Legislators and*
22 ~~Public~~ servants must be extremely cautious and circumspect about
23 accepting a gratuity or favor, especially from persons or entities
24 that have a substantial interest in their legislative, administrative,
25 or political actions. Even where there is a genuine personal friend-
26 ship, the acceptance of personal benefits from those who could gain
27 advantage by influencing official actions raises suspicions that tend
28 to undermine public trust. It is the intent of this section to dis-
29 courage all gratuities, but prohibit only those that create unaccept-
able conflicts of interest or appearances of impropriety.

1 (b) A legislator or legislative employee may not accept or
2 receive, directly or indirectly, a benefit as a gratuity from a person
3 or entity except as provided in this section. ~~Over the course of a~~
4 ~~year,~~ a legislator or legislative employee may accept gratuities in
5 the form of personal gifts, free or subsidized travel, tickets to
6 entertainment or sporting events, lodging, and any other benefit,
7 provided that the aggregate value is not in excess of \$100^{in a calendar year} from a
8 single source, ~~and provided that the gifts are reported as to source~~
9 ~~and amount.~~ However, a benefit of any amount may not be accepted
10 under circumstances in which it could be reasonably inferred that the
11 gift is intended to influence the performance of official duties,
12 actions, or judgments.

13 (c) The following benefits may be accepted as gratuities without
14 regard to the \$100 limit of (b) of this section and they need not be
15 reported except as noted within the appropriate paragraph:

16 (1) gifts from immediate family members;

17 (2) birthday, wedding, anniversary, and similar ceremonial
18 gifts from personal friends, ~~but only~~ if the donor does not have a
19 substantial interest in the legislative, administrative, or political
20 action of the recipient;

21 (3) gifts of sample merchandise, promotional items such as
22 pens, calendars, and the like, and appreciation tokens such as candy,
23 fruit baskets, or flowers provided they are of nominal or moderate
24 value, are given to customers or potential customers in the ordinary
25 course of business, and there are no special facts creating a conflict
26 of interest or the appearance of impropriety;

27 (4) unsolicited tokens or awards of appreciation or recog-
28 nition with a value of more than \$100 in the form of a plaque, trophy,
29 clock, watch, desk item, wall memento, or similar item may be accepted

only if the award has been approved by the commission upon a finding that the gift does not create an impermissible conflict of interest;

(5) unsolicited subscriptions to publications, including newspapers and magazines, with a market value of less than \$100 for the duration of a legislative session;

(6) food or foodstuffs indigenous to the state that are shared generally as a cultural or social norm, and meals and beverages provided and consumed at social or fund-raising events, conferences, or professional meetings, at a restaurant or club, ^{delete} provided that the cost is not lavish or excessive, or as part of personal hospitality at the residence or place of business of the host; this paragraph may not be construed to ^{exclude from the provisions of (c)} permit gifts of packaged liquor, wine, or foodstuffs, ^{to exclude from} nor does it permit the acceptance of a restaurant meal not consumed with the person providing the gift;

(7) a gift presented by a representative of a foreign government may be accepted ^{delete} on behalf of the state, provided that if it is worth more than \$100 it must be turned over to the presiding officer of either house for purposes of displaying the gift in public areas of the Capitol ^{or other appropriate location} or being sold at auction, the proceeds to go to charity or the general fund; ^{delete} if the gift is worth less than \$100 and it was intended as a personal gift, it may be kept provided that the gift is properly reported;

(8) reasonable and necessary expenses including reimbursement for travel and related food and lodging are not gratuities when they are incidental to a trip paid for by a government agency or a bona fide nonprofit educational ^{political} or charitable institution for governmental or educational purposes ^{delete} provided that lodging expenses are limited to the day preceding and the day or days of the event; if the institution paying the ^{delete} expenses does not have a substantial interest

delete

in the legislative, administrative, or political action of the recipient, expenses may also be paid for a spouse or other companion, including a member of the legislator or legislative employee's family, if the value of the gift is reported on required disclosure forms; this paragraph does not permit acceptance of free travel from a person or nongovernmental entity with a substantial interest in the legislative, administrative, or political action of the recipient even if the purpose of the travel is related to matters of legislative concern; *Natural*

(9) hospitality including overnight lodging, food, and beverages at the residence or second home of the host provided the host is present; ~~if the host is a personal friend and has no substantial interest in the legislative, administrative, or political actions of the recipient and there are no other facts that create a conflict of interest, there is no limit to the number of days stayed;~~ if the host has a substantial interest in the legislative, administrative, or political actions of the recipient, the exempt stay shall be reported on financial disclosure forms; this paragraph may not be construed to permit the use of a summer home, company retreat, resort facility, condominium or apartment, or other lodging where the host is not personally present or, regardless of the presence of the host, the purpose is to provide the legislator or legislative employee with a paid or subsidized vacation or similar benefit; ~~while the host may use a personal or company car or van to transport the legislator or legislative employee to the place of a social event, unusual or expensive travel as by air or limousine to the residence of the host or another place may not be accepted.~~ *or customary & usual transportation*

(d) In extraordinary situations where the criteria for an exemption exists, a legislator or legislative employee may seek a waiver of this section.

1 (e) A person who violates this section is subject to civil
2 sanctions under AS 24.61.560(a) and may be subject to prosecution
3 under AS 11.56.120 (receiving unlawful gratuities).

4 Sec. 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOY-
5 MENT AND HONORARIA. (a) Because legislators and many legislative
6 employees serve the state only part-time, most must engage in income
7 producing activities to supplement their legislative salaries. It is
8 the intent of this chapter to allow legislators and legislative em-
9 ployees substantial freedom in their ability to do so with due regard
10 for the state's interest in preventing conflicts of interest and
11 appearances of impropriety that undermine the integrity of government
12 and public trust.

13 (b) A legislator or legislative employee may not seek, accept,
14 or retain employment, including as an advisor or consultant, that

15 (1) will make it ~~unreasonably~~ difficult to fulfill legisla-
16 tive obligations;

17 (2) is likely to involve the disclosure or use of nonpublic
18 or confidential information acquired in the course of legislative
19 service;

20 (3) is likely to involve the legislator or employee acting
21 as a representative in a matter that makes use of the authority,
22 prestige, or title associated with legislative office;

23 (4) involves payments that by reasonable objective stan-
24 dards are not commensurate with the services rendered and appear to
25 involve a premium as a result of the legislator's or legislative
26 employee's position in the legislature;

27 (5) would require the legislator or legislative employee,
28 under conflict of interest and disqualification requirements, to re-
29 frain from taking legislative, administrative, or political actions in

1 an undue number of situations; or

2 (6) will require the legislator or legislative employee to
3 compromise another ethical or legal duty.

4 (c) A legislator or legislative employee may not receive compen-
5 sation for personal services from a state entity other than the legis-
6 lature except as specifically provided in this chapter or approved by
7 the commission. A legislator or legislative employee is not precluded
8 by this subsection from earning compensation at a state-funded school
9 or university, provided that influence was not used to obtain the
10 position.

11 (d) A legislator or legislative assistant who accepts otherwise
12 permissible employment with a person that has a substantial interest
13 in their legislative, administrative, or political actions is subject
14 to special disclosure provisions under AS 24.61.405 and shall ^{scrup-}
15 lously ^{avoid} conduct that would lead a reasonable person to believe
16 that the legislator or legislative employee is unable or unwilling to
17 exercise independent, objective, and impartial judgment in considering
18 matters that affect the interests of the legislator's or legislative
19 employee's employer.

20 (e) A legislator or legislative employee may not seek or accept
21 honoraria in the form of a payment of money or anything of value from
22 a person or entity that has a substantial interest in legislative,
23 administrative, or political action as compensation for a speech,
24 panel presentation, appearance, or similar service. This paragraph
25 does not prevent a legislator or legislative employee from accepting
26 an honoraria from a governmental entity outside of the state, from a
27 university, or from another ~~bona fide~~ nonprofit educational or civic
28 institution, provided that the amount paid is reasonable and commensu-
29 rate with the services performed and that the circumstances under

1 which the services are to be performed do not create a conflict of
2 interest or appearance of impropriety. Honoraria and related expenses
3 shall be reported on required disclosure forms. Under other pro-
4 visions of this chapter, a legislator or legislative employee is
5 permitted to accept travel and related expenses incurred as the result
6 of an otherwise permissible activity.

7 (f) In extraordinary situations where the criteria for an ex-
8 emption exists, a legislator or legislative employee may seek a waiver
9 of this section.

10 (g) A person who violates this section is subject to civil
11 sanctions under AS 24.61.560(a).

12 Sec. 24.61.370. OBLIGATION TO MAKE ALL DECISIONS ON THE MERITS:
13 FAVORITISM AND PATRONAGE. (a) ^{ynua} Legislators and legislative employees
14 shall exercise their powers and prerogatives without prejudice or
15 favoritism. A legislator or legislative employee may not use public
16 authority simply to reward relatives, friends, or political supporters
17 or to hinder or punish enemies and opponents.

18 (b) ^{del} A perscn who violates this section is subject to civil
19 sanctions under AS 24.61.560(a) in addition to criminal penalties
20 under another law.

21 Sec. 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT
22 JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS. (a) The proper opera-
23 tion of democratic government requires that each public official carry
24 out the duties of office free from improper influences that tend to
25 prevent decisions from being made on the merits according to fair and
26 established procedures. Under our system of separation of powers,
27 legislators have the responsibility to exercise oversight to assure
28 that the executive branch is carrying out its functions equitably,
29 efficiently, and economically. This responsibility, combined with the

1 duty to provide legitimate constituent service, creates situations
2 where a legislator may become involved with administrative decisions
3 or proceedings that affect constituents. The purpose of this section
4 is to provide ground rules for that involvement so that the activity
5 does not unduly distort or politicize the administrative process,
6 while still affording the legislator the opportunity to advocate and
7 protect the interests of constituents.

8 (b) A legislator, either directly or indirectly, ^{should} may not inter-
9 fere with the ability or willingness of a state or municipal govern-
10 ment body, official, or employee to make official decisions or take
11 appropriate actions on the merits, based on independent objective
12 judgment. *(+ delete this sentence)*

13 (c) A legislator, either directly or indirectly, may not use or
14 appear to use political influence in a way that is likely to cause
15 another public servant to consider inappropriate factors in exercising
16 public authority. Acts either intended to or likely to be construed
17 as enticement, trade-offs, ingratiation, threats, intimidation, or
18 coercion are improper. *[move to (d)]* Except to assure that a particular person is
19 being treated fairly according to established rules and procedures, a
20 legislator, directly or indirectly, may not interfere with or seek to
21 influence *improperly*

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

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

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

29 (d) This section may not be construed to prevent a legislator

1 from

2 (1) making inquiries about the status of a matter or
3 helping a constituent get a benefit or service, the constituent is
4 clearly entitled to as a matter of right; *add new language*

5 (2) openly advocating the position of constituents on the
6 merits, provided that no effort is made to unduly influence the deci-
7 sion making process by express or implied political pressure in mat-
8 ters involving discretionary decisions of administrative bodies that
9 will have direct and significant economic or social effect on the
10 legislator's district; or

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

17 (e) A legislator who, directly or indirectly, intervenes in an
18 administrative consideration, action, or proceeding, *should* ~~shall~~ explicitly
19 convey to the administrators involved that the administrator is ex-
20 pected to make an independent judgment and that no advantages or
21 disadvantages to the administrator or the agency will result from a
22 favorable or unfavorable disposition.

23 (f) A person who violates ~~(b)~~ (c), ~~(d)~~, or ~~(e)~~ of this section
24 is guilty of a class A misdemeanor and is subject to civil sanctions
25 under AS 24.61.560(a).

26 Sec. 24.61.390. CONFLICT OF INTEREST DISCLOSURE: STATEMENT OF
27 PURPOSE. The purpose of financial disclosure by legislators and
28 legislative assistants is to

29 (1) discourage legislators and legislative assistants from

1 acting on a private or business interest in the performance of a
2 public duty;

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

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

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

12 (5) provide the public the financial disclosure required to
13 meet the purposes listed in (1) - (4) of this section while preserving
14 the maximum amount of privacy to legislators and legislative assis-
15 tants.

16 Sec. 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS
17 AND LEGISLATIVE ASSISTANTS; "CATEGORY A" AND "CATEGORY B" INCOME
18 DEFINED. (a) A legislator and a legislative assistant shall disclose
19 financial, *selected* professional, and personal interests that are likely to
20 create in the mind of a reasonable person the belief that the legisla-
21 tor's or legislative assistant's objectivity and ability to exercise
22 independent judgment in the public interest have been adversely af-
23 fected by those interests.

24 (b) A legislator and a legislative assistant shall file with the
25 commission the reports required under AS 24.61.400 - 24.61.410. The
26 commission shall adopt filing guidelines and develop forms that are
27 compatible with financial disclosure forms required to be filed with
28 the Alaska Public Offices Commission under AS 39.50.030.

29 (c) A legislator and a legislative assistant shall disclose to

1 the commission, on a form and at the times prescribed by the commis-
2 sion, detailed information on the sources and amounts of outside
3 income received by them, their spouses, and their dependent children.
4 The information shall be divided into two categories, category A
5 income and category B income.

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

16 (e) In AS 24.61.400 - 24.61.420,

17 (1) "category A income" refers to all benefits received, in
18 the form of monetary compensation or another thing of value, from
19 persons who are known or reasonably should be known to have a substan-
20 tial interest in legislative, administrative, or political actions;

21 (2) "category B income" refers to all benefits received, in
22 the form of monetary compensation or another thing of value, from
23 persons who do not, or are not known to fall within category A.

24 Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to all
25 benefits received from category A sources, a person required under
26 AS 24.61.400 to report shall file with the commission a sworn state-
27 ment that must include,

28 (1) as to all income received as compensation for services,
29 regardless of the amount, the name and address of the source, a brief

1 statement describing the nature of the services performed including
2 sufficient detail to permit the commission to determine whether the
3 nature of the work created a conflict of interest (for example:
4 "consultant re: expansion of operations;" "engineer, quality con-
5 trol."), and the amount paid;

6 (2) as to each gratuity received and required to be re-
7 ported under AS 24.61.350(b) and (c)(7) - (9), the name and address of
8 the person providing the gratuity, a brief description of its nature,
9 and a good faith statement of its fair market value; if exact values
10 are not known, and cannot be found out without undue hardship or
11 expense, reasonable good faith estimates are acceptable; a loan that
12 was forgiven during the reporting period must be reported as a gratu-
13 ity;

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

17 (4) as to each loan and or loan guarantee yielding loan
18 proceeds of \$100 or more in the reporting period and the lender or
19 guarantor is a person with a substantial interest in legislative,
20 administrative, or political actions, the name and address of the
21 person making the loan or guarantee, the amount of the loan, the terms
22 and conditions under which the loan or guarantee was given, the amount
23 outstanding at the time of filing, and whether or not a written loan
24 agreement exists;

25 (5) if the source of a reported benefit is a corporation,
26 the name of its parent corporation, if any, and names of its top
27 corporate officers; and

28 (6) if the source of a reported benefit is a partnership or
29 association doing business under a fictitious name, the names of the

1 principals.

2 (b) The commission shall review category A statements to
3 determine whether an impermissible conflict exists and whether special
4 orders or restrictions are required.

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

7 Sec. 24.61.410. REPORTING CATEGORY B INCOME. (a) A person
8 required under AS 24.61.400 to report shall file a statement of cate-
9 gory B income [conforming to the same requirements as category A state-
10 ments,] except that in the case of compensation, expense reimburse-
11 ments, loans and loan guarantees, only those income sources providing
12 benefits worth \$1,000 or more need be listed. As to gratuities, the
13 requirements of AS 24.61.350(b) and (c)(7) - (9) control.

14 (b) The commission shall review category B statements to deter-
15 mine whether an impermissible conflict exists, whether special orders
16 or restrictions are required, and whether the statements shall be
17 considered to be public records and made available for public in-
18 spection.

19 (c) If the person filing a statement under this section is a
20 legislator, the statement is presumptively public, which means that it
21 will be made part of the public record unless the legislator submit-
22 ting it requests that it be kept confidential, states the reasons for
23 the request, and the commission finds that no valid public purpose
24 would be advanced by publication.

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

1 Sec. 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS AND OTHERS
2 PAYING COMPENSATION TO LEGISLATORS OR LEGISLATIVE ASSISTANTS. (a)
3 Persons who have provided compensation to a legislator or legislative
4 assistant and who qualify as category A sources because they have a
5 substantial interest in legislative, administrative, or political
6 actions, shall file, on a form and at the times prescribed by the
7 commission, a statement regarding the compensation. The statement
8 shall be made under penalty of unsworn falsification. A statement
9 required under this subsection must

10 (1) declare whether the employer, or a parent company,
11 officer, or individual stockholder with at least a 20 percent equity
12 in the company, has had, during the reporting period, a substantial
13 interest in legislative, administrative, or political actions;

14 (2) include a brief narrative of the nature of the rela-
15 tionship with the legislator or legislative assistant, the terms of
16 compensation, and the amount paid during the reporting period.

17 (b) Persons who do not qualify as category A sources because
18 they do not have a substantial interest in legislative, administra-
19 tive, or political actions shall file a statement only if the total
20 compensation paid a legislator or legislative assistant was \$1,000 or
21 more during the reporting period. The statement shall be filed under
22 penalty of unsworn falsification and must include a brief narrative of
23 the nature of the relationship with the legislator or legislative
24 assistant the terms of compensation, and the amount paid during the
25 reporting period.

26 (c) Legislators and legislative assistants shall ensure that
27 persons who have provided compensation to them have the necessary
28 forms and are informed of the obligation to file a statement under
29 this section.

(d) Statements required under this section shall be filed with the commission at a time set by the commission, which time may not be less than 30 days before legislators and legislative assistants are required to file the financial disclosure forms required under AS 24.61.400 - 24.61.410. The person or entity shall contemporaneously provide a copy of the statement to the legislator or legislative assistant.

Sec. 24.61.420. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a) A person required to make a disclosure under AS 24.61.100 - 24.61.420 may not knowingly make a false, deliberately misleading or incomplete, or unreasonably delayed disclosure to the commission.

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

Sec. 24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a) Legislators and ~~legislative employees~~ shall abide by the letter and spirit of AS 44.62.310 - 44.62.312 (open meetings law) and, to the greatest extent reasonably possible, exercise the authority of their offices openly so that the public is informed about governmental decisions and can hold them accountable for their actions.

(b) Legislators and legislative employees shall ensure that those to whom they have delegated public power, including their staffs and administrative agencies, carry out their responsibilities efficiently, equitably, and ethically.

(c) Legislators and legislative employees who believe that a law, policy, or rule of a house is not achieving its intended purpose, is creating unintended harms, or is wasteful or inefficient, should take affirmative steps to improve procedures in a way that will increase the fairness and quality of government services and assure that policies are implemented equitably, efficiently, and economically.

(d) A person who violates this section is subject to an administrative sanction under AS 24.61.560(b).

Sec. 24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING, AND PROTECTION OF WHISTLE BLOWERS. (a) Legislators and legislative employees shall maintain the integrity and trustworthiness of government by taking whatever steps are necessary to prevent unethical practices, unlawful conduct, corruption, mismanagement, gross waste of public funds, danger to public safety, or another abuse of public position, authority, or resources.

(b) Legislators and legislative employees who have a good faith reasonable 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.

(c) A legislator or legislative employee may not, directly or indirectly, subject a person who reports to the commission or another government entity conduct the person reasonably believes is a violation of this chapter or any other state law, to reprisal, retaliation, harassment, discrimination, or ridicule. A legislative employee who is discharged, disciplined, involuntarily transferred, or otherwise penalized by a legislator or another legislative employee may

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

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

Sec. 24.61.450. DUTY TOWARD COLLEAGUES AND SUBORDINATES. (a) A legislator or legislative employee may not knowingly engage in conduct that violates the right of others to be treated fairly, with dignity

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1 and respect, nor may they engage in improper acts of discrimination,
2 sexual harassment, or abuse of a person in the course of legislative
3 activities.

4 (b) A person who violates this section is subject to the admin-
5 istrative sanctions authorized under AS 24.61.560(b), in addition to
6 liability under another criminal law or civil action arising from the
7 conduct.

8 Sec. 24.61.460. DUTY TO ADVANCE PRINCIPLES OF REPRESENTATIVE
9 DEMOCRACY. (a) A legislator or legislative employee may not knowing-
10 ly use improper artifices or schemes to circumvent the clear purpose
11 this chapter or another law, use procedural powers or processes in a
12 way that prevents appropriate consideration of a matter, or exercise
13 leadership authority and power arbitrarily, arrogantly, or in another
14 way that violates the spirit of representative democracy.

15 (b) A person who violates this section is subject to the admin-
16 istrative sanctions authorized under AS 24.61.560(b).

17 ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.

18 Sec. 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. (a)
19 The Legislative Ethics Commission is established in the legislative
20 branch of government. The commission consists of nine members, se-
21 lected as follows:

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

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

26 (3) two members appointed by the supreme court;

27 (4) one member appointed by the governor;

28 (5) one member appointed by the lieutenant governor;

29 (6) one member appointed by the Alaska Public Offices

Commission; and

(7) two members selected by majority vote of the members appointed under (1) - (6) of this subsection.

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

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

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

(e) A commissioner may not be a legislator, a legislative employee, an elected or appointed official *responsible to file* of another governmental *disclosure statement under spoc filing* entity, an officer of a political party, a candidate for public office, or a registered lobbyist.

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

I will solemnly perform the duties of this office in a manner that is consistent with both the letter and spirit of the Alaska Legislative Ethics Act and I shall conform my own conduct to the provisions therein. I acknowledge the obligation and need to interpret and apply all its provisions, and the ethical principles

1 that underlie them, vigorously, promptly, fairly, and
2 in good faith. All my actions, decisions, and votes on
3 matters relating to my duties will be made purely on
4 the merits, objectively, independently, and without
5 political, regional, or ideological partisanship.

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

9 (b) Within 45 days after certification, a commissioner may be
10 decertified by a majority vote of both houses of the legislature, if
11 the legislature is in session, or by a two-thirds vote of the members
12 of the legislative council if the legislature is not in session. If
13 decertified, the commissioner is disqualified and that seat on the
14 commission is vacant.

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

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

23 (b) Six commissioners constitute a quorum. A vote of the major-
24 ity of the commissioners present at a meeting in which a quorum is
25 present is required for official action of the commission.

26 (c) The commission may meet by teleconference.

27 (d) Commissioners shall receive compensation of \$175 for each
28 day in which they attend or participate in a commission meeting of at
29 least one hour in length, either in person or by teleconference. The

1 chair and ~~vice-chair~~ shall receive an additional stipend of \$500 a
2 year. The commission shall develop and implement policies consistent
3 with those employed by other state commissions for the reimbursement
4 of travel costs and the payment of per diem under AS 39.20.180.

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

7 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The commis-
8 sion shall hire an executive director and determine the director's
9 salary. The executive director serves at the pleasure of the commis-
10 sion.

11 (b) The executive director may employ and determine the compen-
12 sation of necessary employees, subject to the budget approved by the
13 commission. The executive director may, subject to the approval of
14 the commission, contract for services when those services are tempo-
15 rary or specialized in nature, or it is in the best interest of the
16 state.

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

20 (d) If the commission determines that an investigation is neces-
21 sary and that the investigation cannot be efficiently, promptly, or
22 adequately handled by commission staff, the executive director shall
23 nominate a special investigator to be appointed upon approval by the
24 commission. The executive director shall maintain a list of individu-
25 als qualified to serve as a special investigator by virtue of their
26 experience, reputation, likely availability, willingness to serve, and
27 freedom from conflicts of interest.

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

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

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

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

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

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

19 (A) a candidate for the legislature;

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

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

24 (3) participate in lobbying activities that would require
25 the person to register as a lobbyist except as required to inform the
26 legislature concerning legislation requested by the commission; or

27 *Other related to the Commission*
28 take an action or make a statement that is likely to
29 create in the mind of a reasonable person a belief that the commis-
sioner, employee, or other person is not impartial or independent or

1 is otherwise unable to properly perform public duties.

2 (d) A violation or alleged violation of (b) or (c) of this
3 section shall be treated as any other violation of this chapter and
4 shall be dealt with by the commission accordingly. During the pend-
5 ency of a complaint against a commissioner, commission employee, or
6 commissior contractor, the person complained against may not partici-
7 pate in official action of the commission.

8 (e) Commissioners and the executive director are subject to
9 AS 39.50.

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

11 (a) The commission shall

12 (1) administer the provisions of this chapter;

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

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

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

20 (5) investigate and adjudicate complaints and recommend
21 disciplinary actions to the legislature;

22 (6) authorize research in the field of legislative ethics
23 and carry out the educational programs that are required by this
24 chapter and additional programs it considers necessary to effectuate
25 the policy and purposes of this chapter;

26 (7) prepare and distribute an ethics manual to legislators,
27 legislative employees, and lobbyists as provided in this chapter;

28 (8) prepare a biennial report to the legislature summariz-
29 ing its activities over the previous two years, evaluating the effec-

1 tiveness of this chapter in accomplishing its stated purposes, and
2 recommending legislative reforms it thinks necessary to improve the
3 administration of this chapter and to better advance its goals.

4 (b) The commission may

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

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

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

18 Sec. 24.61.520. INFORMAL NONBINDING ADVICE. The commission may
19 authorize and train its staff to give oral advice or provide a written
20 informal nonbinding advice letter to persons seeking guidance as to
21 the spirit or legal requirements of this chapter, provided that the
22 advice is given with the express stipulations that

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

25 (2) although the advice is given in good faith, the person
26 seeking the advice relies on it at the person's own risk because it is
27 not binding upon the commission; and

28 (3) information voluntarily provided to a commission em-
29 ployee is not necessarily confidential and may be used against the

1 person seeking the advice if it becomes material to a proceeding
2 before the commission.

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

8 (b) Requests for written advisory opinions shall be in writing
9 and must set out with reasonable specificity the facts and circum-
10 stances of a real or hypothetical case.

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

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

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

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

25 (g) Under normal circumstances, the commission shall issue its
26 opinion within 30 days of receiving the request, if the request is
27 received during the first 100 days of the legislative session, or
28 within 60 days of the request if the request is received at another
29 time. The period for issuing an opinion may be shortened or extended

1 by the chair when that action is considered necessary or appropriate
2 to meet the goals of this chapter.

3 (h) The commission and all commission employees shall keep the
4 identity of the requester confidential unless the request, the identi-
5 ty of the person making it, or information conveyed orally or in
6 writing relating to the request is or becomes material to a matter
7 before the commission.

8 Sec. 24.61.530. EXEMPTIONS PROCESS. (a) In situations in which
9 principles of fundamental fairness are best served by exempting cer-
10 tain individuals or acts from specified provisions of this chapter,
11 the commission may grant ^{full or partial} ~~qualified or unqualified~~ exemptions.

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

- 14 (1) the name and address of the petitioner;
15 (2) relevant provisions involved in the exemption request;
16 (3) essential facts on which an exemption is requested;
17 (4) specific nature of the exemption sought;
18 (5) anticipated unfair or unreasonable consequences that
19 would result from a failure to grant the petition; and
20 (6) a certification that the petitioner verifies under
21 penalty of unsworn falsification that the facts stated are true to the
22 best of the petitioner's knowledge.

23 (c) The commission may, by official action, grant an exemption
24 upon a finding that the petitioner, [by a preponderance of the evi-
25 dence,] has shown that the

26 (1) harm caused by strict application of this chapter
27 substantially outweighs the benefit of its enforcement in the partic-
28 ular situation;

29 (2) application of the rule or provision under the circum-

stances presented would be inconsistent with the spirit and purpose of the provision or this chapter as a whole; and *or*

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

(d) The commission may *request* ~~require~~ or permit the ~~personal~~ appearance of the petitioner *in person or by telecom* before the commission and hold hearings regarding the exemption request.

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

Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PROCESSES. (a) The filing of a complaint is the first step in the investigatory and adjudication process. It is the purpose of this section to assure that complaints provide sufficient information on which to proceed, yet not be so complex or burdensome that the requirements unduly discourage or screen out valid good faith complaints.

(b) A complaint may be initiated by any person or by the commission on its own motion.

(c) The commission shall provide a simple form for complaints. A complaint must include

(1) the name and address of the complainant;

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

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

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

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

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

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

29 (1) facts that, if true, establish a violation of a pro-

1 vision of this chapter for which civil or administrative sanctions are
2 authorized;

3 (2) that the conduct providing the basis of the complaint
4 has occurred within five years of the complaint or that the person
5 charged with misconduct intentionally concealed or otherwise sought to
6 prevent discovery of the relevant facts; and

7 (3) that the person charged with misconduct is either a
8 legislator or legislative employee at the time of the filing of the
9 complaint or was a legislator or legislative employee within one year
10 of the filing.

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

20 (i) If a complaint is dismissed because of invalidity, it shall
21 be returned to the complainant with a notice of dismissal stating in
22 detail the reason for dismissal. If the commission finds that the
23 complaint was frivolous, malicious, or was filed in bad faith, it
24 shall so state in the notice of dismissal. If the commission finds
25 that the complaint alleges violations outside the scope of this chap-
26 ter, it shall so state and forward the complaint to the appropriate
27 enforcement body for disposition. A copy of the notice of dismissal
28 shall be sent to the respondent. (The notice of dismissal is a public
29 record.)

1 (j) If the commission concludes that some or all of the alle-
2 gations of the complaint, if proven, would constitute a violation of
3 this chapter, or if the commission has initiated the complaint, the
4 complaint shall be certified and a factual investigation shall com-
5 mence. The record of certification for further consideration is
6 confidential subject to subsequent actions that may make it part of
7 the public record.

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

12 (b) Before commencing an investigation, the commission shall
13 adopt a written resolution defining the scope of the investigation, a
14 copy of which shall be supplied to both the complainant and the re-
15 spondent. If, during the investigation, additional facts are dis-
16 covered that justify an expansion of the investigation and the pos-
17 sibility of additional charges beyond those alleged in the complaint,
18 the resolution shall be amended accordingly with copies sent to the
19 ~~+~~ complainant and the respondent. The resolution, and the fact that an
20 investigation has been undertaken, shall be kept confidential by the
21 commission except that, upon inquiry, the commission may verify that
22 it is investigating a complaint along with a statement that no finding
23 of probable cause has been made and that no adverse inference of
24 impropriety or guilt should be drawn from the decision to investigate.
25 Additional facts concerning the nature or results of the investigation
26 may not be revealed except as provided in AS 24.61.545 after a deter-
27 mination of probable cause has been made.

28 (c) A legislator or a legislative employee may request in writ-
29 ing that the commission investigate charges of impropriety made

1 against the legislator or legislative employee. The request must
2 state with specificity the nature of the investigation requested. If
3 the commission agrees to undertake an investigation, the investigation
4 is not necessarily limited in scope by the request and, once begun, it
5 shall be handled as any other investigation, with the person request-
6 ing the investigation formally treated as a respondent.

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

12 (e) The person conducting the preliminary investigation may
13 order a hearing and subpoena witnesses and documents, conduct depo-
14 sitions under oath, require the participation of the respondent, and
15 issue interrogatories to be answered under oath. An oral or written
16 statement, whether incriminatory or exculpatory, may not be considered
17 in the investigator's report unless made under oath. The respondent
18 shall be given an adequate opportunity to provide testimonial and
19 documentary evidence.

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

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

6 (b) If the commission does not find that substantial credible
7 evidence exists to warrant a full adjudicatory hearing, it shall
8 dismiss the complaint and so notify the complainant with a notice of
9 dismissal stating in detail the reason for dismissal. If the commis-
10 sion finds that the charges were frivolous, malicious, made in bad
11 faith, or that, in its opinion the respondent should be exonerated of
12 the charges, it shall so state in the notice of dismissal. If the
13 commission finds that the evidence supports violations outside the
14 scope of this chapter, it shall so state and forward the complaint and
15 its report to the appropriate enforcement body for disposition.

16 (c) A copy of the notice of dismissal shall be sent to the
17 respondent. The notice of dismissal and the investigator's report
18 containing findings and recommendations, but not the underlying in-
19 vestigatory materials, shall be made public unless the commission
20 determines that this would unfairly prejudice either the respondent or
21 complainant. This subsection may not be construed to prevent either
22 the complainant or respondent from making the notice of dismissal and
23 the report public.

24 (d) If the commission finds that substantial credible evidence
25 exists establishing probable cause that a violation of a provision of
26 this chapter for which civil or administrative sanctions are autho-
27 rized has occurred, it shall serve on the respondent in a manner
28 consistent with the service of summons under the rules of civil proce-
29 dure, a formal charge stating the specific allegations and a proposed

1 hearing date.

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

9 (f) The commission may suspend further proceedings if the re-
10 spondent acknowledges the violation and agrees to corrective actions
11 and sanctions considered appropriate by the commission. If the com-
12 mission suspends the proceedings or dismisses the charges as a result
13 of a negotiated settlement, the terms and conditions of the settlement
14 and the reasons for entering into the agreement shall be stated in a
15 written report that shall be sent to the complainant and made part of
16 the public record.

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

21 Sec. 24.61.550. ADJUDICATORY HEARING. (a) A formal hearing on
22 ethics charges against a respondent shall be conducted in a manner
23 that inspires confidence in the integrity and objectivity of the
24 process and demonstrates full consideration for the rights and reputa-
25 tion of the respondent.

26 (b) An adjudicatory hearing shall be before a hearing board
27 composed of the commission chair and four commissioners appointed by
28 the chair. If the chair cannot attend all hearing sessions without
29 undue inconvenience, the vice-chair shall serve in the chair's place.

1 If neither the chair nor the vice-chair is available, the chair shall
2 appoint another commissioner. Appointments to hearing boards shall be
3 rotated among the commissioners.

4 (c) The chair, vice-chair, or a commissioner designated by the
5 chair, as appropriate, shall preside at the hearing. The executive
6 director or other legal counsel designated by the commission ~~shall~~
7 attend and advise and counsel the hearing board. *may*

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

15 (e) A hearing board may

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

19 (2) compel the production of documentary or tangible evi-
20 dence;

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

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

25 (f) The respondent may

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

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

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

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

(b) As to each charge on which the evidence was found to be insufficient to establish a violation, the hearing board shall include its findings in its written opinion. If the board finds that the charges were frivolous, malicious, made in bad faith, or that, in its opinion the respondent should be exonerated of the charges, it shall so state in its opinion. ~~If the board finds that the respondent should be exonerated, it may recommend that the legislature reimburse the respondent for all or part of reasonable legal fees incurred as a result of the charge.~~ ^{Newman} The respondent's legal fees ~~may~~ ^{shall} not be paid from public funds unless the board makes that recommendation.

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

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

(1) a civil penalty of not more than \$5,000 for each of-

1 fense, or twice the amount improperly gained by the misconduct, which-
2 ever is greater;

3 (2) divestiture of specified assets or withdrawal from
4 specified ^{associations} relationships;

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

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

9 (5) restitution or reimbursement;

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

11 (7) probationary status;

12 (8) a written reprimand;

13 (9) ~~repealing or amending legislation, or voiding or modi-~~
14 ~~fying other action that resulted from conduct in violation of this~~
15 ~~chapter;~~) *Gazette Dir*

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

19 (11) expulsion of a legislator or dismissal of a legislative
20 employee;

21 (12) payment of costs related to the investigation and
22 adjudication of the charge;

23 (13) another sanction fashioned to achieve the purposes of
24 this chapter.

25 (b) When a provision of this chapter provides for the imposition
26 of administrative sanctions under this subsection, the commission may
27 recommend any of the civil sanctions set out in (a) of this section
28 except sanctions under (a)(1) and (11). ~~relates to~~

29 Sec. 24.61.565. RECOMMENDATIONS TO THE LEGISLATURE WHERE VIOLA-

1 TOR IS A LEGISLATOR. (a) If the person found to have violated this
2 chapter is or was a member of the legislature, the hearing board's
3 recommendations shall be forwarded by the chair of the commission to
4 the presiding officer of the appropriate house of the legislature.

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

9 (c) If the legislature is not in session, the presiding officer
10 may either request a special session under AS 24.05.100 to put the
11 matter to a vote, ^{within 30 days}, or submit the recommendations to the
12 legislative council, which shall vote on the commission's recommenda-
13 tions within 30 days. ^{should} If either expulsion or ~~censure~~ is recommended,
14 the matter ~~must~~ be voted on by the legislature in special session.

15 (d) Except in the case of expulsion, which requires a two-thirds
16 vote, all other sanctions shall be determined by a majority vote. ⁷

17 ^{the full house} (e) In determining the sanctions, if any, to impose, the legis-
18 lature ^{should} shall scrupulously observe the rule of nonpartisanship. ^{should} It may
19 not retry the basic facts nor question the hearing board's findings of
20 fact. The only issue before it ^{should} shall be the determination of the
21 appropriate sanction assuming the validity of the board's findings.

22 Sec. 24.61.570. RECOMMENDATIONS AND ORDER WHERE VIOLATOR IS A
23 LEGISLATIVE EMPLOYEE. (a) If the person found to have violated this
24 chapter is or was a legislative employee, the hearing board's recom-
25 mendations shall be forwarded to the full commission, which shall, as
26 soon as is reasonably possible, determine the sanctions, if any, to be
27 imposed. The commission may not retry the basic facts nor question
28 the hearing board's findings of fact. The only issue before it shall
29 be the determination of the appropriate sanction assuming the validity

1 of the board's findings. After determining the appropriate sanctions,
2 the commission shall issue a written order imposing the sanctions on
3 the employee.

4 (b) The commission shall order the employee's supervisor or
5 appointing authority, as appropriate, to impose sanctions in accor-
6 dance with the commission's order. Failure of the supervisor or
7 appointing authority to implement the commission's order is a viola-
8 tion of this chapter subject to civil sanctions under AS 24.61.560(a).

9 Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL OR CITIZENS.

10 (a) The attorney general may independently bring civil or criminal
11 actions relating to violations under this chapter regardless of the
12 outcome or settlement of a charge before the commission, provided that
13 (1) the attorney general may not bring an independent civil action
14 under this chapter if the provision violated is subject only to admin-
15 istrative sanctions under AS 24.61.560(b); and (2) the cumulative
16 civil penalties imposed for a violation may not exceed the amount that
17 could be imposed in an action before the commission. This subsection
18 does not prohibit the attorney general from bringing an action under
19 another civil or criminal law.

20 (b) A citizen may make a written request that the attorney
21 general commence a civil action authorized under (a) of this section
22 against a person for a violation of this chapter. [If the attorney
23 *del* general does not initiate the action within 60 days of the request,
24 the citizen may file the action.]

25 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may
26 publicly respond to a statement or interpretation made concerning the
27 contents of an advisory opinion or decision it has issued or is pur-
28 ported to have issued. A person who requests an advisory opinion and
29 makes that fact public is considered to have waived the confidential-

1 ity of the person's identity (and of all records) obtained by the com-
2 mission in connection with the request for the advisory opinion.

3 ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

4 Sec. 24.61.700. ETHICS EDUCATION PROGRAM. (a) The central
5 function of an ethics code is to prevent rather than punish unethical
6 conduct. Prevention depends almost entirely on an effective and
7 comprehensive ethics education program. The purpose of AS 24.61.700 -
8 24.61.760 is to assure that legislators and staff have the means and
9 opportunity to learn and understand the rules and principles underly-
10 ing the standards of conduct.

11 (b) The commission shall oversee and develop the following
12 components of a comprehensive ethics education program:

- 13 (1) publish an ethics education manual;
14 (2) establish an education advisory committee; and
15 (3) design and implement a legislative orientation training
16 course, a current issues and applications seminar, and a lobbyist
17 training course.

18 Sec. 24.61.710. ETHICS EDUCATION MANUAL. (a) The commission
19 shall prepare and publish a legislative ethics manual, which must
20 contain all ethics statutes, regulations, and related information,
21 including detailed explanations of technical and specific legal re-
22 quirements as well as the underlying purposes and ethical principles
23 that comprise the spirit of the requirements. The manual must include
24 realistic examples with recommended actions, as well as questions and
25 answers regarding common problems and situations.

26 (b) The commission shall issue a revised and updated version of
27 the manual no later than 30 days after the commencement of each legis-
28 lature.

29 (c) The manual shall be distributed to all legislators, legisla-

1 tive employees, and registered lobbyists. The manual shall also be
2 available to the public.

3 Sec. 24.61.720. EDUCATION ADVISORY COMMITTEE. (a) The commis-
4 sion chair shall appoint five members to an education advisory commit-
5 tee, that shall include at least two members of the commission, a
6 legislator, and a legislative employee. The education advisory com-
7 mittee may also include an outside expert in the field of ethics.

8 (b) The education advisory committee shall oversee the implemen-
9 tation of, and recommend the content for, the following ethics educa-
10 tion programs:

- 11 (1) legislative orientation training course;
12 (2) current issues and applications seminar; and
13 (3) lobbyist training course.

14 Sec. 24.61.730. LEGISLATIVE ORIENTATION TRAINING COURSE. (a)
15 The commission shall conduct a legislative ethics orientation training
16 course. The course shall be offered in January of each year. A
17 legislator and a legislative employee shall attend and complete the
18 ^{critical} first course offered after their election, appointment, or hiring
19 date.

20 (b) The education advisory committee shall determine the specif-
21 ic content of the course, and it shall cover the ethics laws, internal
22 rules and policies, as well as the technical and specific legal re-
23 quirements that legislators and legislative employees must follow.
24 The course shall also cover the underlying purposes and ethical prin-
25 ciples of all ethics laws, internal rules and policies, and other
26 related regulations. The course shall highlight the principles of
27 public service ethics and the intent of ethics laws, including their
28 application to practical situations.

29 (c) The commission shall offer separate sessions of the course

*add Sec
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accounting
section*

1 for legislators and for legislative employees, and shall offer as many
2 sessions as necessary to accommodate the number of people required to
3 take the course. [Unless the commission decides otherwise, the course
4 should be at least six hours long and given in one or two sessions.]
5 To afford meaningful participation and direct involvement, the commis-
6 sion shall limit the attendance of each session to approximately 50
7 people.

8 Sec. 24.61.740. CURRENT ISSUES AND APPLICATIONS SEMINAR. (a)
9 The commission shall conduct a current issues and applications seminar
10 each ~~year~~ *ly.* The seminar is mandatory for all legislators and legisla-
11 tive employees who have previously completed the legislative ethics
12 orientation training course.

13 (b) The specific content of the seminar shall be determined by
14 the education advisory committee, and shall include an overview of all
15 new substantive changes in the laws in the form of amendments, re-
16 visions, and new ethics advisory opinions. The seminar shall include
17 discussions on problem solving skills, practical ethical issues likely
18 to confront a legislator or legislative employee, and the underlying
19 principles of public service ethics.

20 (c) The commission shall offer separate sessions of the seminar
21 for legislators and for legislative employees, and shall offer as many
22 sessions as necessary to accommodate the number of people required to
23 take the seminar. [Unless the commission decides otherwise, the semi-
24 nar should be about three hours long in order to accommodate specific
25 problem solving. The commission shall limit the attendance of each
26 session to approximately 50 people.]

27 Sec. 24.61.750. LOBBYIST TRAINING COURSE. (a) Lobbyists shall
28 complete a lobbyist training course conducted by the commission as a
29 condition of registering as a lobbyist under AS 24.45. A person who

1 first engages in activities requiring the person to register as a
2 lobbyist either before the commission has offered the training course
3 for that year, or after the training course has been offered for that
4 year, may be authorized by the commission to conditionally register
5 under AS 24.45 unless the person reasonably should have known that the
6 person was likely to engage in lobbying activities and could have
7 attended the most recent training course. A person with a conditional
8 registration must successfully complete the next training course
9 offered or the registration shall be revoked.

10 (b) The specific content of the training course shall be de-
11 termined by the education advisory committee, and shall include a
12 review of all ethics statutes, the rules and regulations relating to
13 appropriate lobbyist conduct, and the principles of public service
14 ethics.

15 (c) The commission shall certify to the Alaska Public Offices
16 Commission the names of persons successfully completing the training
17 course, including persons taking the course under (e) of this section.

18 (d) *del gives into committee* Unless the commission determines otherwise, the training
19 course should be about four hours in length.

20 (e) Lobbyists shall repeat the training course at least once
21 every three years and the commission shall update the course accord-
22 ingly.

23 (f) At the commission's discretion, lobbyists may be charged
24 reasonable fees to attend the training course.

25 Sec. 24.61.760. ADMINISTRATIVE PROVISIONS. (a) The commission
26 shall assure the continued implementation, improvement, and modifica-
27 tion of the ethics education programs. The commission shall develop
28 procedures to assure the attendance of, and course completion by, all
29 legislators, legislative employees, and lobbyists, including proce-

dures to review requests for exemptions.

(b) The commission shall assure the attendance of legislative employees who are not in and cannot travel to Juneau by offering the programs by teleconference. When a teleconference connection is unavailable, the commission shall distribute video tapes to the employees or arrange to have them travel to a site where a live or teleconference course is available.

(c) The commission may impose sanctions, including suspension of pay and dismissal of legislative employees, recommendations for disciplinary action for legislators, and recommendations to revoke lobbyist registrations, upon any legislator, legislative employee, or lobbyist who fails to complete the ethics education requirements within a reasonable amount of time, as determined by the commission.

(d) The commission shall supply the presiding officer of each house with the names of those legislators and legislative employees who have not complied with the ethics education requirements. The commission shall supply the Alaska Public Offices Commission with the names of lobbyists who have not complied with the ethics education requirements.

(e) The commission shall offer all of the education programs at appropriate times and locations and shall fairly publicize them.

provide adequate notice
ARTICLE 5. GENERAL PROVISIONS.

Sec. 24.61.900. RELATIONSHIP TO COMMON LAW AND OTHER LAWS. (a) The provisions of this chapter specifically replace, supersede, and where necessary repeal provisions of the common law relating to legislative conflict of interest.

(b) This chapter does not exempt a person from applicable provisions of another law unless the law is expressly superseded or incompatibly inconsistent with specific provisions of this chapter.

1 Sec. 24.61.910. APPLICABILITY. (a) Unless otherwise specifi-
2 cally stated, the provisions of this chapter apply to legislators and
3 legislative employees.

4 (b) Certain specified provisions apply to former members of the
5 legislature, candidates for the legislature, former legislative em-
6 ployees, persons who have transactions with legislators or legislative
7 employees, and lobbyists.

8 Sec. 24.61.920. PRINCIPLE OF STRICT COMPLIANCE. In imposing
9 civil or administrative sanctions, legislators and legislative employ-
10 ees shall be held strictly to the provisions and spirit of this chap-
11 ter and, except in extraordinary circumstances, may not assert a lack
12 of knowledge or understanding as a defense to a charge of misconduct.

13 Sec. 24.61.930. MENTAL STATE REQUIRED FOR CRIMINAL ACTIONS.
14 When a provision of this chapter is made subject to criminal penal-
15 ties, unless the provision specifically provides for another mental
16 state, the defendant in a criminal prosecution must be shown to have
17 acted with criminal negligence, as that term is defined in AS 11.81.-
18 900(a). AS 11.81.610(c) applies to this section.

19 Sec. 24.61.940. MAINTENANCE OF DOCUMENTS. Documents filed with
20 or produced by the commission as public records shall be retained for
21 at least six years.

22 Sec. 24.61.950. COOPERATION OF OTHERS. If the commission re-
23 quests their cooperation, a state agency, official, employee, or a
24 person whose conduct is regulated by this chapter shall cooperate with
25 the commission. An individual shall make information reasonably
26 related to an investigation available to the commission on written
27 request. The commission may request and shall receive from every
28 officer, department, division, board, agency, commission, house of the
29 legislature, or other agency of the state, cooperation and assistance

1 in the performance of its duties.

2 Sec. 24.61.960. CONFIDENTIALITY. A person subject to the
3 provisions of this chapter may not knowingly make an unauthorized
4 disclosure of confidential information acquired in the course of
5 official duties. A person who violates this section is subject to
6 civil sanctions under AS 24.61.560(a) and may be subject to prose-
7 cution under AS 11.56.860 or another law.

8 Sec. 24.61.990. DEFINITIONS. In this chapter,

9 (1) "administrative action" means conduct related to the
10 development, drafting, consideration, enactment, defeat, application,
11 or interpretation of a rule, regulation, policy, or other action in a
12 regulatory proceeding or a proceeding involving a license, permit,
13 franchise, or entitlement for use;

14 (2) "anything of value," "benefit," or "thing of value"
15 includes all matters, whether tangible or intangible, that could
16 reasonably be considered to be an advantage, of worth, use, or service
17 to the person to whom it is conferred; the terms are intended to be
18 interpreted broadly and encompass all matters that the recipient might
19 find sufficiently desirable to do something in exchange for;

20 (A) "anything of value," "benefit," or "thing of
21 value" includes but is not limited to

- 22 (i) money;
- 23 (ii) products or merchandise;
- 24 (iii) works of art or collectibles;
- 25 (iv) stocks, bonds, notes, or options;
- 26 (v) an interest in real property;
- 27 (vi) contracts or a promise of a future interest
28 in a contract;
- 29 (vii) an interest or a promise of a future interest

1 in a business;

2 (viii) meals, beverages, or lodging;

3 (ix) transportation;

4 (x) services, including loaned employees;

5 (xi) loans, loan guarantees, co-signing;

6 (xii) forgiveness of a debt;

7 (xiii) discounts or rebates not extended to the

8 public generally;

9 (xiv) preferential treatment;

10 (xv) tickets or admissions;

11 (xvi) free or discounted use of office facilities;

12 (xvii) loan of office equipment;

13 (xviii) radio or television time;

14 (xix) promise or offer of present or future employ-
15 ment;

16 (xx) use of autos, boats, apartments, or other
17 recreational or lodging facilities;

18 (xxi) intangible rights such as a cause of action;

19 (xxii) licenses, patents, copyrights, or an interest
20 in them;

21 (xxiii) any other item, tangible or intangible,
22 having economic value;

23 (B) "anything of value," "benefit," or "thing of
24 value" does not include

25 (i) unsolicited tokens or awards with a value of
26 less than \$100 in the form of a plaque, trophy, clock, desk
27 or wall memento or decoration, or similar item;

28 (ii) unsolicited advertising items such as calen-
29 dars, key chains, pens, or samples of merchandise with a

1 value of less than \$50;

2 (iii) unsolicited publications with a market value
3 of less than \$100 during a legislative session;

4 (iv) discounts afforded to the general public or
5 specified groups or occupations under normal business con-
6 ditions except that the discounts may not be based on the
7 fact of legislative service unless it is a discount program
8 approved by the commission;

9 (v) campaign contributions, pledges, political
10 endorsements, support in a political campaign, or a promise
11 of endorsement or support;

12 (vi) contributions to a cause or organization,
13 including a bona fide charity, made in response to a direct
14 solicitation from a legislator or a person acting at the
15 legislator's direction;

16 (3) "close economic association" has the meaning given in
17 AS 24.61.265;

18 (4) "close personal relationship" is a special relationship
19 between a legislator or legislative employee and another person that
20 creates strong bonds of loyalty, friendship, or love that could poten-
21 tially conflict with public duties and the obligation to exercise
22 objective independent judgment, or create the appearance that the
23 person may have undue access to confidential information or otherwise
24 receive favored treatment regarding public actions; it includes but is
25 not limited to immediate family, long-term personal friends or former
26 business associates, and persons with whom the legislator or legisla-
27 tive employee has a significant and continuous romantic relationship;

28 (5) "commission" means the Legislative Ethics Commission;

29 (6) "confidential information" refers to information made

1 confidential by law or that is conveyed or accepted with the under-
2 standing that it will only be used for official purposes;

3 (7) "exonerate" means to free from a charge or the imputa-
4 tion of guilt, or to prove blameless;

5 (8) "financial conflict of interest" has the meaning given
6 in AS 24.61.255;

7 (9) "immediate family" means the spouse, parents, including
8 parents-in-law, children, including a stepchild and an adoptive child,
9 grandparents, grandchildren, and siblings of a person;

10 (10) "informal representation" means uncompensated represen-
11 tation [including requests for information] made with a state or local
12 government entity or an official or employee of the entity, on behalf
13 of a person including clients, constituents, and political contribu-
14 tors;

15 (11) "intent to influence legislative, administrative, or
16 political action" means that an act, including the offering or confer-
17 ring of a thing of value to a public official, is done with the pur-
18 pose of inducing the official to do or refrain from doing an act;

19 (12) "knowingly" means for a person to be aware with respect
20 to conduct or to a circumstance described by a provision of law that
21 the person's conduct is of that nature or that the circumstance ex-
22 ists; when knowledge of the existence of a particular fact is re-
23 quired, that knowledge is established if a person is aware of a sub-
24 stantial probability of its existence, unless the person actually
25 believes it does not exist;

26 (13) "legislative action" means conduct relating to the
27 development, drafting, consideration, sponsorship, enactment or de-
28 feat, support or opposition to or of a law, amendment, resolution,
29 report, nomination, or other matter affected by legislative action or

1 inaction;

2 (14) "legislative assistant" means a legislative employee
3 whose assigned duties involve the exercise of substantial discretion
4 and judgment; it does not include employees who perform purely cler-
5 ical or ministerial functions; the ~~commission~~ *legislature* shall develop guidelines
6 for interpreting this definition;

7 (15) "legislative employee" means a person, other than a
8 legislator, who is compensated by the legislative branch in return for
9 regular or substantial personal services, regardless of the person's
10 pay level or technical status as a full-time or part-time employee,
11 independent contractor, or consultant; it includes members and staff
12 of the commission; it does not include individuals who perform func-
13 tions that are purely incidental to legislative functions such as
14 security, messengers, maintenance, and print shop employees; for
15 purposes of this paragraph, "regular or substantial" means work that
16 is expected to involve, or does involve, at least 400 hours in a
17 calendar year or 300 hours during a regular legislative session; the
18 *police* commission shall develop guidelines for interpreting this definition;

19 (16) "local government" means a municipality, a municipal
20 school district, or a regional educational attendance area;

21 (17) "nonpublic information" means nonconfidential informa-
22 tion obtained in the course of legislative duties that is not avail-
23 able to the general public, the use or disclosure of which is likely
24 to result in a personal benefit or advantage;

25 (18) "political action" means conduct in which public offi-
26 cials, including legislators or legislative employees, use their
27 official position or political contacts to exercise informal influence
28 on state and local government employees or entities; it includes but
29 is not limited to intervening on behalf of constituents with a govern-

1 ment agency, endorsing, and pledging support or actively supporting a
2 legislative matter, a nominee, or a candidate for public office;

3 (19) "professional representation" means representation for
4 compensation;

5 (20) "reasonably should know" means that, under the circum-
6 stances, a person of reasonable prudence and competence would ascer-
7 tain or know a fact;

8 (21) "representation" means action taken on behalf of anoth-
9 er, whether for compensation or not, including but not limited to
10 telephone calls and meetings and appearances at proceedings or meet-
11 ings;

12 (22) "substantial interest in legislative, administrative,
13 or political action" has the meaning given in AS 24.61.260.

14 * Sec. 3. AS 11.56.805(a) is amended to read:

15 (a) A person commits the crime of false accusation if the person
16 knowingly or intentionally initiates a false complaint with the [SE-
17 LECT COMMITTEE ON] Legislative Ethics Commission established under
18 AS 24.61 [IN AS 24.60].

19 * Sec. 4. 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. 5. 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 during a legislative session if the legislator is not living in the

1 legislator's place of permanent residence during the session.

2 (b) A legislator is entitled to receive per diem at the long-
3 term rate during a legislative session if the legislator is living in
4 the legislator's place of permanent residence during the session.

5 (c) In this section,

6 (1) "long-term rate" means the long-term per diem rate for
7 a state employee established in regulations adopted by the commission-
8 er of administration under AS 39.20.160;

9 (2) "short-term rate" means the short-term per diem rate
10 for a state employee established in regulations adopted by the commis-
11 sioner of administration under AS 39.20.160.

12 * Sec. 6. AS 24.10.110 is repealed and reenacted to read:

13 Sec. 24.10.110. LEGISLATIVE OFFICE ALLOWANCE. (a) A legislator
14 may be reimbursed for the lawful expenses of maintaining a legislative
15 office to supplement resources generally provided to legislators by
16 the legislature and its agencies. Expenses eligible for reimbursement
17 under this section include those incurred in a district office or an
18 office in the capital city.

19 (b) Expenses that may be paid with public funds under AS 24.61
20 (Legislative Ethics Act) are presumed to be lawful.

21 (c) A representative may voucher up to \$6,000 per year under
22 this section, and a senator may voucher up to ~~\$10,000~~^{6,000}. Vouchers shall
23 be processed under AS 24.10.120 and policies adopted by the legisla-
24 tive council.

25 (d) ~~Notwithstanding (b) of this section, expenses related to~~
26 ~~newsletters that meet the requirements of AS 24.61.140(d) and (e)~~ may
27 not be paid under this section. The legislative council shall adopt
28 guidelines under which each legislator may prepare and distribute two
29 newsletters a year that comply with AS 24.61. The guidelines must be

1 consistent with AS 24.61 and regulations under that chapter adopted by
2 the Legislative Ethics Commission and must provide for the payment of
3 expenses for the newsletters from appropriations to the legislature.

4 * Sec. 7. AS 24.10.130 is amended by adding a new subsection to read:

5 (b) During each regular session of the legislature, a member of
6 the legislature may be reimbursed for up to two round trip tickets
7 from Juneau to a city in the district from which the legislator was
8 elected. A trip paid for under this subsection may be for a family,
9 business, or constituent purpose.

10 * Sec. 8. AS 24.40.020 is amended to read:

11 Sec. 24.40.020. CONTINUANCE IN A CRIMINAL PROCEEDING WHERE
12 DEFENDANT [, DEFENSE ATTORNEY] OR WITNESS IS A MEMBER OF THE LEGISLA-
13 TURE. Upon a showing that [THE ATTORNEY OF RECORD AT THE TIME OF THE
14 DEFENDANT'S FIRST APPEARANCE IN THE COURT OF RECORD OR] a principal
15 witness or a party in a criminal proceeding is a member of the legis-
16 lature and that the legislature is in session or that a legislative
17 interim committee of which the legislator is a member is meeting or is
18 to meet within the next seven days, the defendant is entitled to a
19 reasonable continuance of the date of trial until at least 15 days
20 after the legislative session or interim committee meeting. However,
21 a continuance for this reason may [SHALL] not exceed 30 days after
22 recess of the legislature or interim committee. A continuance may not
23 be granted for any longer time than it is affirmatively proved the
24 ends of justice require.

25 * Sec. 9. AS 24.40.031 is amended to read:

26 Sec. 24.40.031. POSTPONEMENT OF CIVIL PROCEEDINGS WHEN A PARTY
27 [OR ATTORNEY] IS A MEMBER OF THE LEGISLATURE. When it appears that a
28 party [OR AN ATTORNEY OF RECORD OF A PARTY] to a civil action is a
29 member of the legislature of this state [,] and that the legislature

1 is in session, the action shall be continued until 10 days after the
2 legislature has adjourned, unless the party [OR ATTORNEY] upon the
3 call of the action for trial waives the benefit of this section. When
4 it appears that a party [OR AN ATTORNEY OF RECORD OF A PARTY] to a
5 civil action is a member of the Alaska Legislative Council, the Legis-
6 lative Budget and Audit Committee, or one of their subcommittees, the
7 action shall be continued when the legislative council, budget and
8 audit committee, or the subcommittee, as the case may be, is holding a
9 meeting, unless the party [OR ATTORNEY] upon the call of the action
10 for trial waives the benefit of this section. When it is necessary to
11 file a brief or memorandum of law in an action that [WHICH] has been
12 continued under the provisions of this section, the action shall be
13 continued for a time sufficient to prepare and file the brief or
14 memorandum.

15 * Sec. 10. AS 24.45.041(a) is amended to read:

16 (a) Before engaging in lobbying, a lobbyist shall file a regis-
17 tration statement on a form prescribed by the commission. The commis-
18 sion may not accept the form for filing unless the lobbyist's name has
19 been certified to the commission by the Legislative Ethics Commission
20 under AS 24.61.750(c).

21 * Sec. 11. AS 24.45.041(f) is amended to read:

22 (f) Each lobbyist shall renew the registration annually by
23 filing a new registration statement together with a new authorization
24 to act as a lobbyist before engaging in lobbying. The lobbyist also
25 shall file any reports or statements the lobbyist has failed to file
26 for a previous reporting period. The commission may not renew lobby-
27 ing credentials until this provision is complied with and unless the
28 Legislative Ethics Commission has certified the lobbyist's name to the
29 commission under AS 24.61.750(c) and the lobbyist has complied with

1 AS 24.61.750(e).

2 * Sec. 12. AS 24.45.041 is amended by adding a new subsection to read:

3 (g) Notwithstanding (a) and (f) of this section, a lobbyist
4 whose name has not been certified to the commission under AS 24.61.-
5 750(c) may conditionally register or renew a registration under this
6 section if authorized by the Legislative Ethics Commission under
7 AS 24.61.750(a).

8 * Sec. 13. AS 24.45.121(a) is amended to read:

9 Sec. 24.45.121. PROHIBITIONS. (a) A lobbyist may not

10 (1) engage in any activity as a lobbyist before registering
11 under AS 24.45.041;

12 (2) do anything with the intent of placing a public offi-
13 cial under personal obligation to the lobbyist or to the lobbyist's
14 employer;

15 (3) intentionally deceive or attempt to deceive any public
16 official with regard to any material fact pertinent to pending or
17 proposed legislative or administrative action;

18 (4) cause or influence the introduction of a legislative
19 measure for the purpose of thereafter being employed to secure its
20 defeat;

21 (5) cause a communication to be sent to a public official
22 in the name of any fictitious person or in the name of any real per-
23 son, except with the consent of that person;

24 (6) accept or agree to accept any payment in any way con-
25 tingent upon the defeat, enactment, or outcome of any proposed legis-
26 lative or administrative action;

27 (7) serve as a member of a state board [,] or commission
28 [,], if the lobbyist's employer may receive direct economic benefit
29 from a decision of that board or commission;

1 (8) use state property or resources in the conduct of the
2 lobbyist's business; this paragraph does not apply to a ~~state~~ employee
3 whose official duties require the employee to register as a lobbyist.

4 * Sec. 14. AS 39.25.110 is amended by adding a new paragraph to read:

5 (30) executive director and staff of the Legislative Ethics
6 Commission.

7 * Sec. 15. AS 39.50.025 is amended to read:

8 Sec. 39.50.025. NOTIFICATION TO CANDIDATES FOR LEGISLATURE. On
9 receipt of a statement under AS 39.50.020 from a candidate for the
10 legislature the commission shall mail, by certified mail, a copy of
11 AS 24.61 (Legislative Ethics Act) [AS 24.60 (STANDARDS OF CONDUCT)] to
12 the candidate at the address shown on the report.

13 * Sec. 16. AS 39.50.200(a)(8) is amended to read:

14 (8) "public official" means a judicial officer, a member of
15 the legislature, the fiscal analyst of the legislative finance divi-
16 sion, the legislative auditor of the legislative audit division, the
17 executive director of the Legislative Affairs Agency and the directors
18 of the divisions within the Legislative Affairs Agency, the executive
19 director of the Legislative Ethics Commission, the governor, the
20 lieutenant governor, a person hired or appointed as the head or deputy
21 head of, or director of a division, a department in the executive
22 branch, an assistant to the governor, chair [CHAIRMAN] or member of a
23 state commission or board, the executive director of the Alaska Tour-
24 ism Marketing Council, and each appointed or elected municipal offi-
25 cer;

26 * Sec. 17. AS 39.50.200(b) is amended by adding a new paragraph to
27 read:

28 (50) Legislative Ethics Commission (AS 24.61).

29 * Sec. 18. AS 39.52.910(a) is amended to read:

1 (a) Except as specifically provided, this chapter applies to all
2 public officers within executive-branch agencies, including members of
3 boards or commissions. This chapter does not apply to a former public
4 officer of an executive-branch agency unless a provision specifically
5 states that it so applies. This chapter does not apply to legislators
6 covered by AS 24.61 [AS 24.60].

7 * Sec. 19. AS 24.60 is repealed.

8 * Sec. 20. INITIAL COMMISSION APPOINTMENTS. Notwithstanding AS 24.61.-
9 500(b), as added by sec. 2 of this Act, the terms of the members initially
10 appointed to the Legislative Ethics Commission are as follows:

11 (1) the members appointed by the senate and the house of rep-
12 resentatives and one of the members appointed by the Legislative Ethics
13 Commission, determined by lot, serve terms of five years;

14 (2) the member appointed by the governor and the second member
15 appointed by the Legislative Ethics Commission serve terms of four years;

16 (3) the member appointed by the Alaska Public Offices Commission
17 serves a term of three years;

18 (4) the member appointed by the lieutenant governor services a
19 term of two years; and

20 (5) the member appointed by the supreme court serves a term of
21 one year.

22 * Sec. 21. INITIAL TRAINING COURSES. The initial courses and seminars
23 required under AS 24.61.730 - 24.61.750, as added by sec. 2 of this Act,
24 shall be offered during January and February 1991.

25 * Sec. 22. INITIAL RECOMMENDED REGULATIONS. The Alaska Legislative
26 Council shall make its initial recommendations to the Legislative Ethics
27 Commission under AS 24.61.160, as added by sec. 2 of this Act, by
28 January 21, 1991. If the legislative council does not comply with the
29 deadline under this section, the Legislative Ethics Commission shall pro-

1 ceed to adopt regulations under AS 24.61.160 on its own initiative.

2 * Sec. 23. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER
3 AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 19 of this Act,
4 in addition to the provisions of AS 24.61, as added by sec. 2 of this Act,
5 the Legislative Ethics Commission may consider complaints alleging viola-
6 tions of AS 24.60 that occurred prior to January 21, 1991, and for which
7 proceedings have not been commenced or concluded prior to January 21, 1991.
8 For the purpose of this section, the Legislative Ethics Commission shall
9 follow the procedures established under AS 24.61, but may not recommend a
10 sanction or penalty not authorized under former AS 24.60.

11 * Sec. 24. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTH-
12 ERS. Notwithstanding AS 24.61.330, as added by sec. 2 of this Act, a
13 legislator or legislative assistant who is subject to AS 24.61.330 may,
14 until January 1, 1992, represent a person in a proceeding that would other-
15 wise be prohibited under AS 24.61.330 if the legislator or legislative
16 assistant promptly files a statement with the Legislative Ethics Commission
17 that includes the name of the client, an identifying name or number of the
18 action, a brief description of the nature of the action, and the amount of
19 compensation received or anticipated relating to the representation. The
20 statement shall be published in the journal of the appropriate house. If
21 information contained in the statement changes, a supplemental statement
22 shall be filed every 90 days until the matter is completed or January 1,
23 1992, at which time the representation must be terminated. In this sec-
24 tion, "legislative assistant" has the meaning given in AS 24.61.990, as
25 added by sec. 2 of this Act. *Leg be allowed to counsel &
26 Govt and represent as appropriate*

27 * Sec. 25. AS 24.61.160, 24.61.400(d), 24.61.500 - 24.61.720 and 24.-
28 61.990, as added by sec. 2 of this Act, and secs. 20 and 22 of this Act,
29 take effect July 1, 1990.

* Sec. 26. AS 24.61.200 - 24.61.240, as added by sec. 2 of this Act,

1 take effect November 6, 1990.

2 * Sec. 27. Except as provided in secs. 25 and 26 of this Act, this Act
3 takes effect January 21, 1991.
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Dierdorff
4/27/90

Original sponsor(s): SEN. POURCHOT/Select Committee on Legislative Ethics

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 415 ()

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 and legisla-
8 tive employees, former legislators and employees, and
9 lobbyists; amending legislators' compensation and
10 allowances; and providing for an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. SHORT TITLE. This Act may be known as the Legislative
13 Ethics Act of 1990.

14 * Sec. 2. AS 24 is amended by adding a new chapter to read:

15 CHAPTER 61. LEGISLATIVE ETHICS ACT OF 1990.

16 ARTICLE 1. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES.

17 Sec. 24.61.010. PURPOSE. This chapter is enacted to

18 (1) assure the integrity of representative government and
19 sustain the confidence and trust of the people of this state in their
20 representatives, the legislature as a whole, and the legislative
21 process;

22 (2) provide a comprehensive and unified statement of the
23 ethical principles, considerations, and obligations inherent in the
24 public trust theory of government service and establish specific
25 standards of conduct to ensure that those entrusted with public au-
26 thority avoid conduct that might undermine the people's respect for
27 the legislature; and

28 (3) establish a positive, effective, and comprehensive
29 ethical program that is clear, practical, and fair.

1 Sec. 24.61.015. LEGISLATIVE FINDINGS. The legislature finds
2 that

3 (1) high moral and ethical standards among public servants
4 in the legislative branch of government are essential to the conduct
5 of fair, open, and responsive representative government;

6 (2) the people of this state need and deserve a legislature
7 led by outstanding public servants whose devotion and commitment to
8 pursuing the public interest through established democratic processes
9 outweigh any competing personal or political considerations;

10 (3) state government relies heavily on part-time citizen
11 public servants; it is, therefore, essential to attract talented and
12 principled people willing to provide their time and energy to the
13 state, often with substantial personal and financial sacrifices;

14 (4) the best way to attract the right people is to ensure
15 that the government is respected for its honesty and integrity and
16 that the rules governing their conduct during and after leaving public
17 service are as clear, fair, and complete as possible; the rules,
18 however, should not impose unreasonable or unnecessary burdens that
19 will discourage citizens from entering or staying in government ser-
20 vice;

21 (5) the political culture of the state is the product of a
22 unique blend of history, geography, climate, population, and ethnic
23 influences that must be taken into account in the development of rules
24 and standards regulating the conduct of legislators, legislative
25 employees, and those who work regularly with the legislature;

26 (6) the state's commitment to the notion of a citizen
27 legislature requires that legislators be drawn from all parts of
28 society; they cannot and should not be without personal and financial
29 interests in the decisions and policies of government, and they are

1 expected and permitted to earn outside income;

2 (7) as a result of the state's small population and close
3 sense of community, most legislators and legislative employees have a
4 network of relationships in and outside the legislature that creates
5 potential conflicts of interest;

6 (8) the state's vast size requires frequent travel, usually
7 by air, which increases the expense and burden of public service;

8 (9) the state's cultural diversity is reflected in gift-
9 giving and hospitality customs that may clash with standards prohibit-
10 ing acceptance of gratuities;

11 (10) it is important to preserve the vitality of the state's
12 culture and citizen involvement by assuring that standards of conduct
13 acknowledge real and practical needs of individual legislators and
14 legislative employees without compromising vital universal notions of
15 public service ethics, including the principle that public office is a
16 public trust;

17 (11) upon taking the oath of office, legislators enter into
18 a special trust with the people of the state involving extraordinary
19 powers and equally extraordinary legal and moral obligations; one
20 aspect of these obligations requires that those entrusted with public
21 authority unfailingly demonstrate that they are worthy of the public's
22 respect and are devoted to maintaining the absolute integrity of
23 government;

24 (12) effective democratic government depends on the will-
25 ingness of the people to exercise responsible citizenship by voluntary
26 compliance with laws and by active participation in the democratic
27 process; when the public's trust in and respect for government is
28 high, citizens are more likely to fully participate by voting, becom-
29 ing better informed, and becoming more active in public debate and

1 discourse in a way that engenders civic pride and makes government
2 more representative, more responsive, and more effective;

3 (13) unethical or illegal behavior by a legislator or legis-
4 lative employee tends to diminish the stature of the legislature and
5 produce cynicism that erodes public confidence in government; thus,
6 all who serve the legislature have a solemn responsibility to avoid
7 improper conduct and prevent improper behavior by colleagues and
8 subordinates;

9 (14) the principles of public service ethics pervading this
10 chapter view the ethical obligations of public servants in a positive
11 way; high standards of conduct and specific regulations to enforce
12 them are not driven by negative assumptions about the character of
13 those who serve government, but as expressions of the need for clarity
14 and uniformity about the higher duties of public service and the noble
15 dimension of democracy;

16 (15) no code of conduct, however comprehensive, can antici-
17 pate all situations in which the principles and standards apply, nor
18 can it prescribe behaviors that are appropriate to those situations;
19 in addition, laws and regulations regarding ethical responsibilities
20 cannot legislate morality, eradicate corruption, or eliminate bad
21 judgment;

22 (16) legislators and legislative employees who are committed
23 to the ethical principles embodied in the public trust concept of
24 government must exercise considerable discretion and judgment so as to
25 adhere to the spirit of the rules and laws; in exercising this judg-
26 ment it is essential to recognize that an act is not ethical simply
27 because it is legal and that conduct is not proper simply because it
28 is permissible;

29 (17) legislative decisions must be made in a context of

1 clashing interests; the growing effect of state laws and regulations
2 creates incentives for competing special interests to seek to influ-
3 ence the election and policy-making processes through organized advo-
4 cacy and through the use of campaign contributions;

5 (18) the cost of running for office has risen dramatically
6 in recent years; as a result, many public officials, including legis-
7 lators, spend an increasing amount of time negotiating with special
8 interests in a way that may unduly enlarge the voice and power of
9 those interests;

10 (19) therefore, the state needs a comprehensive ethics
11 program that responds to the challenges of the contemporary political
12 climate, preserves and protects the integrity of the legislative
13 process, and respects the needs of those who serve the legislature.

14 Sec. 24.61.020. PREAMBLE TO STATEMENT OF ETHICAL PRINCIPLES.
15 AS 24.61.025 - 24.61.060 state the overarching ethical principles of
16 legislative ethics. They are, by nature, broader and more philosoph-
17 ical than the standards of conduct and, therefore, not amenable to
18 strict enforcement. Their purpose is not to provide additional bases
19 of punishment, but to establish the theoretical and moral foundation
20 for the standards of conduct and to provide explicit guidance and
21 direction for those who wish to follow the ethical high road, not
22 simply out of fear of punishment but out of commitment and conscience.
23 These principles also establish criteria for interpretation and en-
24 forcement of the principles themselves and the standards of conduct
25 that follow. The principles shall be regarded as an integral part of
26 this chapter.

27 Sec. 24.61.025. PRINCIPLE OF GOOD FAITH. Each provision of this
28 chapter shall be construed and implemented with sincerity, integrity,
29 and a good faith commitment to advance rather than evade the purpose

1 and spirit of the provision.

2 Sec. 24.61.030. PRINCIPLE OF NONPARTISANSHIP. All actions,
3 decisions, and votes on matters relating to this chapter shall be made
4 on their merits. Decisions shall be made objectively and independent-
5 ly, and without party, regional, or ideological partisanship.

6 Sec. 24.61.035. PRINCIPLES OF PUBLIC TRUST. (a) Legislators
7 and legislative employees shall act so as to ensure the reality and
8 perception that the legislature is conducted according to the highest
9 principles of representative democracy and is worthy of public re-
10 spect, trust, and support.

11 (b) Legislators and legislative employees may not engage in
12 conduct that they know or reasonably should know is likely to create
13 in the minds of reasonable, objective, fair-minded observers the
14 perception that they have used their public position improperly or
15 otherwise have not conducted themselves in accordance with the ethical
16 principles and standards of conduct of this chapter.

17 Sec. 24.61.040. PRINCIPLES OF PUBLIC INTEREST. (a) Legislators
18 and legislative employees shall treat their government positions as a
19 public trust, using the powers and resources of public office only to
20 advance public interests, and not to attain personal benefits or
21 pursue other private interests incompatible with the public good.

22 (b) In pursuing the public interest, legislators and legislative
23 employees shall scrupulously observe and abide by the United States
24 and Alaska constitutions, all applicable laws, and democratic pro-
25 cesses.

26 (c) In pursuing the public interest, legislators and legislative
27 employees should

28 (1) put loyalty to democratic principles and to their
29 conscientious convictions about the overall public good above loyalty

1 to political party, narrow constituency, and individual interests that
2 are inconsistent with the general public interest;

3 (2) allocate public funds and formulate general public
4 policies only after evaluating information objectively and deciding
5 what is best for the public as a whole, not just for a narrow constit-
6 uency;

7 (3) take whatever steps are necessary to safeguard and
8 protect the reputation of state government and the integrity and
9 efficiency of their office, subordinating the interests of superiors,
10 colleagues, and friends to the interests of the state.

11 Sec. 24.61.045. PRINCIPLE OF ACCOUNTABILITY. Legislators and
12 legislative employees shall ensure that government is conducted open-
13 ly, efficiently, equitably, and honorably in a manner that permits the
14 citizenry to make informed judgments and hold government officials
15 accountable.

16 Sec. 24.61.050. PRINCIPLE OF REPRESENTATIVE DEMOCRACY. (a)
17 Legislators and legislative employees shall honor and respect the
18 principles and spirit of representative democracy and set a positive
19 example of good citizenship by scrupulously observing the letter and
20 spirit of laws and rules.

21 (b) A legislator or legislative employee may not knowingly use
22 improper artifices or schemes to circumvent the clear purpose this
23 chapter or another law, use procedural powers or processes in a way
24 that prevents appropriate consideration of a matter, or exercise
25 leadership authority and power arbitrarily, arrogantly, or in another
26 way that violates the spirit of representative democracy.

27 Sec. 24.61.055. PRINCIPLE OF RESPECTABILITY; CONDUCT BEFITTING
28 THE LEGISLATURE. Legislators and legislative employees shall safe-
29 guard public confidence in the integrity of government by not engaging

1 in conduct that prevents them from carrying out their public duties or
2 that unreasonably casts discredit on the legislature.

3 Sec. 24.61.060. PRINCIPLE OF INDEPENDENT JUDGMENT. (a) Legis-
4 lators and legislative employees shall employ independent objective
5 judgment in performing their duties, deciding all matters on the
6 merits.

7 (b) Legislators and legislative employees should avoid trans-
8 actions and relationships that create conflicts of interest and both
9 real and apparent improper influences. Where the interests and influ-
10 ences are unavoidable, legislators and legislative employees shall
11 subordinate other interests to their public duties.

12 ARTICLE 2. STANDARDS OF CONDUCT.

13 Sec. 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN: GENERAL
14 PRINCIPLE. Inherent in the concept that public office is a public
15 trust is the principle that legislators and legislative employees
16 refrain from using or attempting to use their government position to
17 attain

18 (1) personal financial gain, other than official legisla-
19 tive compensation;

20 (2) undue personal benefits, advantages, or privileges not
21 available to the public at large, either for themselves or members of
22 their immediate families;

23 (3) undue private benefit for social or business associ-
24 ates, political contributors, corporations, or other organizations in
25 which the public servant is involved; or

26 (4) narrow political advantages where the use of office is
27 inconsistent with the obligation to use public office only to advance
28 the public interest.

29 Sec. 24.61.110. IMPROPER BENEFIT FROM PERFORMANCE OF PUBLIC

1 DUTIES. (a) A legislator or legislative employee may not solicit,
2 agree to accept, or accept a benefit other than official compensation
3 for the performance of public duties. This subsection may not be
4 construed to prohibit lawful solicitation for and acceptance of cam-
5 paign contributions or the acceptance of a lawful gratuity under
6 AS 24.61.350. A person who violates this subsection is guilty of
7 receiving unlawful gratuities under AS 11.56.120 and is subject to
8 civil sanctions under AS 24.61.560(a).

9 (b) A legislator or legislative employee may not accept anything
10 of value under circumstances where the legislator or legislative
11 employee knows or reasonably should know that it is offered with the
12 intent to influence legislative, administrative, or political action.
13 A person who violates this subsection is guilty of receiving a bribe
14 under AS 11.56.110 and is subject to civil sanctions under AS 24.61.-
15 560(a).

16 Sec. 24.61.120. DUTY TO REPORT IMPROPER OFFERS. (a) Legisla-
17 tors and legislative employees who receive an offer that reasonably
18 appears to have been intended to improperly influence legislative,
19 administrative, or political action, shall firmly and unequivocally
20 reject the offer and caution the person making it about a possible
21 violation of bribery laws.

22 (b) If the attempt to improperly influence is clear, the person
23 receiving the offer shall report it to law enforcement authorities.

24 (c) A person who violates this section is subject to the civil
25 sanctions authorized under AS 24.61.560(a).

26 Sec. 24.61.130. MISUSE OF STATE PROPERTY AND RESOURCES FOR
27 PRIVATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
28 employee may not use public funds, time, facilities, equipment, mail-
29 ing lists, computer data, services, or any other government asset or

1 resource for a nongovernmental purpose or for the private gain or
2 advantage of either the legislator, legislative employee, or another
3 person. This subsection does not prohibit (1) the occasional and
4 limited use of state property and resources for personal purposes if
5 the use does not interfere with the performance of public duties, the
6 cost or value related to the use is so nominal that reimbursement
7 procedures would not be justified, and the use does not create the
8 appearance of impropriety or improper influence; or (2) the use of
9 mailing lists, computer data, or other information lawfully obtained
10 from a government agency and available to the public for nongovern-
11 mental purposes. A person who violates this subsection is subject to
12 civil sanctions under AS 24.61.560(a) and may be prosecuted for theft
13 under AS 11.46.

14 (b) A legislator or legislative employee may not seek, accept,
15 use, allocate, grant, or award public funds for a purpose other than
16 that approved by law, or make a false statement in connection with a
17 claim, request, or application for compensation, reimbursement, or
18 travel allowances from public funds. A person who violates this
19 subsection is subject to the civil sanctions authorized under AS 24.-
20 61.560(a) in addition to appropriate criminal penalties under another
21 law.

22 (c) A legislator or legislative employee may not require a
23 legislative employee on government time to perform personal services
24 or assist in a private activity. This subsection does not authorize
25 an employee on government time to perform services for the private
26 gain or advantage of the legislator or legislative employee. A person
27 who violates this subsection is subject to civil sanctions under
28 AS 24.61.560(a).

29 (d) Notwithstanding (c) of this section, a legislator or legis-

1 legislative employee may require a legislative employee on government time
2 to perform personal errands on an infrequent basis when those errands
3 are reasonably related to the official duties of the legislator or
4 legislative employee, including the legislator's or employee's need to
5 spend time on official duties that would otherwise be consumed in
6 doing the errands.

7 Sec. 24.61.140. MISUSE OF STATE PROPERTY AND RESOURCES FOR
8 POLITICAL PURPOSES. (a) It is the intent of this section to ensure
9 that public resources, including funds, facilities, and personnel are
10 used only for the good of the public at large and not to further
11 partisan campaign purposes or to influence the outcome of an election;
12 that elections are fair and open and not distorted by the use of
13 public resources to the advantage of individual candidates; and that
14 taxpayers are not forced to subsidize the campaign of an incumbent
15 legislator.

16 (b) A legislator or legislative employee may not use or author-
17 ize the use of public funds, time, facilities, equipment, mailing
18 lists, computer data, services, or another government asset or re-
19 source for the purpose of political fund raising, campaigning, to
20 influence the election of a candidate in an election. This subsection
21 does not prohibit the use of mailing lists, computer data, or other
22 public information lawfully obtained from a government agency and
23 available to the general public for nongovernmental purposes. A
24 person who violates this subsection may be prosecuted for theft under
25 AS 11.46.

26 (c) A legislator or legislative employee may not require a
27 legislative employee on government time to assist in political party
28 activities, campaigning, fund raising, or other partisan or personal
29 political activities.

1 (d) The legislative council shall adopt policies relating to a
2 legislator's use of public funds for the production of printed flyers,
3 newsletters, or similar publications for distribution to the legisla-
4 tor's constituents. The policies must address the form and content of
5 these publications and must include a requirement that the publica-
6 tions include

7 (1) a brief description of the nature of each bill intro-
8 duced by the legislator as a prime sponsor;

9 (2) an identification of significant bills voted on by the
10 legislator's house and the vote of the legislator; and

11 (3) the name of each significant contributor to the legis-
12 lator's campaign.

13 (e) Unless superseded by policies relating to the use of govern-
14 ment resources for political purposes developed by the legislative
15 council and adopted by the commission under AS 24.61.160, the follow-
16 ing prohibitions apply:

17 (1) a legislator may not use or authorize the use of public
18 funds, property, time, personnel, or other resources to produce,
19 print, photocopy, publish, broadcast, or otherwise disseminate mater-
20 ial primarily intended to influence the election of a candidate in an
21 election; this provision applies to newsletters and other constituent
22 correspondence that by their nature, content, timing, or use are
23 intended to influence an election, even if the materials do not make a
24 specific reference to the election, but does not apply to newsletters
25 and other constituent correspondence that express the legislator's
26 opinions or views on issues before the legislature, or that describe
27 the legislator's votes, legislative proposals, or other legislative
28 action.

29 (2) unless approved by the commission, public funds may not

1 be used to print or distribute a mass mailing from or about a
2 legislator who is a candidate for reelection to the legislature or
3 another state office during the period beginning 60 days before the
4 primary election in which the legislator is a candidate, and ending
5 the day after a general or special election in which the legislator is
6 a candidate;

7 (3) a legislator, or another person on behalf of the legis-
8 lator, or a campaign committee of the legislator, may not solicit or
9 accept or authorize the solicitation or acceptance of, a campaign
10 contribution in a facility or office ordinarily used to conduct state
11 government business; this provision applies to telephone conversa-
12 tions, personal meetings, and solicitations by mail; if an unsolicited
13 contribution is offered it shall be refused or returned promptly; if
14 an unsolicited contribution is received in the mail, or a lawfully
15 solicited contribution is misdirected to an office ordinarily used to
16 conduct state business, if otherwise lawful it may be accepted but it
17 may not be processed in that office and it shall be delivered promptly
18 to an appropriate location;

19 (4) a legislator, or another person on behalf of the legis-
20 lator, or a campaign committee of the legislator, may not distribute
21 or post literature, placards, posters, or other communications de-
22 signed to influence the election of a candidate in an election in a
23 facility or office ordinarily used to conduct state government busi-
24 ness.

25 (f) Except for a person who violates (e)(1) of this section and
26 whose conduct may be prosecuted as theft under AS 11.46, a person who
27 violates (c) or (e)(1) - (3) of this section or a regulation relating
28 to those provisions adopted under AS 24.61.160 is guilty of a class A
29 misdemeanor.

1 (g) In addition to criminal penalties, a person who violates
2 this section or a regulation relating to this section is subject to
3 civil sanctions under AS 24.61.560(a).

4 Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM
5 IMPROPER TASKS. (a) A legislative employee who knows or reasonably
6 should know that the employee has been asked to perform a personal or
7 political task in violation of AS 24.61.100 - 24.61.460 shall refuse
8 to perform it.

9 (b) If a legislator or legislative employee with supervisory
10 authority persists in requesting or demanding that a legislative
11 employee perform prohibited tasks, or if reprisals are threatened or
12 sanctions imposed as a result of the refusal to perform prohibited
13 tasks, the legislative employee subjected to the requests, threats, or
14 sanctions shall report the matter to the commission.

15 (c) A person who violates this section is subject to the civil
16 sanctions authorized under AS 24.61.560(a).

17 Sec. 24.61.160. REGULATIONS CONCERNING USE OF PUBLIC RESOURCES.
18 (a) The legislative council shall develop and recommend for adoption
19 by the commission detailed regulations relating to the use of govern-
20 ment property, resources, and personnel. The legislative council
21 shall annually review the regulations and recommend necessary changes
22 to the commission.

23 (b) If the legislative council fails to make recommendations for
24 the adoption or modification of regulations under (a) of this section,
25 the commission shall develop and adopt the regulations on its own
26 initiative.

27 Sec. 24.61.170. USE OF NONPUBLIC INFORMATION FOR PRIVATE GAIN.
28 (a) A legislator or legislative employee may not use or disclose
29 nonpublic information acquired in the course of and by reason of

1 legislative service to obtain a benefit for the legislator or employee
2 or another person, including a person with whom the legislator or
3 legislative employee is associated or has negotiated prospective
4 employment. This subsection does not allow the disclosure of informa-
5 tion made confidential by law.

6 (b) A person who violates this section is guilty of a class A
7 misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

8 Sec. 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRI-
9 VATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative
10 employee may not use or aid, induce, cause, or encourage others to
11 use, the authority, title, official letterhead, or prestige of the
12 legislator's or legislative employee's office for the benefit of the
13 legislator or legislative employee.

14 (b) A legislator or legislative employee may not solicit or
15 accept anything of value under terms and conditions where the compen-
16 sation is not commensurate with the services performed or where a
17 reasonable person would believe that the authority, title, or prestige
18 of office had been exploited.

19 (c) A legislator or legislative employee may not endorse commer-
20 cial products by agreeing to use official letterhead or their title in
21 paid advertisements, unless the endorsement is for a public purpose
22 and the member receives no compensation.

23 (d) Nothing in this section may be construed to prohibit appro-
24 priate uses of official letterhead. The legislative council shall
25 adopt a written definition of "official letterhead" and its appropri-
26 ate uses, which must include, but are not limited to, letters of
27 recommendation for employment, scholarships, fellowships, internships,
28 entry into educational institutions, appointments to boards or commis-
29 sions, and honorary awards.

1 (e) Nothing in this section may be construed to prohibit the use
2 of a legislator's official title as a part of a political campaign or
3 political endorsement.

4 (f) A person who violates this section is subject to civil
5 sanctions under AS 24.61.560(a) in addition to appropriate criminal
6 penalties under another law.

7 Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF
8 PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE EMPLOYEES. (a) A
9 legislative employee or person who has served as a member of the
10 legislature may not, within one year after the termination of the
11 person's legislative service, use or disclose nonpublic information to
12 obtain a benefit for the former legislator or employee or for another
13 person. This subsection does not allow the disclosure at any time of
14 information made confidential by law.

15 (b) Legislators and legislative assistants may not, for a period
16 of one year after leaving office or legislative employment, act as a
17 lobbyist before the legislature. In this subsection, "lobbyist"

18 (1) means a person who is required to register with the
19 Alaska Public Offices Commission under AS 24.45.041 and is described
20 under AS 24.45.171(8)(A); and

21 (2) does not include a volunteer lobbyist described in
22 AS 24.45.161(a)(1) or a representational lobbyist as defined under
23 regulations of the Alaska Public Offices Commission.

24 (c) A former legislator, within one year after leaving office,
25 may not solicit or accept compensation of any sort under terms and
26 conditions where the compensation is not commensurate with the ser-
27 vices performed or where a reasonable person would believe that the
28 stature of office had been exploited.

29 (d) In extraordinary situations, a former legislator or legisla-

1 tive employee may seek a waiver of a provision of this section under
2 AS 24.61.530.

3 (e) A person who violates (a) - (c) of this section is guilty of
4 a class A misdemeanor and is subject to civil sanctions under AS 24.-
5 61.560(a).

6 Sec. 24.61.200. USE OF CAMPAIGN FUNDS: INTENT. Because the
7 right to solicit and accept funds from the public for the purpose of
8 supporting a person's campaign for office is purely an incident of our
9 democratic political system, the use that can properly be made of
10 campaign funds must be sharply limited to prevent actual misuse and
11 improper appearances of misuse of funds. Legislative campaign funds
12 are received, free of tax liability to the recipient, for the specific
13 purpose of assisting a candidate to get elected or reelected to of-
14 fice. Any other use of funds, whether for personal gain or other
15 purposes not closely related to bona fide campaign expenditures, is
16 improper.

17 Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS. Campaign funds
18 may be used only to advance the interests of the campaign. Campaign
19 funds may be properly expended for an otherwise lawful purpose intend-
20 ed to influence voters to elect or reelect the legislative candidate
21 to the legislature including, but not limited to: payment of staff
22 and consultants; rental of space and equipment for a campaign office;
23 purchase of media time and space; design work; printing of campaign
24 materials; postage; taking polls and interpreting them; telephone
25 installation and usage; costs of distribution of materials; advertis-
26 ing in organizational and club bulletins or other brochures; inscribed
27 promotional materials, including buttons, pencils, pens, and items of
28 clothing; necessary travel and related expenses for the candidate and
29 members of the candidate's staff or immediate family provided that the

1 travel and lodging are directly related to attempts to raise campaign
2 funds or influence voters; victory and thank you celebrations; news-
3 letters and mass mailings promoting the candidate; and payment of
4 attorney fees and other legal expenses incurred in the defense of a
5 civil, criminal, or administrative action arising directly out of the
6 conduct of the campaign or election process or out of the performance
7 of official actions taken as part of a candidate's governmental activ-
8 ities and duties.

9 Sec. 24.61.205. PROHIBITED USES OF CAMPAIGN FUNDS. (a) A
10 candidate for the legislature may not

11 (1) use funds raised and designated as campaign funds for
12 the personal benefit of the candidate or another person, or for legal
13 defense costs arising from civil, criminal, or administrative actions
14 based on conduct not pertaining to the campaign or official duties;

15 (2) convert surplus campaign funds or interest earned on
16 campaign funds to personal income;

17 (3) seek or claim a tax deduction or other economic benefit
18 for surplus funds disbursed to a charity under law.

19 (b) A legislative candidate may not borrow from campaign funds
20 or loan them to another person or group.

21 (c) A legislative candidate, or another person on behalf of the
22 legislative candidate, or a campaign committee of the legislative
23 candidate, may not knowingly pay more than the fair market value for
24 goods or services purchased for the campaign.

25 (d) [Funds should not be used in a way that would create in the
26 mind of a reasonable person the belief that the funds are for the
27 personal financial benefit of the candidate or the candidate's immedi-
28 ate family, or to unjustly enrich another person.] Campaign funds may
29 not be paid to a member of the candidate's immediate family as ar.

1 employee or for goods or services provided to the campaign unless the
2 amounts paid do not exceed the fair market value of the goods or
3 services provided. Excess amounts paid to family members shall be
4 treated as an improper conversion of campaign funds to personal use.

5 (e) Except for funds received or postmarked before a general or
6 special election, a legislative candidate who has won office, and a
7 committee related to the election, may not accept campaign contribu-
8 tions. A post-election contribution *shall* be treated as an illegal
9 gratuity and must be returned.

10 (f) A legislative candidate and a committee controlled by a
11 legislative candidate may not use campaign funds to make a contribu-
12 tion to another candidate running for office or to a committee sup-
13 porting or opposing a candidate for office.

14 (g) Campaign funds may not be used to pay fines or other mone-
15 tary penalties or costs assessed against a candidate by a court or
16 other body, unless the fine, penalty, or cost is assessed as a result
17 of proscribed actions by a member or employee of a campaign committee
18 or another person acting on behalf of the candidate under circum-
19 stances where the candidate did not know of or have reason to know of
20 those actions.

21 (h) A person who violates this section is guilty of a class A
22 misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

23 Sec. 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. (a) If
24 a legislative candidate ceases to be a candidate or if there remains a
25 balance in the account of the candidate or a committee controlled by
26 the candidate after the date of the election, unexpended funds in
27 excess of the amount allowed under (b) of this section may only be
28 used as provided in (1) - (5) of this subsection or to pay for a
29 victory or thank you party. Within 60 days after the end of the

1 candidacy or the election, unexpended funds shall be

2 (1) used to retire bona fide loans supported by written
3 documentation including loans made to a campaign by the legislative
4 candidate or a member of the candidate's immediate family provided
5 that all other outstanding loans are paid first;

6 (2) returned on a pro rata basis to those who have made
7 contributions in excess of \$100 in the aggregate a year;

8 (3) donating the funds to the general fund of the state or
9 of a municipality;

10 (4) donated to one or more charitable organizations that
11 qualify for a federal tax exemption provided that the charity is not
12 one that is controlled by the candidate or a member of the candidate's
13 immediate family or in which the candidate or a member of the candi-
14 date's immediate family is personally involved as a director, trustee,
15 member of the board, officer, or other position of responsibility;

16 (5) transferred to an ongoing political account controlled
17 by the candidate, but only in the amounts and according to the re-
18 quirements set out in (b) of this section; or

19 (6) transferring the funds, in an amount not to exceed
20 \$1,000, to a legislative office account for expenditures qualifying as
21 business expenses under 26 U.S.C. 162.

22 (b) A maximum of \$2,500 for candidates for the house and \$5,000
23 for candidates for the senate of surplus campaign funds may be trans-
24 ferred to an ongoing political account controlled by the candidate.

25 (c) Funds carried over under this section may be expended for
26 any political purpose for which campaign funds can otherwise properly
27 be used, but they may not be used for a campaign for an office other
28 than the state legislature.

29 Sec. 24.61.220. PAYMENT OF LEGAL EXPENSES; LEGAL EXPENSE FUNDS.

1 (a) A legislative candidate, legislator, or legislative employee may
2 establish a legal defense fund to assist with the payment of attorney
3 fees and other costs arising from the legislator's or employee's
4 defense of a civil, criminal, or administrative action brought against
5 the legislator or employee. Contributions to a legal defense fund
6 that meet the requirements of this section are not subject to the
7 restrictions in AS 24.61.350.

8 (b) A legislative candidate, legislator, or legislative employee
9 who wishes to establish a legal expense fund account shall file a
10 statement of organization for the legal expense fund with the commis-
11 sion. The statement of organization must identify the specific civil,
12 criminal, or administrative proceeding or proceedings for which the
13 legal expense fund is established.

14 (c) The legal expense fund shall establish a single account at
15 an office of a financial institution located in the state. A donation
16 to the candidate, legislator, or legislative employee for legal expen-
17 ses shall be deposited into that account if the donation meets the
18 requirements of (d) of this section.

19 (d) Only a donation that is specifically designated by the donor
20 as being for the legal expense fund and is made payable to the legal
21 expense fund may be deposited in the legal expense fund account. A
22 donation that the recipient believes is intended for the legal defense
23 fund but that does not meet the requirements of this subsection shall
24 be returned to the donor.

25 (e) Expenditures from the legal expense fund account may be made
26 only for legal costs directly related to the civil, criminal, or
27 administrative proceeding or proceedings for which the legal expense
28 fund is established. Expenditures from the legal expense fund account
29 may not be used to pay or reimburse fines, penalties, judgments, or

1 settlements in connection with a criminal prosecution or a civil or
2 administrative action in which the legislative candidate, legislator,
3 or legislative employee is found to have committed, or admits to
4 having committed a violation of the law.

5 (f) Surplus funds remaining in the legal expense fund account
6 after the proceeding or proceedings for which the account is estab-
7 lished have concluded may not be used for another purpose. These
8 funds shall, within six months after the conclusion of the proceeding
9 or proceedings, be

10 (1) returned to donors on a pro rata basis as to contribu-
11 tions in excess of \$100 in the aggregate;

12 (2) given to the state or to a municipality; or

13 (3) given to a charitable organization that meets the
14 requirements of AS 24.61.210(a)(4).

15 (g) This section constitutes the sole means for soliciting or
16 accepting donations for legal costs described in this section that may
17 not be paid from campaign funds. Except for AS 24.61.240(b) and (c),
18 the provisions of this chapter relating to the solicitation and accep-
19 tance of campaign funds apply to the solicitation and acceptance of
20 funds under this section. The commission may adopt regulations limit-
21 ing the dollar amount of contributions under this section and shall
22 adopt regulations requiring the disclosure of donors to a legal de-
23 fense fund.

24 (h) Funds received from fundraising events must be clearly
25 designated in advance as either for campaign purposes or for the legal
26 expense fund and all proceeds shall be dealt with accordingly.

27 (i) A person who violates this section is guilty of a class A
28 misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

29 Sec. 24.61.230. IMPROPER COERCION. (a) Legislators wield

1 substantial power and influence and it is essential that constituents
2 and others interested in their legislative, administrative, and polit-
3 ical actions have, and believe they have, a fair and adequate oppor-
4 tunity to express their concerns, grievances, and ideas without regard
5 to their willingness or ability to provide personal benefits, contrib-
6 ute to particular charitable causes favored by a legislator, or pro-
7 vide financial or other forms of political support.

8 (b) A legislator may not, directly or through another acting on
9 the legislator's behalf, make favorable consideration of or
10 causes dependent on a citizen's direct willingness to provide funds
11 for a campaign contribution, funds for another cause favored by the
12 legislator, or a thing of value.

13 (c) A legislator may not directly or through others acting on
14 the legislator's behalf,

15 (1) agree to, or threaten to take or withhold a legisla-
16 tive, administrative, or political action, including but not limited
17 to support or opposition to a bill, employment, nominations, and
18 appointments, as a result of a person's decision to provide or not
19 provide a political contribution;

20 (2) state or imply that the legislator will perform or
21 refrain from performing a lawful constituent service as a result of a
22 person's decision to provide or not provide a political contribution;

23 (3) agree to or participate in a scheme or plan intended to
24 evade the requirements of this chapter, a regulation adopted under
25 this chapter, or another financial disclosure provision of state law;
26 or

27 (4) knowingly accept a contribution given or offered in
28 violation of this chapter.

29 (d) Unless the conduct violates a provision of AS 11 and the

1 person is subject to prosecution under that provision, a person who
2 violates (b) or (c) of this section is guilty of a class A misde-
3 meanor.

4 (e) In addition to criminal penalties, a person who violates
5 this section is subject to civil sanctions under AS 24.61.560(a).

6 Sec. 24.61.240. FUNDRAISING LIMITATIONS. (a) Because the
7 process of campaign fundraising involves activities that take great
8 amounts of time and energy and that tend to place legislators in
9 situations rife with the potential for conflicts of interest, it is
10 the intent of this section that fundraising should be limited in ways
11 that permit legislators to concentrate their attention on public
12 matters.

13 (b) A legislator may not, either directly, through a campaign
14 committee, or other means, solicit or accept a campaign contribution
15 or a promise or pledge to make a contribution while the legislature is
16 in regular session.

17 (c) A legislator or a candidate for the legislature may not,
18 either directly, through a campaign committee, or other means, solicit
19 or accept a campaign contribution or a promise or pledge to make a
20 contribution relating to candidacy for the legislature in an election
21 other than a special election under AS 15.40 except during the follow-
22 ing periods:

23 (1) legislators and other incumbent elected public offi-
24 cials intending to run for the legislature may raise funds from June 1
25 until December 31 in the year before the year of an election in which
26 they intend to be a candidate, and from June 1 through the final
27 election in November in the year of the election; in this paragraph,
28 "public official" means a person required to file a campaign disclo-
29 sure statement under AS 15.13;

1 (2) candidates for the legislature who are not in public
2 office at the time of their candidacy may raise funds from June 1 in
3 the year before the year of an election in which they intend to be a
4 candidate through the final election in November in the year of the
5 election.

6 (d) This section does not prohibit a legislator from making an
7 otherwise lawful contribution or from attending an otherwise lawful
8 fund raising activity at any time.

9 (e) A person who violates (b) or (c) of this section is guilty
10 of a class A misdemeanor and is subject to civil sanctions under
11 AS 24.61.560(a).

12 Sec. 24.61.250. GENERAL OBLIGATION TO AVOID CONFLICTS OF INTER-
13 EST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS.
14 Legislators and legislative employees shall safeguard their ability to
15 make independent, objective, fair, and impartial judgments by avoiding
16 financial relationships and transactions that may compromise or give
17 the appearance of compromising their objectivity, independence, or
18 honesty.

19 Sec. 24.61.255. FINANCIAL CONFLICTS OF INTEREST DEFINED. A
20 financial conflict of interest exists when a person or a member of
21 that person's immediate family has substantial financial interests
22 that may be materially affected by an official action or decision they
23 might make. The interest must be so substantial and the potential
24 effect on that interest must be so material that a reasonable person
25 is likely to believe that the ability of the person with the financial
26 interest to make an objective, fair, and impartial professional judg-
27 ment will be impeded by self-interest. It is not a conflict of inter-
28 est as to a specific matter if

29 (1) the person's economic interest is not substantial;

1 (2) the person's authority in relation to the interest is
2 such that an action or decision is not likely to materially affect the
3 financial interest; or

4 (3) the economic effect an official action or decision
5 might have on a person's private financial interests is no greater
6 than the effect on a substantial class of persons to which the person
7 belongs as a member of a profession, occupation, industry, or region.

8 Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRA-
9 TIVE, OR POLITICAL ACTION DEFINED. Conflicts of interest arise most
10 often and are most serious when a legislator or legislative employee
11 has a financial or personal relationship with other persons, including
12 governmental entities, that have a substantial interest in legisla-
13 tive, administrative, or political action. Persons, including govern-
14 mental entities, have a substantial interest if they

15 (1) are regulated by the legislature;

16 (2) provide goods or services to the legislature for com-
17 pensation or profit;

18 (3) seek employment in the legislative branch or a govern-
19 ment agency or in a private organization in which a legislator or
20 legislative employee is likely to have, or reasonably appears to have,
21 the ability to influence an employment decision;

22 (4) will be directly and substantially affected, either
23 financially or personally, by a legislative, administrative, or polit-
24 ical action in a way that is greater than the effect on a substantial
25 class of persons to which the person belongs as a member of a profes-
26 sion, occupation, industry, or region;

27 (5) have or seek contracts for goods or services with an
28 agency of state government;

29 (6) are registered lobbyists;

1 (7) employ registered lobbyists; or

2 (8) represent, with or without compensation, a person or
3 organization described in (1) - (7) of this section.

4 Sec. 24.61.265. CLOSE ECONOMIC ASSOCIATION DEFINED. "Close
5 economic association" refers to a financial relationship between two
6 or more persons that creates economic interests in a legislator or
7 legislative employee that either (1) conflict with public duties and
8 the obligation to exercise objective independent judgment; or (2)
9 create the appearance that the person may have undue access to confi-
10 dential information or otherwise receive favored treatment regarding
11 public actions. "Close economic association" includes, but is not
12 limited to, relationships involving compensation as an employee,
13 agent, representative, counselor, adviser, or consultant, including
14 professional services as between a lawyer and client or a financial
15 planner and a client; a financial interest resulting from an invest-
16 ment, business enterprise, or interest in real property as a partner,
17 investor, associate, or major stockholder; a landlord and tenant or
18 co-tenants sharing housing expenses; a debt, loan, or loan guarantee;
19 or another relationship in which a legislator or legislative employee
20 has a substantial economic involvement with another person. In this
21 section, "person" includes governmental entities.

22 Sec. 24.61.270. DEALING WITH FINANCIAL CONFLICTS. Except in the
23 relatively few cases in which certain transactions or relationships
24 are banned by this chapter or where divestiture will be ordered by the
25 commission, conflicts of interest are dealt with primarily as a matter
26 of required public disclosure and voluntary restraint.

27 Sec. 24.61.275. CLOSE PERSONAL RELATIONSHIP DEFINED. A close
28 personal relationship is a special relationship between a legislator
29 or legislative employee and another person that creates strong bonds

1 of loyalty, friendship, or love that could potentially conflict with
2 public duties and the obligation to exercise objective independent
3 judgment or create the appearance that the person may have undue
4 access to confidential information or otherwise receive favored
5 treatment regarding public actions. A close personal relationship in-
6 cludes, but is not limited to, immediate family, long-term personal
7 friends, or former business associates, and persons with whom the
8 legislator or legislative employee has a significant and continuous
9 romantic relationship.

10 Sec. 24.61.280. DEALING WITH PERSONAL RELATIONSHIP CONFLICTS OF
11 INTEREST. Except in the very few cases where certain relationships
12 give rise to specific legal limitations, such as the ban on nepotism,
13 personal relationship conflicts are not restricted or subject to
14 mandatory disclosure. However, this makes them no less damaging to
15 public trust. Close relationships that raise potential conflicts may
16 be unavoidable but legislators and legislative employees shall ensure
17 that they take no official actions under circumstances where the
18 personal relationship actually impedes the ability to make an indepen-
19 dent objective judgment on the merits. Legislators and legislative
20 employees may, but are not required to, disclose to the commission the
21 nature of relationships that might create appearances of impropriety
22 and seek informal or formal advice.

23 Sec. 24.61.290. RESTRICTED RELATIONSHIPS: NEPOTISM. (a) A
24 member of the immediate family of a legislator may not be employed for
25 compensation

26 (1) in the house of which the legislator is a member during
27 the legislative session;

28 (2) in either house in the interim between legislative
29 sessions; or

1 (3) by the commission, whether for compensation or not, at
2 any time.

3 (b) A member of the immediate family of a legislative employee
4 may not be employed for compensation in a position over which the
5 employee has supervisory authority.

6 (c) In cases where a member of the immediate family of a legis-
7 lator or legislative employee is uniquely qualified to perform a task,
8 or another extraordinary circumstance exists under which it would be
9 in the state's interest to waive the limitation of this section, an
10 exemption may be sought from and granted by the commission.

11 (d) For purposes of this section, a legislator is not an employ-
12 ee of the legislature.

13 (e) A person who violates this section is subject to the civil
14 sanctions authorized under AS 24.61.560(a).

15 Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLA-
16 TORS, AND LEGISLATIVE EMPLOYEES. (a) A registered lobbyist may not
17 serve as a campaign manager or director, serve as a campaign treasurer
18 or deputy campaign treasurer on a finance or fund-raising committee,
19 host a fund-raising event, or otherwise engage actively in the fund-
20 raising activity of a legislative campaign or for a legal expense fund
21 under AS 24.61.220. Although this subsection prohibits a lobbyist
22 from engaging in all forms of fund raising, it may not be construed to
23 prohibit a lobbyist from making personal contributions to or person-
24 ally advocating on behalf of a candidate.

25 (b) Legislators and legislative employees who have a close
26 economic association with a registered lobbyist shall make a written
27 disclosure of the association in confidence to the commission. The
28 disclosure shall be made during the first week of each session. If a
29 legislator or legislative employee is not in office or employed during

1 the first week of the session, or if the association did not exist
2 during the first week of the session, the disclosure shall be made
3 within 30 days after taking office or being employed or the creation
4 of the association.

5 (c) The written disclosure must state the name of the persons
6 involved, the nature of the association, and a brief narrative of the
7 matters the legislator or legislative employee is working on that
8 could create an actual conflict of interest. If the commission re-
9 quests additional information it shall be promptly provided.

10 (d) The commission shall make a determination as to whether the
11 association creates a conflict of interest that warrants restrictions
12 or disclosure. After making the determination, the commission may
13 elect to

- 14 (1) keep the matter confidential;
15 (2) recommend some restriction in the activities; or
16 (3) order full or partial disclosure in the journal of the
17 appropriate body.

18 (e) A legislator or legislative assistant may not provide per-
19 sonal services for compensation for or on behalf of a registered
20 lobbyist or a business entity retained to lobby, and may not have a
21 financial interest in a business that receives a substantial part of
22 its income from lobbyists and business entities retained to lobby.

23 (f) A person who violates this section is subject to the civil
24 sanctions authorized under AS 24.61.560(a) and other penalties au-
25 thorized under AS 24.45 (regulation of lobbying).

26 Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS.

27 (a) A legislator or legislative employee may not serve on a governing
28 or advisory board of an organization that regularly has a substantial
29 interest in the legislative, administrative, and political actions of

ALASKA LEGISLATIVE ETHICS ACT OF 1990
Guidelines and Commentary

Article 1. Legislative Findings and Ethical Principles

GENERAL

1. Structure. This Alaska Legislative Ethics Act (ALEA) has three major components:

(a) Ethical Principles and Standards of Conduct -- a comprehensive declaration of the ethical principles inherent in legislative activities along with specific standards of conduct and rules of disclosure expressed in the form of legislative rules, civil laws and criminal offenses which make these obligations binding and enforceable; provisions and interpretative directives in these guidelines and commentary are an intrinsic part of this law.

(b) Legislative Ethics Commission -- an independent public commission is established to implement the Legislative Ethics Act.

(c) Continuous Mandatory Educational Program -- creates a mandatory ongoing educational program for legislators, legislative staff and lobbyists to assure that the legal requirements and ethical expectations embodied in it, as well as the principles and values that underlie them, are known and understood.

2. Types of Provisions. The Statement of Ethical Principles, Standards of Conduct & Guidelines contain three types of provisions:

(a) Legislative Rules and Directives -- the overarching principles and some specific provisions establish internal rules and directives for behavior, the violation of which may subject the violator to administrative sanctions imposed by the legislature through the processes established. They do not provide the basis for a separate civil or criminal charge.

(b) Civil Laws -- some provisions establish legal obligations that give rise to civil liability and court-ordered sanctions. Such actions may be brought by the attorney general's office or by a private citizen.

(c) Criminal Offenses -- some provisions establish criminal offenses enforceable as other criminal laws in the Alaska courts.

3. Strict Compliance is Expected. As codified in AS 24.61.920, legislators and legislative employees in civil and administrative actions will be held strictly to the provisions and spirit of the principles and standards of this act as explained and amplified in the guidelines and commentary. Except in extraordinary circumstances, persons will not be permitted to assert a lack of knowledge or understanding as a defense to a charge of misconduct.

(a) Obligation to Know Duties. While some of the provisions of this code are detailed and complex, it is essential that each legislator, legislative employee and lobbyist accept and fulfill a personal obligation to know and understand its requirements. Extensive educational and training opportunities are provided through the legislative ethics commission to assist them. It is not only unseemly, it is publicly unacceptable when those who are intimately involved in the lawmaking process claim ignorance of the law or assert that violations were mere "technicalities" or mistakes.

(b) Extraordinary Circumstances. The presumption that those covered by this code know and understand its provisions is a strong one but it may be rebutted in exceptional circumstances where the person charged demonstrates that it would be unreasonable to hold him or her to strict knowledge. For example, changes in the law, errors in officially published educational materials or other special circumstances may justify a defense based on a mistake or asserted ignorance of law.

4. Application Depends on Duties Rather Than Salary Status.

Most of the provisions of this chapter apply to all employees involved in some substantive way with the legislative process,

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regardless of salary or duties (see definitions at AS 24.61.990 (13), (14)). The time of public employees is a state resource which should only be used for proper public purposes. Moreover, many legislative employees expend state funds and have access to confidential information. The most serious restrictions and disclosure requirements, however, only apply to legislative employees who exercise, or are perceived to exercise, discretion and judgment with respect to legislative, administrative or political actions. These individuals are referred to as legislative assistants. The purposes of the chapter should not be circumvented by legalistic arrangements which change the category of a person who otherwise would, and should, be subject to its provisions. Thus, the controlling factors are related to the function employees or agents perform and the amount of discretionary authority they possess, rather than their salary or technical status as full-time or part-time employee, independent contractor or consultant.

STATEMENT OF PRINCIPLES

AS 24.61.020. PREAMBLE. The eight principles stated in AS 24.61.025 -- AS 24.61.060 articulate the theoretical and moral foundation for the standards of conduct. They represent the spirit of the Legislative Ethics Act. They set forth a positive dimension of the ethical obligations of public service in order to make clear that the objective of these rules and regulations is to raise the issue of government ethics to a higher plane. The overarching principles are an integral part of each provision of the standards of conduct and they infuse individual rules with ethical purpose in a way that precludes narrow legalistic approaches leading to the conclusion that if an act is technically legal it is ethical, or that it is proper if it is not clearly prohibited. They direct legislators, legislative employees and lobbyists to follow the ethical high road, not simply to avoid punishment, but to advance the grand, noble and important principles of democracy and public service.

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AS 24.61.025. **PRINCIPLE OF GOOD FAITH.** The goals of the Legislative Ethics Act cannot be attained unless its provisions are construed and enforced in good faith. The standards of conduct, like other written regulations, are vulnerable to an endless array of evasion strategies. Unduly narrow or legalistic constructions of specific provisions, strained and insincere interpretation of facts and willful blindness to the real motives behind an act undermine the clear purpose of an ethics code and denigrate the spirit this Act. Under the principle of good faith, deliberate bad faith circumvention of these standards is itself a violation of the ethical obligations of public service and may be the basis for administrative sanction.

AS 24.61.030. **PRINCIPLE OF NONPARTISANSHIP.** If these standards are to rise above politics, they must be applied objectively, on the merits, without regard to party, regional or ideological partisanship.

(a) Highest Duty. The highest duty of legislators and legislative employees is to uphold the integrity of the legislature, regardless of narrow political considerations. Though partisan politics based on party, region and ideology are an integral and often constructive part of the American political structure, it is essential that the ethical responsibilities arising from these standards of conduct -- including consideration of a complaint, imposition of sanctions, appointment of members of the Legislative Ethics commission and appropriation of the commission's budget -- be unfailingly treated as nonpartisan, public interest issues of great importance.

(b) Playing Politics With Ethics. The ethical quality of democracy and the integrity and stature of the legislature are inherently nonpartisan issues. Playing politics with ethics issues creates two very significant harms. First, it undermines the effectiveness and moral authority of the ethical rules themselves. Second, the elevation of politics over ethics is invariably perceived by the public and the

press in a way that dramatically increases public cynicism and disrespect for the legislature -- the very things these standards are designed to prevent. Thus, it is a violation of this provision for a legislator or a legislative employee to bring an ethics complaint for political reasons or to seek to influence any action under this chapter based on an appeal to political partisanship.

(c) Need for Long Term Perspective. Unfortunately, it is often difficult to maintain a nonpolitical, nonpartisan perspective in the context of competitive politics. The disposition of ethics-based charges may have profound political implications, not only on the careers of the persons directly involved, but often for political parties and other individuals vying for power. Ethics issues are often raised for political motives and it takes great restraint and a powerful long term public perspective to separate the motives of a charge from the merits of it. While the political dimension of legislative actions regarding matters of ethics may never be entirely removed, with discipline and commitment to principle, it can be consciously subordinated to a broader view of the legislator's role and of the public interest.

AS 24.61.035. PRINCIPLES OF PUBLIC TRUST. There are two separate dimensions to the obligation to ensure public trust: 1) avoiding actual wrongdoing -- violating laws, legislative rules or doing any other act which involves dishonesty, a lack of integrity, or disregard for ethical standards; and 2) avoiding the appearance of wrongdoing -- engaging in conduct which is likely to generate cynical attitudes and suspicions about government and the people who administer it.

(a) Importance of Perceptions. The concept of trust is as much a creature of perceptions and beliefs as it is of reality. Thus, conduct which a person knows or reasonably should know is likely to create in the minds of reasonable objective observers the perception that government office has been or may be used improperly, violates the obligation

to safeguard public trust even if the conduct does not actually misuse public office.

(b) Reasonable Person Standard. The standard to determine whether something is improper is not set by the most suspicious and cynical members of society who are predisposed to assume bad faith or corrupt motive. The standard is whether reasonable, objective and fair-minded citizens find the conduct improper. In applying this test, however, it is important to remember that such citizens will make their judgments with no special knowledge of the facts or private intentions of the parties.

(c) Responsibility to Act. It is not always right to avoid an act simply because it will look wrong. The ethical obligation to avoid the appearance of impropriety should not be used as an excuse for inaction where, on balance, the action is proper. Excess timidity in the face of possible criticism is no more justifiable than callous disregard for improper appearances. In some cases, legislators should be willing to confront criticisms and endure unfair denunciations, choosing to explain and justify their behavior rather than alter their conduct to suit the cynical perceptions of a misinformed press or public.

(d) Avoiding Bad Decisions. A balance must be found between the need to preserve public confidence by avoiding appearances of impropriety and the responsibility to make sound decisions on the merits. The requirement that legislators avoid even the appearance of impropriety can sometimes undermine the public interest and cause bad decisions. For example, it may lead to discrimination against friends or political supporters simply because a transaction may look bad to the public. Sensitivity, thoughtful discrimination and restraint is important in this area. But if a friend or political supporter is clearly the best qualified person available to perform a needed public task, it is unfair and unwise to automatically and invariably disqualify

them.

(e) Accountability. Occasionally, a conscientious legislator or legislative employee will decide to override the appearance of impropriety test in order to do what he or she thinks is "right" under the circumstances. In such cases, there is a responsibility to reduce the harm to public trust by taking affirmative steps to assure that all facts relevant to the choice are made public and that the process of decision making is open to and can withstand close scrutiny.

AS 24.61.040. PRINCIPLES OF PUBLIC INTEREST.

(a) Purpose of Government. Subsection (a) establishes one of the most fundamental principles of public service ethics -- pursuit of public interest. The purpose of state government is to advance the public interest by assuring justice, providing educational opportunities, protecting health and the environment, securing public safety, creating economic stability and development, and safeguarding the liberties and rights of the people, among other things. Legislative office and authority should be used only to pursue these and similar public interests. The duty to only use public office in pursuit of the overall public interest is a positive one. Although it precludes using government position for private gain, it also precludes use of public resources, power or prestige for any nonpublic purpose, even if the actor does not personally benefit.

(b) Principle Over Expediency. Subsection (b) precludes unlawful conduct or improper use of office to achieve a "greater good" on the theory that the end justifies the means. In a democracy, the primacy of state and federal constitutions require that each public servant's vision of the public interest be pursued only through lawful processes which acknowledge and respect the separation of powers among government branches and the role of other public officials

in the formation and implementation of public policy.

(c) Determining the Public Interest. Subsection (c) is designed to provide guidance to legislators and legislative employees who must often unravel conflicting loyalties and duties. It uses the term "should" rather than "shall" because the principles stated in this provision are not amenable to uniform interpretation or enforcement. Still, the principles and rationales stated in this provision and the following commentary are deeply rooted in democratic political philosophy, and they are important. Legislators are accountable to a complex network of competing loyalty obligations -- to country, state, community, constituency groups, political supporters, colleagues, subordinates, family and self. In many political situations, these loyalties conflict. What is best for the country or state may not be good for a particular community; what is good for an individual constituent or interest group may not be in the best interest of other constituents or interest groups; and the highest public interest may conflict with personal career ambitions. Inevitably, legislators must resolve conflicting interests by ranking their loyalty obligations. Though decisions have to be made on a case-by-case basis, the principle of public service generally requires elected officials to pursue the greatest long term good for the greatest number by placing larger, broader interests over smaller, narrower ones: country over state, state over community, community over individuals, and principle over party.

(d) Representative and Administrative Duties of Legislators. A major duty of state legislators is to pursue laws and policies which improve the social and economic conditions of their districts. They are also expected to represent the views and advocate the interests of their constituents and, as an aspect of this responsibility, they often perform an ombudsman function by assisting constituents in their relationships with government to assure

that they are treated fairly and efficiently. In addition to these representative responsibilities, however, all elected officials have policy and law-making obligations which impose a duty to use independent objective judgment to pursue the overall public good. In exercising these responsibilities -- allocating public funds and formulating public policies relating to pressing social issues such as the environment, education, health and safety -- they should transcend their role as advocates of narrow constituent interests. They should perform a role closer to that of a neutral administrator or judge, evaluating information objectively and deciding what is best for the public as a whole.

(e) Conflicts in Constituent and Public Interests. Representation of specific constituent interests usually raises no substantial conflict with public interests. But when it does, the dilemma generally should be resolved in favor of the wider public interest in spite of political risks. For example, the public interest may require taxes that individuals do not want to pay, especially for programs with low constituency support but high public importance (for example, correctional facilities, waste disposal sites, providing aid to homeless or otherwise impoverished but politically powerless groups). Similarly, the public interest may require budget cuts and the elimination of government facilities, public works projects or jobs though the cost of such measures will be felt disproportionately in the districts most directly affected. When decisions about programs and expenditures are controlled by the desire to steer money and jobs to particular districts, the quality and efficiency of government programs inevitably are compromised. This type of decision making is especially dangerous when public health or safety are involved. It also contributes to the cynical impression that political decision makers are more concerned about their political careers than the public

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good. It is said that a politician thinks of the next election, a statesman thinks of the next generation.

Politicians who consider staying in office a moral imperative will be unwilling or unable to take such risks. Those who view their role more broadly, however, will see it as their obligation to do so.

(f) Loyalty Conflicts Within Organizations. A common loyalty conflict arises where the interests of an organization are inconsistent with those of individuals within the organization. The problem gets even more complicated when loyalty to a particular person within the organization conflicts with loyalty obligations to others. Under the principles of public interest, the responsibility of office generally demands the placing of institutional interests above individual loyalties though decisions which advance the institution at the cost of individuals should be made and executed with compassion, sensitivity and respect.

AS 24.61.045. PRINCIPLES OF ACCOUNTABILITY. There are several dimensions to accountability: 1) citizens must have the information they need about the actions of their representatives and the legislature as a whole so they can meet their personal responsibilities as citizens to participate as informed voters; 2) constituents are entitled to have specific information about the conduct of their own representatives so they can hold those representatives accountable for them both in discussions and at the polls; and 3) government officials who delegate authority have a responsibility to assure that those to whom power has been assigned use it properly and efficiently.

(a) Individual Citizens Are Personally Accountable. In a democracy every citizen is a public servant. Bottom line responsibility for government rests with the people. As a result, those who perform government functions do so as representatives on behalf of the citizenry. Legislators have the special duty to educate their constituents about the major issues of government so that they use their franchise

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to vote intelligently.

(b) Representatives Are Accountable to Citizens. A separate aspect of accountability concerns the public official's responsibility to employ public authority openly, to state important policy positions and beliefs candidly and publicly, and to assure that their own official conduct and that of other government officials is subject to public scrutiny. Citizens have the obligation to hold their representatives accountable both in public dialogue and at the ballot box. Elected representatives have a corollary obligation to act in a way that allows the public to hold them accountable. See also AS 24.61.430.

(c) Representatives Must Hold Their Agents Accountable. Each public servant is government is responsible to strive to make government as open, efficient, equitable and honorable as possible. In pursuing this responsibility, they must exercise proper oversight with regard to delegated functions. See also AS 24.61.430.

AS 24.61.050. PRINCIPLE OF DEMOCRATIC LEADERSHIP. It is sometimes very difficult to distinguish legitimate political tactics to advance public policy positions from illegitimate ones. An illegitimate tactic is one that tends to disregard any of the overarching ethical principles of public service and places ends over means. The essence of representative democracy is "means." In other words, the procedures for setting policies and resolving disputes established by the federal and state constitutions and by other duly enacted laws is all that sets a republic apart from a dictatorship. The notion that this is a nation of laws, not of men, cautions us remember that even well-meaning persons who seek only their vision of the public good, must defer to democratic due process. See AS 24.61.461.

AS 24.61.055. PRINCIPLE OF RESPECTABILITY -- CONDUCT BEFITTING THE LEGISLATURE

(a) Legislators Must Not Discredit the Legislature. Legis-

lators and legislative employees are visible leaders in society and they properly are held to high standards of personal probity. Acts which demean or discredit government or demonstrate defects in their character and judgment set a bad example and injure the reputation of the legislature. While public servants are not expected to be perfect, they should realize their special responsibilities. They should strive to conduct their professional and personal lives so as to reveal character traits, attitudes, and judgments that are worthy of honor and respect and demonstrate fitness for public office. Thus, conduct which violates this rule is independently sanctionable.

(b) Honesty and Integrity. Legislators should be scrupulously honest, avoiding any form of lying, deception, deviousness, hypocrisy and cheating in their professional and personal lives. Dishonesty by a legislator is wrong in itself but it also violates principles of public service ethics by seriously undermining the credibility of government. Technical or literal truthfulness is not all that is required; honesty precludes any deliberate deception including the raising of false inferences. Legislators and legislative employees should also reflect personal integrity in all matters, placing principle over expediency and demonstrating courage of convictions. Although it is necessary and proper for elected officials to represent the views of their constituencies it also is necessary that they have pronounced and strong personal convictions--things they stand for. Legislators should offer principled leadership.

(c) Illegal and Dishonest Conduct. Activities which are illegal but not directly related to legislative service (for example, drunk driving, drug use, tax evasion, assault, hiring prostitutes) discredit the individual and the legislature itself. Similarly, private conduct, even if legal, discredits the body if it reveals dishonesty, deviousness, or hypocrisy. All such acts by legislators or legislative

employees tend to undermine public respect and confidence and, therefore, they violate the principle of respectability.

(d) Private Personal Conduct. The most difficult area of private conduct concerns legal behaviors that subject the actor and the legislature to criticism or ridicule because it violates the moral sensibilities of a significant portion of the public. The obligation of public servants to lead exemplary lives for the sake of the reputation of government in general must be balanced against a real and important right to a private life which may involve choices and behaviors that raise moral issues. Acts of adultery, homosexuality or promiscuity, for example, concern personal matters that should not be the basis of any charge or sanction under these rules unless it is clear that the behavior bears on the fitness to serve or the ability to carry out duties. Whether or not lawful private acts which do not bear in any direct way on the responsibilities of public office are proper subjects of press disclosure and public scrutiny, they are not appropriate concerns under this Act. No separate sanction for private conduct in the "moral arena" is contemplated. Such matters should be left to the electorate.

24.61.060. PRINCIPLE OF INDEPENDENT JUDGMENT. The most heavily regulated area of government ethics relates to conflicts of interest, especially financial conflicts. This provision overarches the individual conflict of interest provisions in this code and states clearly the nature of the ethical obligation. Essentially, a conflict of interest exists whenever a person has personal interests which are inconsistent with professional obligations. In the case of public service, the primary obligation is to exercise independent objective judgment in the public interest and scrupulously avoid interests that are likely to impede the ability to make such judgments. In addition to the need to safeguard one's own ability to make independent objective judg-

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ments on the merits, public servants also are obligated to respect the duty of other government officials to the same. Thus, it is improper to engage in any act designed to cause another public official to violate the duty of independent judgment.

Article 2. STANDARDS OF CONDUCT

AS 24.61.100. MISUSE OF OFFICE FOR PRIVATE GAIN. The obligation to use public office only in the public interest and not for private gain underlies many of the specific provisions of this code. It is impossible, however, to envision and specify all the possible ways that this principle may be violated as the range of private interests and improper motives is almost inexhaustible. This provision makes it clear that it is improper to make any use of office or position primarily to attain personal benefits, whether they are financial, social or political. This statement of principle is somewhat broader but not inconsistent with AS 39.52.120, "Misuse of Official Position," which prohibits non-legislative public officers from using or attempting to use, an official position for personal gain or to secure or grant unwarranted benefits or treatment.

AS 24.61.110. IMPROPER BENEFIT FROM PERFORMANCE OF PUBLIC DUTIES.

(a) Benefit Need Not Affect Conduct. Legislators and legislative employees have an obligation to perform their duties diligently, promptly, efficiently and fairly. In representing constituents from their districts they have the additional responsibility to exercise oversight over administrative agencies and, in some cases, to assist constituents in a reasonable manner that does not unduly interfere with the independent judgment of administrators (see AS 24.61.380). The only lawful compensation for properly performing these services is official salary and allowances paid by the state. It is improper to seek or receive any-

thing of value from a citizen as a reward, expression of gratitude or payment for the performance of public duties even if the benefit had no actual affect on public decisions or actions.

(b) Unsolicited Gratuities. Even unsolicited gratuities otherwise permitted under AS 24.61.350 create an appearance of impropriety when they are given to a legislator or legislative employee after or in anticipation of an official action or informal representation within the normal scope of duties. Though the recipient may not have anticipated the gift and, therefore, could not have been influenced by its prospect, a reasonable observer might believe it was a payment or reward for services rendered. Minor courtesy items such as ceramic coffee cups, a desk memento, flowers or a box of candy may be accepted, but generally, gifts ought to be returned with a polite but clear message that the gesture was unnecessary and could be construed as improper. If this is not feasible, they ought to be given to charity or otherwise handled in a way which makes it clear that the public servant has not accepted and does not want any personal benefit for official actions.

(c) Avoiding the Appearance of Selling Access. The ability of a citizen to confer directly with a legislator is frequently referred to as access. Because of the great press of duties and demands on the legislator's time, it not always possible for a legislator to personally talk with everyone who seeks an audience or to give them all the time they would like. The legislator's time is a crucial asset which must be carefully allocated among competing demands. It is important, however, that access is not determined by the willingness or ability of the person to provide any benefit to the official whether it be in the form of a gratuity, an honorarium or even a campaign contribution (regulations dealing with improper means of acquiring political support are stated in AS 24.61.230).

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(d) Duty to Reject Improper Offers. Subsection (b) concerns improper offers and the obligation to reject them. Under Alaska's criminal law, AS 11.56.100, "a person commits bribery if the person confers, offers to confer, or agrees to confer a benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, action, decision or exercise of official discretion." If the benefit conferred is accepted with the intent to use one's - government position for private gain, the public servant is also guilty of bribery -- even if no act was actually performed. It is critical to recognize, therefore, that the acceptance by a legislator or legislative employee of benefits of any sort from persons who seek to influence official actions raises criminal as well as ethical issues. Although the high standard of proof and other procedural safeguards of a criminal trial make it difficult to establish the crime of bribery, the ethical obligation to avoid transactions which cast doubt on the integrity of government is not delimited by the standards of provable bribery. Legislators and legislative employees must avoid both the appearance and the reality that public office was used for private gain. Therefore, it is improper to accept any benefit, whether in the form of compensation for services or a gratuity, from a person with a corrupt motive. It is not enough that the public servant has no intent to do anything improper or, in fact, that nothing improper is done.

AS 24.61.120. DUTY TO REPORT IMPROPER OFFERS. It is not always sufficient to turn down an improper offer of gifts or other benefits. Any attempt to unduly influence a public official warrants some action that at least educates the offeror of the impropriety and risk of such conduct. Occasionally, an improper offer is made by an unsophisticated individual who should have, but did not know any better. A polite but firm warning may be sufficient. On the other hand, improperly motivated gratuities are - attempted bribes and when the source is a registered lobbyist

or otherwise appears to be well aware of the significance and impropriety of the action, the matter should be handled with great seriousness. A failure to react with indignation or report improper offers to the authorities can be viewed as wrong in itself. (Imagine how would it look on the nightly news to learn that a public official was offered a bribe and he merely said, "No thank you.").

AS 24.61.130. MISUSE OF STATE PROPERTY AND RESOURCES FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.

(a) Authorized Use of Government Property to Aid Private Enterprises. Subsection (a) covers situations where a legislator or legislative employee improperly uses state property or resources for personal gain or for the gain of another. In certain cases, economic development activities authorized by law involve using state resources to assist private enterprises. This is permitted.

(b) Misuse of Government Property for Personal Gain. Subsection (a) also establishes the basic rule that state facilities, equipment and services (office space, typewriters, word processors, telephones, postage, computer data, stationery, mailing facilities, photocopying, etc.) may not be appropriated for personal gain or advantage. Common sense and fairness requires that this provision be interpreted reasonably. Though government facilities should certainly not be used for personal purposes on a substantial, regular or ongoing basis, occasional and limited usage should be permitted so long as: 1) it does not interfere with the performance of public duties; 2) the cost or value related to the use is so nominal that reimbursement procedures would not be worth the effort, and 3) the use does not raise an unreasonable appearance of impropriety or undue political advantage. For example, interpretation of these limitations should take into account the reasonable needs and expectations of employees and permit them to make and receive occasional personal phone calls of short duration or

makes an occasional personal copy on a state photocopy machine.

(c) Frequent Flyer Points. Unless otherwise provided by law or regulation, the frequent flyer points or other bonuses related to air travel paid for by the state, should be treated as the personal property of the employee. While a strong logical case can be made that the collateral benefits of state-paid travel should accrue to the state, the practical and morale problems entailed in administering such a position do not justify the small gain. The state, of course, has an interest in seeing that public resources are used economically and only spent in the public interest. Allowing public employees to personally benefit from bonuses attributed to government travel raises a potential conflict of interest as it creates an incentive for the employee to select a carrier based on private economic advantage rather than state interests. This conflict is not a major one, however, especially in Alaska where the number of carriers and flights tend to limit options. Moreover, the prohibition against using public authority or funds for personal gain would make selection of a carrier on inappropriate criteria improper. Any legislator or legislative employee who actually allows the desire to earn frequent flyer points or bonuses to influence official decisions violates this provision and is subject to sanction notwithstanding the fact that any points earned are the property of the legislator or employee. This should provide a sufficient deterrent to protect the state's interests.

(d) Misuse of Legislative Employees for Personal Gain. Subsection (c) prohibits misuse of legislative employees whose time is and should be treated as public property which should not be misappropriated to personal use. Publicly paid employees simply must not be used as personal secretaries or private staff. Overly strict application of this provision, however, is inappropriate. For example, a legis-

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lator should be permitted to make moderate use of staff to help organize and schedule the legislator's calendar, appointments and travel plans -- including some events of a political or private nature. Emphasis, however, must be placed on the word "moderate" and both the aide and the legislator must be vigilant to avoid actual abuse as well as the creation of the appearance of unreasonable use of public personnel. Though this limitation should be interpreted in a reasonable manner given the pressing responsibilities of a legislator, purely personal errands such as dropping off laundry, picking up children, handling household or private matters, and purchasing private gifts are justifiable only in extraordinary circumstances where the task is suddenly necessary to help the legislator perform professional duties.

(e) Use of Employee's Own Time. Generally, employees do not voluntarily contribute their personal time to benefit their employers. Yet public officials sometimes claim that employees willingly perform personal services "on their own time" -- during lunch hour, after normal working hours. Such claims should be examined with skepticism as there is a high risk that the employees believed that they were required to perform personal work as part of their jobs. In such cases, there is at least an appearance of improper exploitation and such use of public personnel should be avoided. If a legislative employee is asked to perform any personal service, it is best if the employee is paid for his or her time out of the official's private funds.

AS 24.61.140. MISUSE OF STATE PROPERTY AND RESOURCES FOR POLITICAL PURPOSES.

(a) Misuse of Resources or Staff for Political Purposes.

Subsections (b) - (d) regulate the use of government resources, including legislative employees, for political or campaign purposes. It is often difficult to distinguish legitimate political work within the scope of official duties

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from campaign activities but the basic rule is clear: public resources should not be used for political purposes as the taxpayer should not be forced to subsidize campaign or other partisan political activities. In general, the use of public employees is justified in activities where there is a substantial and bona fide public purpose to the activity and there is no personal profit (as with the writing of a book for royalties). Materials which express the legislator's opinions or views are generally proper whether in the form of a speech, article, newsletter, or position paper. They can be worked on by legislative staff even if these materials will and are intended to be used as part of a campaign for legislative office.

(b) Special Problems With Senior Aides. Many legislators are assisted by a senior aide who also serves as a major campaign adviser. It is unrealistic to expect that such persons will not be involved intimately in the full political life of their employer. So long as the senior aide "does a full day's work for a full day's pay" to justify the government salary, party and campaign activities above and beyond public duties should be tolerated. In some cases, portions of the aide's salary ought to be paid out of campaign funds. Once one begins to use other legislative staff, however, a serious problem arises and unless the use is expressly justified by regulations promulgated by the legislature or the commission it shall be regarded as improper.

(c) Advice of Commission. A legislator or legislative employee who is unsure about the propriety of a use should seek advice from the commission.

AS 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM IMPROPER TASKS. While it is improper for a superior to ask a subordinate to perform personal or political services, it also is improper for a subordinate, as a public servant, to accede to such requests. While tact is imperative as a practical matter,

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employees still have the obligation to assure that their services are not converted to nongovernmental uses. It is a violation of this Act for a supervisor to harass, pressure, embarrass, intimidate or punish an employee who properly refuses to perform improper personal services. This provision will be difficult for some employees to comply with yet its existence and their duty to do so provides the best protection against abuse. It is very likely that improper requests will be sharply reduced by the knowledge of this obligation and the fact that the employee subjected to such requests has no discretion to accede to them.

AS 24.61.170. USE OF NONPUBLIC AND CONFIDENTIAL INFORMATION FOR PRIVATE GAIN. This provision addresses the improper use of information gained in government service for private gain. It forbids the exploitation of not only information which is labeled "confidential" or is treated as confidential by law, it also prohibits the private use of other valuable information not available to the general public which was acquired by the legislator or legislative employee by virtue of public position. For example, "inside information" about state plans or negotiating strategies, information revealed to legislative committees with the expectation that it be only used for official purposes, financial data, computer data and lists obtained during legislative service may not be used to obtain private or political advantages nor conveyed to others to give them such undue advantages. A similar, but narrower, provision is contained in AS 39.52.140 as part of the Code of Ethics for nonlegislative public officials.

AS 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.

(a) Objective. The objective of these provisions is to prohibit legislators and legislative employees from affording themselves and others unwarranted advantages by the inappropriate use of official title or the prestige of office. Because of the great power and authority of the legislature, the prestige and implied "clout" that usually accompanies

legislative service is often a marketable asset. Some dimensions of this prestige are intimately associated with the person who attained the position and they constitute valid qualifications. It is important, however, that it not appear that a legislator or legislative employee has sought or obtained undue personal benefits from the office, especially in a way that discredits, cheapens or commercializes government service or connections.

(b) Use of Title in Conducting Business. It is improper to use or permit the use of official title in any manner which would lead reasonable observers to believe that legislative office is being exploited to derive direct financial gain or enhance the stature, reputation or business opportunities of an individual, corporation, or organization. It is common to use the stature and prestige of legislative office by direct reference to title or position or by use of official letterhead in communications. When carrying out the business of government, use or mention of official title or legislative affiliation is entirely proper. It is a different matter, however, when one is acting in a personal or private business capacity. Actual or apparent improprieties can arise from such conduct for several reasons: 1) a reference to public position may give the erroneous impression of governmental approval; 2) a person dealing with a high government official may think that the way the private matter is handled will affect treatment by the government; and 3) where legislators or legislative employees are affiliated with a private organization or business, potential clients or customers could easily conclude that the business has access to inside information or powerful connections that may be brought to bear on their behalf.

(c) Board Membership and Consulting. Enterprises of all sorts, including nonprofit associations, charitable organizations corporations and firms involved in lobbying, public relations, law practice and consulting often seek out per-

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sons serving in government, especially legislators, to serve on boards, advisory committees or as consultants. All such associations raise ethical problems because of the possibility that public office is used by the legislator and the enterprise that employs the legislator for private benefit. Because of the conflict of interest, AS 24.61.310 generally prohibits board membership on any organization that regularly does business with the state. In other situations, however, this provision applies. While the most serious problems arise when the public servant is compensated in relation to the association, even uncompensated relationships may violate this provision if the legislator or legislative employee knows or reasonably should know that the organization intends to trade on its affiliation with someone in the state legislature.

(d) Pay Should be Commensurate With Services. It is especially important when legislators and legislative employees receive outside income that the compensation is commensurate with the actual personal services rendered. If any premium is being paid due to the public servant's position, or no significant services are being rendered, the enterprise is, in effect, improperly buying, and the public servant is, in effect, improperly selling the prestige associated with the office. In addition, premium payments may be perceived not as compensation, but as illegal gratuities.

(e) Perception of Undue Advantage. Where the compensation paid for services is proportional to the services performed by normal market standards, or the service is uncompensated, the appearance of impropriety is less severe. But even such relationships may inappropriately use public office. For example, clients or customers may seek representation by a firm employing a legislator because they think that they will have some special advantage in dealing with government. Legislators and legislative employees who associate with private enterprises have a special duty to assure that these

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enterprises do not suggest or imply special influence with government and that clients and customers of the enterprise are not led to expect or encouraged to think that the association of the public official with an enterprise may afford them unwarranted benefits.

AS 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE EMPLOYEES.

(a) Restrictions on Post-Service Lobbying. This provision addresses the problem of the so called "revolving door." The tendency of persons to leave positions of power and influence in government to represent private interests in their dealings with government, often for compensation many times more than earned in public life, raises a number of serious concerns about the integrity of the political system. Among the concerns: 1) the former legislator or legislative assistant will unduly exploit connections and inside information to gain undue and unfair advantages for their clients or employers; 2) the legislator or legislative assistant may adjust official conduct even while in office in an attempt to attract the attention of or curry favor with prospective employers or clients; and 3) former associates may be too willing to defer to, do favors for or provide inside information to their former colleague. In any event, the perceptions of impropriety are great. Many people would ban former legislative officials from any representational activities concerning the legislature or state agencies. This provision is more narrowly drawn to permit representation of private interests with nonlegislative state agencies provided that the former legislative official did not have special oversight or budget authority. While this may seem to work an unfair hardship on presiding officers and certain committee chairs, their relationship with certain agencies is so close that to permit them to turn around and lobby - these agencies within a year of their government service is simply not appropriate. At the same time, the potential

conflicts of interests arising from other legislators lobbying state agencies seems manageable so long as there is disclosure.

(b) Improper Appearance of "Cashing In." It is unseemly and a violation of the spirit of public service ethics when present or former government officials appear to be blatantly "cashing in" on their government service by acting as consultants, lobbyists, or spokespersons for private interests in circumstances where it appears that they are peddling influence or selling the prestige and stature of their prior office. This is not to say that former government officials who have important experiences cannot serve on boards, make speeches for substantial fees or engage in consulting or lobbying. But, the circumstances including how, when, and at what price they sell their services are of critical importance. See also Guidelines and Commentary to AS 24.61.180(d) and (e).

AS 24.61.205. PROHIBITED USES OF CAMPAIGN FUNDS.

(a) Improper Conversion or Gratuity. A candidate who solicits donations for the purpose of conducting a campaign accepts such funds on the implicit condition that they are only given for the limited lawful purpose of financing campaign activities for an immediate election. When funds given for this limited purpose are converted to personal use, either before or after a campaign, the use is either an illegal conversion or an improper gratuity. The use of campaign funds for personal benefits violates the principles of these standards by permitting private gain from public office and creates blatant appearances of impropriety.

(b) Examples of Prohibited Uses. It is improper to use campaign funds to: purchase personal items such as clothes, gifts, art; defray normal living costs such as auto leasing or maintenance, gas, or dry cleaning; pay for the travel of spouses or other relatives not clearly relevant to a

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campaign; or to decorate political offices.

(c) Employment of Family. A special problem under Subsection (c) concerns the employment of any member of a candidate's immediate family by the campaign. While such employment is not specifically prohibited, it is most strongly discouraged. Ordinarily, family members would be expected to volunteer their time to support a candidacy and payment, even if the amount is clearly reasonable, appears as a method of siphoning campaign funds for personal use. Payment of a relative by a campaign should be permitted only when: 1) the person has taken leave from a paid position in order to serve on the campaign and 2) the amount is clearly commensurate with the services rendered, in light of the person's qualifications and training and what others non-relatives receive for similar services.

(d) Repeal of Prior Law Re: Post-Election Conversion of Funds. Prior law permitted candidates after an election to disburse surplus campaign funds to themselves provided they declared the funds as income. This provision is expressly repealed with respect to legislative candidates. The ability to convert surplus funds to personal income is totally inconsistent with the limited purpose under which the funds were, and lawfully could be, given and received. Loans of campaign funds to the candidate or others has the effect of converting the funds to personal use. Such loans create a serious appearance of impropriety, whether or not interest is paid and whether or not the loan is paid back in a timely manner.

AS 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. Where candidates have raised more funds than they need for an immediate election, continued efforts to raise campaign funds is proper only if the donors are clearly informed about the likely use and lack of immediate need for their contributions. The increasing ability of incumbents to amass large "war chests" well before an election has raised serious ethical issues. This section pre-

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vents this by limiting the carryover of surplus funds to \$5,000 for senate candidates and \$2,500 for house candidates. The discrepancy is justified by the length of time between elections and the fact that other provisions limit fund raising to specific periods. Retained surplus campaign funds can be used for campaign travel and other political activities.

AS 24.61.230. IMPROPER COERCION.

(a) Solicitations of Campaign Contributions or Any Other Benefit. Difficult problems arise with respect to the solicitation and acceptance of any benefit including campaign or other contributions from those who have a substantial interest in legislative, administrative or political actions of a legislator or legislative employee. In such cases, great caution should be exercised to avoid the appearance that solicitations of campaign contributions or other contributions are connected in any way, as a quid pro quo, with any legislative, administrative or political action which might benefit or harm the contributor. For example, solicitations of any benefit made shortly before or shortly after a legislator has done any act on behalf of a constituent should be scrupulously avoided in order to avoid the appearance that the legislator expected a contribution or other benefit in return for legislative, administrative or political services.

(b) Political Contributions or Support in Exchange for Access. A common complaint among lobbyists and others who have a substantial interest in legislative, administrative or political actions is that legislators directly, or through their staff, create the impression that those who make political contributions, hold fund raising events or provide other political support will have special access to the legislator when they want to make their case to influence action. In some cases, this access is expected to give the person an edge in persuading the legislator to take or refrain from taking certain actions. In others, the per-

son solicited believes that the contributions are more defensive, necessary to lubricate the relationship, believing that the failure to be supportive would significantly reduce their ability to effectively plead their case. In all these situations, however, there is implicit impropriety.

(c) Soliciting Donations to Charitable and Other Causes.

More and more, lobbyists and others who have a substantial interest in legislative, administrative or political actions have complained that legislators "strong arm" them to make donations to charities or other causes in which the legislator has a personal or political interest. Because of the importance of a positive relationship with the legislator, many persons so solicited feel obligated, not by conscience but by fear of offending, to comply with the request. Although most situations do not create the appearance of influence peddling since the benefit is not personal and since it is rarely large enough to create the appearance of a quid pro quo, many insiders see this as a mild form of extortion or a "tax" levied by legislative whim. A legislator who solicits another, either directly or through an aide, to contribute to a charity or a cause, should do so in a manner that clearly and unequivocally removes any suggestion of coercion or implication that the decision to make or not make the requested contribution will in any way affect the professional relationship.

AS 24.61.240. FUND RAISING LIMITATIONS. Previous law limited certain forms of fund raising in the capital city during legislative session but this limitation did not effectively prevent fund raising activities. Instead, it inspired creative methods of non-event fund raising such as raffles, fund raising activities in Juneau for events outside the city and various forms of fund raising by legislators for other candidates. As a result, neither the goal of preventing the diversion of the legislator's time and energy to public matters or of reducing opportunities

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for potential conflicts was achieved. This ban on all fund raising activities during the legislative session will accomplish that purpose. It goes further by preventing "off-year" fundraising and limiting the total period of legislative fund raising to about ten months for incumbents and fourteen months for non public official challengers. Nonincumbent candidates are permitted to fund raise during the legislative session in the year of the election because the reasons to prevent fund raising during sessions do not apply to them and because there is a general consensus that nonincumbents need more time to raise funds.

AS 24.61.250. OBLIGATION TO AVOID CONFLICTS OF INTEREST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS. Public officials must be vigilant for relationships and transactions that create conflicts of interest. Such conflicts are either forbidden, in which case, the interest must be divested or the relationship terminated; or it shall be disclosed pursuant to law. In addition, the legislator or legislative employee who has a conflict may be required to refrain from participating in any legislative, administrative or political action which involves the questioned financial interest or personal relationship. Financial conflicts of interest can arise out of almost any close economic association but the most common and significant conflicts for legislators and legislative employees relate to:

- (a) sources of nonlegislative income for personal services, especially when the income is derived from a source that has a substantial interest in legislative, administrative or political actions of the legislator or legislative employee;
- (b) the conferment of any benefit, including investment opportunities, employment, entertainment, gratuities, honoraria, loans, favors and special treatment from a source that has a substantial interest in legislative, administrative or political actions of the legislator or legislative employee;
- (c) close economic associations with other public officials

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or lobbyists, especially those that have a substantial interest in legislative, administrative or political actions of the legislator or legislative employee;

(d) personal financial interests in contracts or leases with the state or other government entities;

(e) personal financial interests in licenses, permits, franchises or other valuable entitlements or privileges granted by the state;

(f) personal participation in state loan or other programs conferring benefits;

(g) representation of oneself or others in actions before state agencies or other government entities;

(h) state regulation or funding which substantially affect a profession, occupation or organization in which the legislator or legislative employee has a substantial economic interest; and

(i) personal involvement at a managerial or governance level with a private enterprise or nonprofit organization that is regulated by or seeks benefits from the state.

AS 24.61.275. PERSONAL RELATIONSHIP CONFLICTS OF INTEREST. The area of personal conflicts of interest is a delicate matter and difficult definitional issues arise. Still, it is important to acknowledge that certain personal relationships raise conflict of interest problems every bit as potent as financial conflicts. The definition of personal conflicts of interest leaves much room for discretion and judgment but the principle of good faith can be of great assistance. There are two separate aspects to the definition of a personal relationship conflict of interest: 1) does the relationship create real conflicts with the ability of the public servant to exercise independent judgment in matters relating to the person involved in the relationship; and 2) does the relationship create in the mind of an objective, fair-minded observer the belief that the person will have undue access to

confidential information or will otherwise receive favored treatment regarding public actions. It is not intended that this provision create unwarranted and embarrassing intrusions into personal lives yet certain romantic relationships reach a point where they must be reported. This point is not measured by any specific litmus test such as exclusivity, sexual activity, or longevity. It is a common sense test. The "how would it look in the newspaper" test may be helpful. Put another way, given the respective duties and activities of both parties, would a responsible and fair journalist who discovered the relationship, be likely to conclude that the public has a right to know?

AS 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLATORS AND LEGISLATIVE EMPLOYEES.

(a) Fund Raising by Lobbyists. When a lobbyist is actively involved as a fund raiser in a legislative campaign (or for a legal defense fund) both financial interest and personal relationship conflict of interests emerge in major proportions. The likelihood that the legislator will be beholden to the lobbyist in a way that could impede objective impartial independent judgment is so great that the relationship must be prohibited.

(b) Close Relationships. It is the purpose of this code to stay out of the private lives of those regulated to the greatest extent reasonably possible without compromising the public need to assure that impermissible conflicts are prevented and that questionable ones are revealed. The system established in subsection (b) allows the commission to privately screen and evaluate the substantiality of the conflict. Only if it finds the conflict to be substantial or one that ought to be disclosed publicly, shall it take further action. In the case of legislators, however, there ought to be a strong presumption in favor of public disclosure since such information is necessary if the citizens of the legislator's district are to hold the legislator accountable. If the legislator or legislative employee re-

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quests, the matter shall be disclosed.

AS 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS. A person who serves on a governing or advisory board of an organization, whether for profit or not, must be considered to be too integrally involved in the welfare of that organization to exercise independent objective judgment with regard to official actions that affect the organization in a significant way. Though exemptions may be sought, they should be granted rarely and only when the commission can impose limitations on actions involving the organization. If the person is a member of a board of a business in which the person has a substantial economic interest, the conflict is even more clear. Either the interest must be divested or strict limitations must be imposed by the commission prohibiting any actions which involve official or unofficial use of public office to influence the outcome of a decision affecting private business interests.

AS 24.61.320. RESTRICTED FINANCIAL INTERESTS.

This provision presents legislators and legislative assistants with an alternative when it comes to actions relating to a substantial personal financial interest: either divest the interest or refrain from taking any official or unofficial actions. Historically, a legislator with a financial conflict of interest would announce the conflict on the floor and ask to be excused from voting, a request that was invariably rejected. As a result, though conflicts were declared, legislators voted in spite of them. For the most part, such votes were inconsequential since most bills pass or fail by substantial margins. The spirit of this chapter, however, cannot countenance official actions which materially affect private financial interests. Thus, participation in matters in which a legislator or legislative employee has at least a \$25,000 conflicting interest are strictly prohibited unless an exemption is granted.

AS 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REPRESENTATIVE.

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(a) Actions Against the State. A legislator or legislative assistant owes primary loyalty to the state and, therefore, should not represent any person in an action in which the state is a real party in interest. This provision does not prevent representation in various legal contexts where the state is primarily a party in name only and where the representation does not raise any reasonable appearance of divided loyalties or conflicts of interest.

(b) Representation in Matters Involving State or Local Government. Legislators and legislative assistants may not professionally represent, either informally or formally, persons or entities in their dealings with state or local government entities except where the nature of the representation is such that no actual or apparent conflict of interest exists. Where a matter is to be determined in an adversary setting with opposite parties represented, a legislator or legislative assistant may act as a representative. It is not proper, however, for the legislator or legislative assistant to make telephone calls, render advice, or otherwise represent another who is dealing with state or local government. It is impossible to remove the appearance of undue advantage when a person with substantial state legislative authority seeks to help another who is dealing with state or local government agencies. Moreover, the advantage is often real -- some government officials simply do things for legislators and, to a lesser extent, legislative assistants that they would not do for less connected persons.

AS 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES.

(a) Gift Rules are Not Personal. Some public officials take personal offense at the implication that they would allow their integrity to be compromised by a gift or favor. This reaction unduly personalizes the ethical theory and sound public policy which seeks to insulate public officials from the corrupting influences of gratuities. The motives of the gift givers offers insight to the problems. Rarely

do they expect any quid pro quo; they do not think a public official will consciously change an action because of a gift. Gifts work more subtly to undermine objectivity. Receiving a gift often generates unconscious feelings of gratitude and appreciation which evoke a natural tendency to give something in return, whether out of natural gratitude or the desire to encourage further gifts. Gifts given freely out of affection by persons who want nothing in return create few problems, but most gratuities given to legislators or legislative employees are provided by persons or entities that do want something because they have a substantial interest in the legislative, administrative or political action of the recipient. In spite of the confidence of those who accept gratuities that their judgment remains unimpeded, the people who provide gratuities seem to believe that it is to their advantage to do so and the public perception is that the gift givers are right, at least some of the time. A legislator or legislative employee who is considering accepting even a lawful gratuity should carefully, realistically and objectively evaluate the likely motive of the person offering it: Why am I being offered this gift or favor? Would I be offered the benefit if I did not wield public influence? Who is paying for it? Is it likely to be written off as a business expense? If I accept the benefit will reasonable outsiders think that the donor has some hold on me or that I owe something in return? Since there is no offsetting public good to justify the appearance of impropriety created by the acceptance of gratuities, all close cases should be resolved against any action which raises reasonable suspicions regarding the integrity of the legislator or legislative employee or government in general.

(b) The Source of the Gift is Important. These rules discourage the acceptance of all gratuitous benefits that could raise the slightest appearance of impropriety but they permit wide personal discretion in all but the clearest

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cases of improper appearances. While legislators and legislative employees need not be so sensitive to the adverse appearances that they are unable to have close and cordial relationships lubricated by hospitality, gratuities accepted should be moderate, infrequent and given under circumstances that do not create the impression that the giver seeks undue influence or that the receiver seeks undue personal benefit. Thus, the most stringent rules concern gratuities offered by those who have a substantial interest in the legislative, administrative or political actions of a legislator or legislative employee.

(c) Requirement to Aggregate Gifts From Single Sources.

The rules follow the modern trend to require that gifts under the legal limit be aggregated annually to limit the overall giving power of any individual and to prevent avoidance of the limits by making frequent periodic gifts or by deliberately breaking down gifts into smaller parts.

(d) Permissible Gifts. This section exempts a substantial number of gratuities because they do not present sufficient conflicts of interest to warrant prohibition. There is no specific exemption for discounts that are provided to the general public or any large group since these are not things of value under the definitions of this Act. However, if the basis of the discount relates to government status (for example, airline discounts for legislators and other public officials) it is a gift unless the commission approves the discount program as one that presents no conflict of interest.

AS 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOYMENT AND HONORARIA.

(a) Employment Conflicts. Assuring that a legislator or legislative employee's sources of outside earned income are consistent with the ethical obligations of imposed by public office is a major and continuous challenge for the con-

scientious citizen-public servants. The major employers in Alaska tend to be very active in the political process, employing lobbyists and engaging in other activities to assure that their interests are protected and advanced in the legislature. It would be unreasonable to ban all employment with these employers but any such employment must be subjected to the most rigorous scrutiny to assure that the legislator or legislative employee is acting in the public's interest rather than in the interest of the sources of outside income. The provisions of this Act do not and cannot exhaust all the possible ways in which outside employment with a firm that has a substantial interest in legislative, administrative or political actions can create conflicts. The principles of good faith, public interest, independent judgment and public trust are especially important, therefore, in helping individual legislators, legislative employees and the commission interpret and apply these provisions.

(b) Other State Employment. Employment by other state agencies is prohibited because of the appearance that a legislator or legislative employee has an undue advantage and may have exercised undue influence in obtaining the position. Compensation from the state ought to be strictly limited to official legislative pay and allowances unless special circumstances justify an exemption.

(c) Honoraria. Generally, legislators and legislative employees should not accept payments for giving speeches or writing about matters concerning their public duties. Such payments, often called honoraria, may be proper in exceptional cases where the source has no significant interest in the public servant's governmental decisions and where the nature and amount of the payment is clearly reasonable and proportional to the effort required to earn it. A public official should not accept compensation for merely appearing at a function or attending a breakfast, lunch or dinner meeting and discussing a matter of interest to other

participants.

AS 24.61.370. OBLIGATION TO MAKE ALL DECISIONS ON THE MERITS:
FAVORITISM AND PATRONAGE.

(a) Spending Taxpayer Funds. All expenditures of public funds, whether hiring employees or making purchasing or other decisions with economic impact, involve the use of public resources. Those who have the authority to spend taxpayer money are obligated to do so with scrupulous consideration of the public interest and avoid the temptations to favor family, friends or acquaintances or discriminate against personal enemies and political foes.

(b) Employment Decisions. Legislators and legislative employees should make all employment decisions on the merits, only choosing those who are well qualified. This provision expands specific anti-nepotism rules. In spite of the long tradition of patronage in American politics, public jobs should not be treated as the spoils of victory. Cronyism and patronage inevitably undermine the efficiency and integrity of government.

(c) Fair Distribution of Public Funds. A common derivative of the spoils system mentality is sometimes seen in the allocation of funds by legislative leadership so that majority party members receive substantially more staff support, office equipment, and travel budget than their minority colleagues. This form of favoritism is so traditional that its ethical implications often go unnoticed. For some, it is simply part of the "game." Ultimately, however, a disproportionate allocation of public funds may shortchange the constituents of minority members who have substantially less resources to serve their districts than their brethren on the other side of the aisle. There are many legitimate advantages that the majority may enjoy but leadership ought to make substantial efforts to assure that minority members receive a fair share of legislative resources.

AS 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS.

(a) Intervening on Behalf of Constituents and Friends.

Legislators and legislative employees should be extremely cautious about directly or indirectly intervening with normal decision making, investigatory or adjudicative processes of governmental bodies on behalf of constituents or friends since such intervention can threaten the ability of government administrators to exercise independent objective judgment on the merits. Generally, intervention on behalf of constituents or friends is proper only if it is strictly limited to assuring fairness of the procedures or to helping a constituent get a benefit or service he or she is clearly entitled to as a matter of right. The legislator must be especially cautious when the constituent is also a contributor, particularly a major contributor. A politician should not be required to do any less for a contributor/constituent than the legislator would do for any other constituent, but the legislator should also do no more. Since actions on behalf of campaign contributors will usually receive much greater scrutiny and therefore the legislator's motives should be clear.

(b) Legitimate Casework vs. Improper Interference. Elected politicians are frequently asked by constituents and other supporters to intervene with other government agencies or departments. In fact, "case work" comprises a major part of the service provided by elected officials at all levels of government. Constituents bidding on government contracts often seek the help of "their" representatives; those who are subjected to investigations may expect their legislator to provide protection from what they view to be unfair procedures, and persons seeking government approvals or licenses sometimes ask politicians to facilitate the process. In the ombudsman function, seeking to remedy clear injustices or otherwise assure fair determination of rights is

appropriate. Still, efforts to intervene on behalf of constituents are fraught with potential appearances of impropriety and the possibility that the intervention will prevent other public officials from exercising independent objective judgment on the merits. Legislators should consider a much heavier reliance on the ombudsman's office to avoid conflicts and assist constituents.

(c) Is Intervention in the Public Interest? An initial problem with intervention is that the interests of a particular constituent are not necessarily parallel with the interests of other constituents or the public as a whole. The primary obligation to advance the overall public good may require public servants to refuse requests for assistance in some cases. Another problem associated with intervention is that the public official may not know or understand all the facts that are relevant to a fair regulatory determination or a wise contracting decision.

(d) Perception of Pressure. Even where the intervening politician has no intent to influence improperly the normal process of decision making, it is not unlikely that the public servants involved think otherwise. Unless the intervening politicians are explicit and credible in stating the limited purposes of their involvement, administrators whose budgets are controlled by legislators are likely to feel pressure to make decisions differently than they otherwise would. Sometimes, regardless of the intervener's intent, administrators see the intervention as an opportunity to do a favor for the politician.

AS 24.61.390. CONFLICT OF INTEREST DISCLOSURE: STATEMENT OF PURPOSE. Financial disclosure is a less restrictive means of assuring that legislators and legislative assistants make decisions and take legislative action objectively. In lieu of a full ban, disclosure allows some sources of outside income but requires them to be disclosed, so that a vigilant public can make informed judgments. To serve its "watchdog" function, financial dis-

closure must be as comprehensive as possible to reveal effectively any potential conflicts of interest to the public. The disclosure requirements in this chapter relate only to relationship conflicts and sources of income and they are not intended to replace disclosure obligations under APOC or any other law. The commission should design forms that are compatible with other disclosure forms.

AS 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS AND LEGISLATIVE ASSISTANTS. Disclosure requirements must balance the privacy interests of the legislator or legislative assistant against the public disclosure necessary to guard against conflicts of interests. They should not be so intrusive of individual's privacy that qualified and interested individuals decline public service because of them. The purpose of the category A - category B two-tier reporting requirement of this provision is to prevent unnecessary invasions of the personal domain and, where that is not possible, to restrict the availability of disclosed information when it is reasonable to do so. Income earned from persons or entities which have a substantial interest in legislative, administrative or political actions of the recipient involves such significant potential conflicts that all amounts of income from those sources must be reported. On the other hand, income from a category B sources amounting to less than \$1,000 need not be reported. And, since category B income is inherently less problematical, even if it is over \$1000, the reports will usually be kept confidential. Only if the commission determines affirmatively that the public interest in the disclosure outweighs the individual's right to privacy will the information be made public.

AS 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS AND OTHERS PAYING COMPENSATION TO LEGISLATORS AND LEGISLATIVE ASSISTANTS. A legislator or legislative assistant who receives nonlegislative compensation may not know whether the source properly qualifies as a category A or category B source or who controls the source if it is a corporation. The requirement that person's paying

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compensation report their status and other facts concerning the details of the financial relationship assures that the legislator or legislative employee and the commission have necessary knowledge and that the source of the compensation is aware of its responsibilities when employing a legislator or legislative employee.

24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT.

(a) Open Meetings Law. This ethical principle has been essentially incorporated into Alaska's "Open meetings of Governmental Bodies" law (AS 44.62.310). Secret or closed meetings and back room deals which conceal from the public facts that bear on its ability to exercise responsible citizenship are improper, even when made by well intentioned public servants who simply seek to conduct government business efficiently without undue intrusiveness or embarrassment. Conscientious legislators and legislative employees should avoid the temptation to short cut open meeting requirements by devising legalistic theories which effectively remove the public business from the public eye. They should be especially scrupulous about maintaining maximum openness in dealing with issues of compensation, benefits and all other actions which affect their own rights and obligations. Although secrecy or confidentiality occasionally is in the public interest, exceptions to the general rule of openness should be rare and the principles and procedures for determining those exceptions should be subject to scrutiny, debate and oversight.

(b) Evasion of Openness Rules. Legislators and legislative employees should honor the spirit and intent of open government rules and not engage in subterfuges or legalistic schemes to avoid them. While public servants should abide by the letter and spirit of all rules, open meeting, freedom of information, and "sunshine" laws are especially important because they reinforce accountability by requiring public business to be conducted in a way that assures citizen ac-

cess to political processes. Although these rules tend to be unpopular with many public servants who believe they unreasonably invade privacy and encumber government operations, it is improper to engage in tactics which improperly evade their spirit.

(c) Oversight Responsibilities. It is the duty of public servants with agency oversight responsibilities to develop effective auditing and reporting procedures which permit the exercise of vigilant oversight. In addition, persons in supervisory authority should assure that their staff know and understand the legal and ethical obligations applicable to their duties.

(d) Affirmative Duty to Improve System. This affirmative duty arising from the principle of accountability is not intended to be enforced or to provide the basis of any charge or sanction. It does, however, state an important ethical obligation of those who serve the legislature, especially staff members who might otherwise believe that the fairness and efficiency of government is not necessarily their responsibility. Legislators and legislative employees should take whatever actions they can to correct problems, streamline procedures and improve services. Where desirable changes exceed authority, public servants should promptly and forcefully recommend reform to the appropriate person or body. There is a tendency in all organizations to define one's responsibilities narrowly, fostering an "it's-not-my-job" mentality with respect to defects in policy or implementation. It is every public servant's job to see that the government serves the people well by assuring that it is responsive, respectful, efficient, economical and fair.

(e) Self-Policing. Public servants are often in the best position to observe and take actions against unlawful and unethical uses of public position, authority and resources. In fact, many such uses could not occur without the active involvement or, at least, the acquiescence of colleagues and

subordinates. The principles of public trust and accountability combine to place a special obligation on persons in public office to refuse to cooperate, to actively discourage, and if necessary to prevent improper conduct, to report violations of both law and ethical standards. It is important to establish an atmosphere in government where potential wrongdoers undertake very high risk in seeking to misuse government office. This occurs when it becomes known that the pride and ethical commitment of all public servants impels them to police their own profession. The person who violates the public trust, not the one who prevents or reports such violations ought to bear the brunt of disapproval from the public and government colleagues.

24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING AND PROTECTION OF WHISTLE BLOWERS.

(a) Protection of Whistle Blowers. Without the risk that conscientious public servants will, when necessary, disclose unlawful or improper governmental activities, the likelihood of illegal secret policies, corrupt practices, waste and mismanagement and unaccountable and arrogant decision making increases. Hence, persons who whistle blow in good faith act in the public interest. It is, therefore, improper to harass, punish or seek other reprisals against public servants who seek to hold government accountable. Whistle blowing is most often justified when it is the only practical way to reveal illegal conduct or major abuses of public authority. The decision to whistle blow, however, must be regarded with the utmost seriousness. Although whistle blowing can represent the highest form of loyalty to an institution and to democratic processes, it often requires breaching traditional notions of loyalty to colleagues and organization. In addition, it may involve the violation of professional obligations of confidentiality. Thus, the act of whistle blowing invariably incurs hostility and resentment and tends to undermine trust and create an atmosphere

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of suspicion. Yet, in spite of the personal and institutional costs, whistle blowing is sometimes essential to the public interest and morally justified as a means of preventing or correcting serious wrongs.

(b) Difference Between Leaking and Whistle Blowing. While both leaking and whistle blowing may be acts of conscience, whistle blowers act overtly and hence take greater risks and subject themselves to significant personal abuse including reprisals. In contrast, leakers act covertly and are essentially unaccountable for the consequences of their actions. Since it is fairer that criticisms and charges be made on the record, whistle blowing is preferable to leaking. In fact, in most cases, leaking is an improper violation of confidentiality and fairness. Although leaking is presumptively improper, there are rare circumstances where it is justified as a means of holding the government accountable for improper covert actions. Many issues of great public importance (for example, Watergate, Pentagon Papers, CIA assassination policies) came to light only because of leakers who acted in the public interest but sought to protect themselves and their families from the ramifications of their revelations. Because of general principles of trust, honor and professional discretion, however, disclosure of confidential information or documents through secret leaking is justified only to advance a compelling public interest. In the absence of a clear and compelling interest in disclosure, public servants should honor their confidences and legal obligations to maintain the secrecy of specified information (for example, classified documents, grand jury testimony, medical or psychiatric records, reports about juvenile abuse, etc.). It is not proper, for example, to leak information simply to give one news organization a competitive advantage over another about matters that will be made public in due time (for example, revealing the contents of a report a few days before it is to be formally issued). Nor

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is it proper to leak information simply as a means of affording the leaker some personal or political advantage.

(c) Leaks Concerning the Rights of Others. An especially troublesome category of leaks concerns information that could unjustifiably damage reputations, improperly prejudice court proceedings, unfairly affect elections, or unreasonably endanger the safety of others. It is almost always improper, for example, to leak information about undercover operations, criminal investigations, unsubstantiated charges or secret grand jury testimony. Supervisors in departments which possess potentially damaging information should take steps to protect the rights of those who would be injured by leaks and to hold leakers accountable for their actions.

AS 24.61.450. DUTY TO TOWARD COLLEAGUES AND SUBORDINATES. This section simply makes it clear that improper or illegal conduct with regard to subordinates or colleagues is a legitimate matter for the commission. Only egregious cases ought to be brought to the level of a complaint but the presiding officer of each house should seek to assure that civility and decency prevail. When necessary, the presiding officer should use this provision to counsel and, occasionally, reprimand members who violate it.

AS 24.61.460. DUTY TO ADVANCE PRINCIPLES OF REPRESENTATIVE DEMOCRACY.

(a) Principles of Representative Democracy. This provision is likely to seem naive to some who believe that "all is fair in love and politics" but this is, after all, a statement of ethical principles. The fact is, that notwithstanding various "might makes right" power theories, the ideals of democracy are clear -- one person, one vote; the majority rules but never in a way that tramples the rights of the minority; matters of import should be decided on their merits after full and open debate, not on the basis of power politics which squelches dissent and coerces compliance. Though it is unlikely that a provable violation of this pro-

vision will arise, conduct which is inconsistent with this representative democracy standard is serious in spite of contrary customs, traditions and political rationalizations.

(b) Abiding by the Spirit as Well as the Letter of the Law.

Legislators and legislative employees should not engage in artifices and schemes to exploit loopholes or ambiguities in the law in a way that undermines their spirit and purpose. When public servants seek to circumvent the spirit or purpose of laws they tend to undermine the public's confidence in government and diminish the public's commitment to civic responsibility by legitimizing self-interested evasions of public policy.

(c) Fairness in the Use of Procedural Rules. In using procedural rules, legislators and legislative employees should maintain the integrity, fairness and efficiency of the process by honoring the substance and spirit of the rules and by refraining from conduct which undermines the principles of representative democracy. The importance of technical procedures in the legislative and administrative process encourages legalistic manipulation to achieve political goals. While this is not inherently improper, there is a tendency to adopt an "ends-justifies-the-means" philosophy which can elevate process over substance and power over principle in a way that undermines fundamental assumptions of democratic government. The public interest is not served when public servants engage in trickery or procedural extortion to achieve their ends. Generally, the public views parliamentary machinations with cynicism. Responsible public servants recognize that no specific political victory is worth damaging the delicate structure of democratic government. Legalistic maneuvering which creates unfair or anti-democratic results inevitably spawns ill will and draconian countermeasures. Too often political scheming becomes so prevalent that it demeans the inherent nobility of the democratic process and reduces politics to a cynical game. For

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example, a fundamental rule of fairness is notice. Thus, it is improper to suspend the rules or force a vote in a way that violates customary practices and expectations of fair notice and, therefore, prevents legitimate opposition from having its say.

(d) Use of Leadership Power. Legislative leaders and committee chairs should use their leadership powers only in a manner consistent with fairness, accountability and the principle of representative democracy. Within a legislative body, special powers are delegated to leaders including committee chairs. The purpose of such delegation invariably should be to improve the process so that the organization's general will can be carried out more effectively; never to provide individual legislators with almost dictatorial power to subvert or make public policy in a manner that derogates the prerogatives of the policy-making body as a whole or any other legislator. Legislative committees must sort through and prioritize an overabundance of bills, some which were probably introduced for reasons other than a full commitment to their merits. Since there are no limitations on the number or regulations concerning the quality of bills offered, the committee is empowered to screen proposed legislation to assure that the time of the members is only spent on matters which have a reasonable chance of success. Skilled committee chairs can properly use leadership power to bring factions together, to fashion compromises and to break unhealthy gridlock situations. On the other hand, Lord Acton's admonition that "power corrupts and absolute power corrupts absolutely," applies to legislative leaders who use their position in inappropriate ways to block consideration of important issues, to bully, bribe or intimidate fellow legislators to support positions and programs favored by the leader. A legislator who controls the parliamentary process or is otherwise in a position to facilitate or prevent the consideration of an issue, has an ethical obligation to

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avoid any use that effectively undermines representative democracy.

(e) Improper Uses of the Power to Move or Bury a Bill.

There are a number of proper reasons to move or bury a bill but there are some that are clearly improper because they violate fundamental principles of democracy, fairness, due process and the notion that government is to be run by laws not men. Thus, a legislative leader or committee chair should not prevent a measures from receiving appropriate consideration because they dislike the sponsor of the bill, to get even, or because "burying" the bill creates political advantages sought by the leader or chair. It is also improper and anti-democratic for an individual, or small group of individuals, to use their power to move or bury a bill as a means of extracting concessions or affecting the behavior of other legislators. Persons who abuse their power in this way should be subjected to internal discipline.

(f) The Ideologically-Driven Veto. The hardest case concerns the use of leadership position to effectively veto a bill on ideological grounds. A legislator who believes that a particular bill, though sincerely offered and vigorously pursued by one or more colleagues is bad policy may have the power to prevent it from leaving a committee. Some believe this is a proper incident of democracy but it is not. Committee chairs are not chosen by any true democratic process which provides them with the legitimate power to act as an ideological filter over the entire body. Nor is the fact that a dozen or more committee chairs may assert similar prerogatives a justification. History is full of circumstances where one person has, through the use of committee power, effectively imposed a personal ideology on a whole legislative body in a way that stymies democracy and elevates single individuals above their colleagues. This disenfranchises individual legislators and their constituents. A democratically-committed representative must

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be willing to lose rather than give in to the end justifies the means rationale.

(g) Civil Disobedience. In rare cases, a legislators or legislative employees may exercise the prerogative of conscientious objection by disobeying the law. In such cases, the illegal behavior should be open and the official should be willing to bear the appropriate legal and political consequences. There is a long and revered history in this country of civil disobedience--the open and public refusal to abide by a law as a means of protest and as an impetus to change the law.

ARTICLE 3. Legislative Ethics Commission

AS 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. The composition of the commission responds to the need for an independent, highly qualified and respectable agency to implement the provisions of the Alaska Legislative Ethics Act. It includes two representatives selected by each branch of government, a representative selected by the commission most involved with the enforcement of general campaign and disclosure laws (APOC), and two additional persons selected by the combined special appointees. In making their appointments, the Supreme Court and the Alaska Public Officials Commission shall develop their own procedures. It is expected that this Commission will take a broad public view of legislative ethics and enable major stakeholders in the legislative process to participate in administering the Act. In making appointments to the commission, the appointing authorities should seek a representative group, diverse in terms of ethnic background, sex, region, and political orientation (including registered independents).

AS 24.61.502. CERTIFICATION; LEGISLATIVE DECERTIFICATION OR REMOVAL FROM OFFICE. The decertification process, in effect, gives the legislature veto power over individual nominations. It is a power that should not be exercised lightly or used for

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political purposes. Other provisions of the Act establish the ethical responsibility of legislators to rise above partisan politics especially when dealing with the commission. Still, the legislature should be comfortable with the integrity, character and capacity of each commissioner and, for good cause, they may decertify a newly appointed commissioner.

AS 24.61.508. APPLICABILITY OF CHAPTER TO COMMISSIONERS AND EMPLOYEES; OTHER RESTRICTIONS. Commissioners and commission staff must not be involved with any political activities with respect to the legislature or individuals over whom they have adjudicatory responsibility in any way that casts reasonable doubt on their impartiality, objectivity or lack of partisanship. Similarly, it is improper to engage in any form of inappropriate conduct which casts reasonable doubt on their ability to serve. For example, the public expression of prejudices or opinions about a legislator or a matter which might come before the commission is inconsistent with the neutral objective temperament demanded by the position.

AS 24.61.520. INFORMAL NONBINDING ADVICE. Ethical behavior is encouraged when legislators and staff are able to raise ethical issues freely and receive informed advice, both formally and informally. Individuals seeking to conform their actions to ethical principles deserve the guidance which informal letters and telephone conversations may give them. Often, unethical conduct can be avoided, and ethical principles maintained, by a simple recitation of the code as applied to any given circumstance. Advice given personally, over the telephone or by informal letter can provide valuable guidance relating to decisions which must be made rapidly or immediately and, thereby, advance behavior consistent with this Act. However, the duties of the Commission to interpret and implement the Act cannot be delegated to staff nor can one seeking informal advice expect it to be preceded by the thorough discussion and research associated with a formal advisory opinion. Therefore, the person seeking advice must be explicitly informed that the opinions given are in no way binding

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on the commission. If the person is unwilling to take the risk, he or she may request a formal advisory opinion which is binding, seek the nonbinding opinion of the committee of the legislature charged with ethics matters, or hire outside personal counsel to get additional guidance.

AS 24.61.525. FORMAL BINDING ADVISORY OPINIONS.

(a) Requests for Opinions. Undertaking to research, discuss and prepare a formal written advisory opinion involves a substantial commitment of time and resources. Therefore, a formal written request is important. The commission has the discretion to refuse or grant the request for a written advisory opinion since not all issues justify the commitment of public resources, either because they relate to minor or moot points or because it is clear from the provisions of the Act or from previous opinions how the questions should be answered.

(b) Confidentiality. Confidentiality is important to enable individuals to seek advice without fear of reprisal or self-incrimination. And, unless matters revealed to the commission or commission staff are pertinent and important to a matter before the commission, the identity of a requester of an advisory opinion and other collateral facts should be kept confidential and not be mentioned in public meetings or in public records. On the other hand, the commission's responsibilities as an independent enforcement agency cannot be compromised by claims of confidentiality with respect to information freely and voluntarily disclosed to the Commission. Persons requesting a formal opinion should be informed of this policy to avoid any misunderstandings.

AS 24.61.530. EXEMPTIONS PROCESS. This subsection was created to address occasional cases where strict application of the provisions of the Act would be contrary to the purposes of the Act. Exemptions should be granted only in rare and exceptional circum-

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stances. The burden of proof is on the applicant to prove the three criteria necessary for exemption.

AS 24.61.550. ADJUDICATORY HEARING. Ethics complaints against public officials should be resolved as quickly as possible consistent with fundamental rules of fairness and the needs of both the respondent and the investigators to prepare. Ethics complaints put a cloud of suspicion over those charged and inevitably hinder their ability to fully and effectively perform their public duties until they are resolved. Thus, the adjudicatory process has been designed to allow for maximum speed and efficiency. Commissioners who have active business and personal lives will not always be available on short notice to alter their schedules to meet the intense time demands that an adjudicatory ethics hearing may require. By having nine confirmed commissioners, any five whom may sit on the hearing board, the commission is more likely to be able to impanel a tribunal quickly. In selecting the hearing board the chair should assume all commissioners are qualified and shall select a board that can perform the adjudicatory function as efficiently as possible. The selection of a hearing board is to be made on a rotating basis that assures that no discretion is exercised in the selection of commissioners. If a commissioner in line for appointment is unable to serve at the times required, the next name will be selected. For subsequent hearing board selections, the names of commissioners who did not serve on the immediately previous hearing shall go to the top of the list.

AS 24.61.555. FINDINGS AND RECOMMENDATIONS.

(a) Exoneration. Since the commission had previously found probable cause to believe that a violation had occurred, it should be very rare that, after a full hearing, it finds that the respondent has been exonerated. If, however, the evidence produced at the hearing clearly establish the falsity or unfairness of the charges, the respondent should have the opportunity to recoup legal fees. Without such a determination, however, the mere acquittal of the respondent

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should not be construed as a vindication warranting the state to pay for the defense.

ARTICLE 4. Legislative Ethics Education Program

24.61.700. ETHICS EDUCATION PROGRAM. In order for ethics rules to be sufficiently specific to provide meaningful guidance and enforceable standards, they must be detailed. If they are to reach the subtleties of the choices that must be made, they sometimes must be complex. In many cases, they dictate results that are not intuitively obvious. It is unrealistic to expect that, without any special effort, that most legislators and legislative employees will read, let alone understand them. Ethics education will serve to explain the rules and regulations that legislators and their staffs must follow. But effective education goes far beyond reading the rules or getting instruction on the filing of disclosure forms. If public servants are to live lives consistent with these standards, they must internalize and remain sensitive to the norms of expected behavior. They need to understand the difference between what is legal and what is ethical, and they must know what procedures can and should be followed if they are to adhere to the highest aspirations of the Act. The ethics education program prescribed should help individuals develop the ability to apply rules, standards, values and ethics codes to specific situations. Public officials are constantly faced not only with hard decisions as to right and wrong, but even harder choices requiring them to choose among conflicting goods or the lesser of evils. Ethics education courses help public servants sort through and deal with the enormously complex ethical issues they are bound to face and emphasize the vital importance of the notion that public office is a public trust.

24.61.710. ETHICS EDUCATION MANUAL. All that can be done should be done to educate public servants on their legal and ethical obligations. One of the overarching principles of this Act is that it must be strictly enforced and that ignorance of the rules or

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their meanings will not be an acceptable excuse. The commission should thoroughly distribute this Manual at each time of issuance and develop procedures, in cooperation with the Personnel Office of the Legislative Affairs Agency, to assure that the Manual reaches all new legislators, legislative employees, and lobbyists.

AS 24.61.730. LEGISLATIVE ORIENTATION TRAINING COURSE. An Orientation Training Course covering both the "letter" and "spirit" of all ethics laws should be a minimum of six hours. The material is both extensive and in depth, involving many laws and complex issues surrounding those laws. The commission should remember that the public's trust and confidence in government is based on the highest ethical standards which can, in fact, be taught. Legislators should attend Orientation Courses and Workshops separately from legislative employees in order to allow the Courses to focus on issues which only affect one or the other group of people. Legislative employees have many different ethical issues to deal with from those of legislators, and as well, will benefit from the more confidential atmosphere achieved by the absence of their superiors. Limiting attendance to fifty people will afford every attendee ample opportunity to ask questions and fully participate in discussions, case studies, and other educational activities. Effective ethics education deals with complex issues of both a professional and personal nature, and therefore depends on the active participation of all attendees and should avoid the development of a passive learning environment.

AS 24.61.750. LOBBYIST TRAINING COURSE. Lobbyists play an integral role in the political process and substantially influence public policy formation. Therefore, it is essential that lobbyists know and understand the specific legal requirements which regulate the lobbying profession. Furthermore, and more importantly, lobbyists share the ethical obligation to not act in ways which will impede the legislature's ability to perform its duties according to the highest standards of public service ethics. The

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commission should cooperate, and coordinate, with the Alaska Public Offices Commission in order to most effectively implement and enforce lobbying regulations.

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LEGISLATIVE ETHICS ACT OF 1990
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