

S B

185

(7) F
Date Referred: March 20, 1992

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

4-22-92
Rules

Date of Committee Action: 4/22/92

The STATE AFFAIRS Committee considered:

HCS CSSB 185(FIN)

HOUSE CS FOR CS FOR SENATE BILL NO. 185 (FIN)

LEGISLATIVE ETHICS

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

RECOMMENDATIONS:
be replaced with 2d House CS for CS for SB 185 (STA) | | the same title
[X] a new title

- have attached amendments(s)
- do pass
- do not pass
- no recommendations
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact Admins _____

fiscal note(s) _____

zero fiscal note LAA _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Eugene A. Kuchera	X	David P. ... Claquette			✓
Tommy ...					
Edward ...					
Mc ...					

Eugene A. Kuchera
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HCS CSSB 185 (Fin) am H

Revision Date: _____

Department Affected: Administration

Title: Legislative Ethics Act

BRU: Alaska Public Offices Commission

Sponsor: Senate Special Committee on Ethics Reform

Component: Alaska Public Offices Commission

Requestor: _____

COMPONENT SERIAL NO.

		7	0	
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	73.1	42.5	43.8	45.1	46.5	47.9
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	1.0	11.0	11.0	11.0	11.0	11.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	74.1	53.5	54.8	56.1	57.5	58.9

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	74.1	53.5	54.8	56.1	57.5	58.9
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	74.1	53.5	54.8	56.1	57.5	58.9

POSITIONS:

FULL-TIME	2	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)
 See attached narrative.

Prepared by: Karen Booman, Executive Director
 Division: Alaska Public Offices Commission

Phone: (907) 276-4176
 Date: _____

Approved by Commissioner: Nancy Bear Usara
 Agency: Administration

Date: 4/6/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DSP, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. HCS CSSB 185 (Fin) am H

HCS CSSB 185 (Finance) am H FISCAL NARRATIVE

This bill establishes new financial disclosure requirements for legislators, candidates for the legislature and legislative directors.

The Alaska Public Offices Commission (Commission) is requesting funds to prepare for implementation of these new requirements and for ongoing administration. A Regulations Specialist II position (range 16) is requested for the first year only to develop forms, manuals, and instructional material and prepare proposed regulation changes for Commission adoption. A modest sum of \$1,000 is requested to supplement manual costs to accommodate the separate disclosure requirements for legislators, candidates, and directors.

An Administrative Assistant (range 12) is proposed to administer the program on an ongoing basis. This would include providing compliance, assisting interpretations of the law, review of statements and assistance with complaint investigations.

The Commission anticipates that potential complaints could include allegations that a legislator or candidate did not reveal complete or accurate information about an income source with a substantial interest in legislative, administration, or political action. The Commission anticipates that one complaint annually could proceed to public hearing before the Commission as required under the Administrative Procedures Act. Funds are requested to absorb the additional expense.

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

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HCS CSSB 185 (Fin) am H

HCS CSSB 185 (Finance) am H
Alaska Public Offices Commission Estimated Costs
FY 93

Personnel:

* Regulations Specialist II, Range 16A	\$52,422	
Administrative Assistant, Range 12A	<u>\$20,640</u>	(Starting January 1, 1993)
	\$73,062	

Contractual Services:

<u>Manuals/Forms</u>	\$ 1,000	
** <u>Legal Fees</u>	\$10,000	
Hearings, witness fees, subpoenas, transcripts, professional services.		

* Funding for Regulations Specialist II position required for FY 93 only.

** Complaint investigation funds will be necessary after FY 93.

Personnel Services costs projected to increase 3 percent per year for merit increases.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO: SB 185

Revision Date: _____
Title: "An Act relating to conduct of legislators, legislative employees....on Legislative Ethics."
Sponsor: Senate Spec. Comm. on Ethics Reform
Requestor: House State Affairs

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Council & Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 3/24/92

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 3/24/92

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

Extra



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

TO: All Representatives
FROM: David Finkelstein *DF*
DATE: April 16, 1992
SUBJECT: Ethics legislation

Last May, the House passed the Legislative Ethics Act of 1992, HCS CSSB 185(FIN) am-H. The Senate did not accept the title changes made by the House and returned the bill to the House. SB 185 is currently in the House State Affairs Committee which is attempting to forge a compromise between the House and Senate versions of the bill which fits under the Senate title.

Listed below (and in the attached CS) are changes to the House version now being considered by the State Affairs Committee. In addition to adopting many Senate provisions, the draft CS also uses the drafting style of the Senate bill, i.e., additions and deletions to the current ethics statute rather than a complete replacement of the current law.

If you have concerns with any of the changes to the House bill, please let me know. I would like to work with you to address any problems before the bill is back on the House floor.

Proposed Changes to the House version of SB 185:

1. Modify the House prohibition against the misuse of state resources for political purposes, by removing the general statement prohibiting correspondence that is primarily intended to influence an election and the provision directing the Legislative Council to recommend regulations.
(CS page 4, line 5)
2. Adopt Senate restriction on the taking of an action which could substantially benefit or harm an entity with which a legislator or aide is negotiating for employment.
(CS page 5, line 7)
3. Adopt Senate ban on fundraising by legislators during session, with the House clarification that only fundraising for legislative races is prohibited.
(CS page 5, line 22)

4. Add a new section prohibiting legislative employees from filing as candidates for the legislature, or filing letters of intent to run for the legislature.

(CS page 6, line 1)

5. Accept Senate retention of the existing statutory provisions relating to legislators' and aides' interests in state contracts or leases, with the House expansion to cover the immediate family members of legislators and legislative employees.

(CS page 6, line 17)

6. Adopt Senate disclosure requirements for close economic associations. The Senate version keeps the current statutory requirements, plus requires that disclosure statements include sufficient detail. The House version only requires disclosure of financial relationships with lobbyists, but the commission is given the power to determine whether the economic association warrants restrictions.

(CS page 8, line 10)

7. Adopt Senate gift sections. The Senate version increases the value of acceptable gifts to \$100, but limits gifts from a single source to \$100/year. Both the Senate and House versions prohibit the acceptance of gifts from lobbyists during session, with some exceptions. The Senate bill also prohibits the acceptance of gifts from lobbyists' clients during the session, and states that a lobbyist may not give or facilitate a gift to a legislator or aide, other than food or beverage for immediate consumption, during the session. In addition to the Senate language, the exception for family gifts will be limited to gifts from immediate family members. Gifts from other relations may be permitted under the exclusion for gifts unrelated to the recipient's legislative status.

(CS page 9, line 5 and page 27, line 17)

8. Adopt Senate version regarding honoraria, plus the House clarification that the prohibition against honoraria does not prevent a legislator from holding a job which requires appearances or speech as part of the normal course of employment.

(CS page 10, line 23)

9. Delete House language allowing exceptions to the nepotism ban when a relative is uniquely qualified to perform a task.

(CS page 11, line 1)

10. Modify House provisions on the representation of clients before state agencies by returning to the language of the current statute, which requires disclosure of all types of representation.

(CS page 11, line 16)

11. Modify House ethics commission provisions in the following ways: (CS pages 11 - 20)

- Retain the current committee structure, but the committee will consist of two representatives, two senators and five public members;
- The House and Senate subcommittees will each consist of two legislators and five public members;
- The committee and subcommittees must be chaired by public members;
- All five public members will be appointed by the Chief Justice of the Supreme Court, and will serve three-year staggered terms;
- Remove term limits for public members;
- Reduce commission staffing to one half-time employee hired by the committee, with legal assistance provided by Legal Services;
- Adopt Senate version of the advisory opinion and complaint processes; and
- Delete list of sanctions the committee may recommend.

12. Adopt the Senate provision stating that a member of the ethics commission may obtain access to closed confidential committee files only if the full committee determines by majority vote that the member has a need to know.
(CS page 13, line 25)

13. Replace specific provisions scattered throughout the House bill allowing exceptions with one general section permitting the committee to grant exceptions to the ethics prohibitions under certain circumstances.
(CS page 14, line 25)

14. Modify the House financial disclosure provisions relating to gifts, inheritances, the definition of income, and the definition of a person with with a substantial interest in legislative action. These changes conform to amendments the House State Affairs Committee made to the campaign finance bill, HB 195.
(CS page 20, line 12)

15. Remove reference to candidates for the Legislature from the sections relating to financial disclosure.
(CS page 20, line 12)

16. Modify House the definition of "legislative employee" to include all employees except those whose jobs are incidental to the legislative process, such as maintenance workers. Legislative employees include public members of the ethics committee and committee employees and contractors. The category of "legislative assistants" will be deleted.
(CS page 24, line 4)

17. Adopt Senate restriction on lobbyists' influence on the introduction of bills. Current law prohibits a lobbyist from encouraging the introduction of a bill so that the lobbyist may be employed opposing the bill. The Senate version states that a lobbyist also may not encourage introduction of a bill for the purpose of being employed to secure its passage.

(CS page 27, line 2)

18. Adopt Senate prohibition against lobbyists' involvement in legislative campaigns with one modification. Lobbyists would be allowed to give personal contributions to candidates.

(CS page 27, line 10)

19. Adopt Senate post-legislative lobbying restrictions with the House clarification that the ban applies to executive and legislative lobbying by paid lobbyists, but not by volunteer or representational lobbyists. The House version bans executive branch and legislative branch lobbying for one session. The Senate extends the ban for one year, but only to legislative lobbying.

(CS page 27, line 22)

20. Modify House provisions to clarify that all disclosures will be submitted to the committee, which will turn them over to the journal. Under the current law, some disclosures are given directly to the chief clerk and some go first to the committee.

(CS various pages)

21. Delete House provisions which relate to legislative office accounts, supplemental office expenses and travel.

(deleted)

22. Delete House provisions which relate to the state-funded legal defense of legislators and legislative employees.

(deleted)



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

TO: House State Affairs Committee

FROM: David Finkelstein

DATE: April 14, 1992

SUBJECT: SB 185, ethics legislation

Listed below is the best compromise I can come up with between the House and Senate versions. In addition to adopting many Senate provisions, I have also incorporated the Senate drafting style, as Senator Collins requested. I will try to talk to you prior to tomorrow's State Affairs hearing to address any concerns you may have.

1. Adopt Senate restriction on lobbyists' influence on the introduction of bills. Current law prohibits a lobbyist from encouraging the introduction of a bill so that the lobbyist may be employed opposing the bill. The Senate version states that a lobbyist also may not encourage introduction of a bill for the purpose of being employed to secure its passage.
(Senate page 1)
2. Adopt Senate prohibition against lobbyists' involvement in legislative campaigns with one modification. Lobbyists would be allowed to give personal contributions to candidates.
(Senate page 2)
3. Adopt Senate restriction on the taking of an action which could substantially benefit or harm an entity with which a legislator or aide is negotiating for employment.
(Senate page 4)

4. Modify the House prohibition against the misuse of state resources for political purposes, by removing the general statement prohibiting correspondence that is primarily intended to influence an election and the provision directing the Legislative Council to recommend regulations.

(Senate page 4, House page 2)

5. Adopt Senate ban on fundraising by legislators during session, with the House clarification that only fundraising for legislative races is prohibited.

(Senate page 5, House page 8)

6. Adopt Senate disclosure requirements for close economic associations. The Senate version keeps the current statutory requirements, plus requires that disclosure statements include sufficient detail. The House version only requires disclosure of financial relationships with lobbyists, but the commission is given the power to determine whether the economic association warrants restrictions.

(Senate page 5, House page 12)

7. Adopt Senate gift sections. The Senate version increases the value of acceptable gifts to \$100, but limits gifts from a single source to \$100/year. Both the Senate and House versions prohibit the acceptance of gifts from lobbyists during session, with some exceptions. The Senate bill also prohibits the acceptance of gifts from lobbyists' clients during the session, and states that a lobbyist may not give or facilitate a gift to a legislator or aide, other than food or beverage for immediate consumption, during the session. In addition to the Senate language, the exception for family gifts will be limited to gifts from immediate family members. Gifts from other relations may be permitted under the exclusion for gifts unrelated to the recipient's legislative status.

(Senate page 5, House page 7)

8. Adopt Senate version regarding honoraria, plus the House clarification that the prohibition against honoraria does not prevent a legislator from holding a job which requires appearances or speech as part of the normal course of employment.

(Senate page 6, House page 8)

9. Modify House provisions on the representation of clients before state agencies by returning to the language of the current statute, which requires disclosure of all types of representation.

(Senate page 7, House page 5)

10. Modify House ethics commission provisions in the following ways:

- Retain the current committee structure, but the nine-member committee will consist of two representatives, two senators and five public members instead of six legislators and three public members;
 - The House and Senate subcommittees will each consist of two legislators and five public members;
 - The committee and subcommittees must be chaired by public members;
 - All five public members will be appointed by the Chief Justice of the Supreme Court, and will serve three-year staggered terms;
 - Remove term limits for public members;
 - Reduce commission staffing to one half-time employee hired by the committee/commission, with legal assistance provided by Legal Services;
 - Adopt Senate version of the advisory opinion and complaint processes; and
 - Delete list of sanctions the committee may recommend.
- (Senate pp. 7-12, House pp. 14-28)

11. Adopt the Senate provision stating that a member of the ethics commission may obtain access to closed confidential committee files only if the full committee determines by majority vote that the member has a need to know.
(Senate page 8)

12. Adopt Senate post-legislative lobbying restrictions with the House clarification that the ban applies to executive and legislative lobbying by paid lobbyists, but not by volunteer or representational lobbyists. The House version bans executive branch and legislative branch lobbying for one session. The Senate extends the ban for one year, but only to legislative lobbying.
(Senate page 13, House page 38)

13. Delete House language allowing exceptions to the nepotism ban when a relative is uniquely qualified to perform a task.
(House page 4)

14. Modify the House financial disclosure provisions relating to gifts, inheritances, the definition of income, and the definition of a person with with a substantial interest in legislative action. These changes conform to amendments the House State Affairs Committee made to the campaign finance bill, HB 195.
(House page 10)

15. Remove reference to candidates for the legislature from the sections relating to financial disclosure.

(House page 10 and various references)

16. Accept Senate retention of the existing statutory provisions relating to legislators' and aides' interests in state contracts or leases, with the House expansion to cover the immediate family members of legislators and legislative employees.

(House page 12) section.

17. Replace specific provisions scattered throughout the House bill allowing exceptions with one general section permitting the committee to grant exceptions to the ethics prohibitions under certain circumstances.

(House page 20 and various other references)

18. Delete House provisions which relate to legislative office accounts, supplemental office expenses and travel.

(House page 34)

19. Delete House provisions which relate to the state-funded legal defense of legislators and legislative employees.

(House page 35)

20. Modify House the definition of "legislative employee" to include all employees except those whose jobs are incidental to the legislative process, such as maintenance workers. Legislative employees include public members of the ethics committee and committee employees and contractors. The category of "legislative assistants" will be deleted.

(Senate page 4, House page 27)

21. Add a new section prohibiting legislative employees from filing as candidates for the legislature, or filing letters of intent to run for the legislature.

(Not in Senate or House version)

22. Modify House provisions to clarify that all disclosures will be submitted to the committee, which will turn them over to the journal. Under the current law, some disclosures are given directly to the chief clerk and some go first to the committee.

23. Adopt the Senate title.



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

April 14, 1992

MEMORANDUM

TO: Representative David Finkelstein

FROM: Senator Virginia Collins, Chair
Senate Special Committee Ethics Reform

SUBJECT: Ethics

I am in receipt of your last note requesting further changes to your memorandum dated 4/3/92. You specifically asked about item 6, item 11 and item 23.

Item 6. It makes sense to allow an exception for contested special elections. The prohibition on fundraising in Juneau during session should remain.

Item 11. I am not sure that all of our differences can be resolved on this item.

Item 23. My preference is that the ethics code cover all legislative employees but above a range 15 as specified in the original senate language is fine.

I still believe the preferred method of accomplishing both of our goals is to modify the existing statutes rather than a repeal and reenactment. Now the House State Affairs Committee and the rest of the House must decide which approach^{ho?} the better chance of success.

cc: Representative Kubina



Official Business

Alaska State Legislature

Senate

SPECIAL COMMITTEE ON ETHICS REFORM

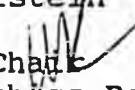
Senator Virginia Collins

Pouch V
State Capitol
Juneau, Alaska 99811

April 7, 1992

MEMORANDUM

TO: Representative David Finkelstein

FROM: Senator Virginia Collins, Chair 
Senate Special Committee Ethics Reform

SUBJECT: Ethics

I am in receipt of your memorandums dated 4/6/92 and 4/7/92. I have not completed my review of your new work draft 7-LS0799\N dated 4/6/92 and must reserve judgement. However, I have attached your 4/3/92 memorandum with notations in the margin next to the 24 listed items.

I note that your new draft adopted some suggestions presented in my work draft 7-LS0799/E dated 3/30/92. I would like to reiterate that there is no guarantee that the Senate will concur with a repeal and reenactment of the legislative ethics statutes.

I want to again emphasize that modifying the existing statutes is preferable to a repeal and reenactment. As we both know, the house and senate versions of SB 185 only deal with advisory committees with regard to legislators. My new work draft 7-LS0799/K dated 3/30/92 is a very good compromise and I believe it stands the best chance of concurrence by the full Senate.

My preference is for the House State Affairs Committee to adopt work draft 7-LS0799\K dated 4/2/92 as their committee substitute. Then legislature pass SJR 31 which would allow a vote on a completely independent Commission On Public Standards.

Attachment

cc: Representative Kubina



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

TO: House State Affairs Committee
FROM: David Finkelstein
DATE: April 3, 1992
SUBJECT: SB 185, ethics legislation

We are still in the process of developing a compromise on the ethics bill. Listed below are some possible changes to the House version to bring it closer to the Senate version. While no one has agreed to this approach, I believe the final compromise will be close to this. Please let me know if you feel any of these changes should not be made.

1. Adopt Senate restriction on lobbyists' influence on the introduction of bills. Current law prohibits a lobbyist from encouraging the introduction of a bill so that the lobbyist may be employed opposing the bill. The Senate version states that a lobbyist also may not encourage introduction of a bill for the purpose of being employed to secure its passage.
(Senate page 1)

*yes
Senate
language*

2. Adopt Senate prohibition against lobbyists' involvement in legislative campaigns with one modification. Lobbyists would be allowed to give personal contributions to candidates.
(Senate page 2)

*yes
Senate
language*

3. Adopt Senate restriction on the taking of an action which could substantially benefit or harm an entity with which a legislator or aide is negotiating for employment.
(Senate page 4)

*yes
Senate
language*

4. Modify the House prohibition against the misuse of state resources for private benefit, by making the use of a telephone that does not carry a special charge the only exception. Delete the exception for limited use of nominal cost.
(Senate page 4 , House page 2)

*yes
Senate
language*

5. Modify the House prohibition against the misuse of state resources for political purposes, by making the use of a telephone that does not carry a special charge the only exception. Delete the exception for limited use of nominal cost, and the provision for regulations, and the prohibition against mass mailings within thirty days of an election. *no exception*
(Senate page 4, House page 2)

6. Adopt Senate ban on fundraising by legislators during session, with the House exception for special elections. *no exception*
(Senate page 5, House page 8)

7. Adopt Senate disclosure requirements for close economic associations. The Senate version keeps the current statutory requirements, plus requires that disclosure statements include sufficient detail. The House version only requires disclosure of financial relationships with lobbyists, but the commission is given the power to determine whether the economic association warrants restrictions. *yes Senate language*
(Senate page 5, House page 12)

8. Adopt Senate gift sections. The Senate version increases the value of acceptable gifts to \$100, but limits gifts from a single source to \$100/year. Both the Senate and House versions prohibit the acceptance of gifts from lobbyists during session, with some exceptions. The Senate bill also prohibits the acceptance of gifts from lobbyists' clients during the session, and states that a lobbyist may not give or facilitate a gift to a legislator or aide, other than food or beverage for immediate consumption, during the session. *yes Senate language*
(Senate page 5, House page 7)

9. Adopt Senate version regarding honoraria, plus the House clarification that the prohibition against honoraria does not prevent a legislator from holding a job which requires appearances or speech as part of the normal course of employment. *yes*
(Senate page 6, House page 8)

10. Modify House provisions on the representation of clients before state agencies by requiring disclosure of all types of representation. *yes*
(Senate page 7, House page 5)

11. Modify House ethics commission provisions in the following ways: *no assurance that Senate will occur*

- All five public members appointed by the Supreme Court;
- Reduce commission staffing to one half-time employee hired by the committee/commission, with legal assistance provided by Legal Services; and
- Adopt Senate version of the complaint process.

(Senate pp. 7-12, House pp. 14-28)

12. Adopt the Senate provision stating that a member of the ethics commission may obtain access to closed confidential committee files only if the full committee determines by majority vote that the member has a need to know. *yes Senate language*
(Senate page 8)

13. Adopt Senate post-legislative lobbying restrictions with the House clarification that the ban applies to executive and legislative lobbying by paid lobbyists, but not by volunteer or representational lobbyists, and that the Commission may grant exceptions. The House version bans executive branch and legislative branch lobbying for one session. The Senate extends the ban for one year, but only to legislative lobbying. *yes Senate language with House addition*
(Senate page 13, House page 38)

14. Modify the House restrictions on requiring staff to do personal services by eliminating the exception for unusual and infrequent situations. *no except*
(House page 2)

15. Delete House language allowing exceptions to the nepotism ban when a relative is uniquely qualified to perform a task. *yes*
(House page 4)

16. Delete House provisions which permit legislators and employees to accept contributions to legal defense and election challenge funds. *yes*
(House page 9)

17. Modify the House financial disclosure provisions relating to gifts, inheritances, the definition of income, and the definition of a person with with a substantial interest in legislative action. These changes conform to amendments the House State Affairs Committee made to the campaign finance bill, HB 195. *yes*
(House page 10)

18. Remove reference to candidates for the legislature from the sections relating to financial disclosure. *yes*
(House page 10 and various references)

19. Accept Senate retention of the existing statutory provisions relating to legislators' and aides' interests in state contracts or leases, with the House expansion to cover the immediate family members of legislators. *yes*
(House page 12)

20. Delete most House provisions which permit the Commission to grant exceptions to the ethics prohibitions under extraordinary circumstances.

(House page 20 and various other references)

yes

21. Delete House provisions which relate to legislative office accounts, supplemental office expenses and travel.

(House page 34)

yes

22. Delete House provisions which relate to the state-funded legal defense of legislators and legislative employees.

(House page 35)

yes

23. Modify House definitions of legislative assistant and legislative employee to reflect Senate division at range 15. Assistants will be employees who work at range 15 and above and public members of the ethics commission. Employees include everyone on the legislature's payroll, including ethics commission employees and contractors.

(Senate page 4, House page 27)

include all employees

24. Add a new section prohibiting legislative employees from filing as candidates for the legislature, or filing letters of intent to run for the legislature.

(Not in Senate or House version)

yes



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

TO: House State Affairs Committee

FROM: David Finkelstein

DATE: April 3, 1992

SUBJECT: SB 185, ethics legislation

We are still in the process of developing a compromise on the ethics bill. Listed below are some possible changes to the House version to bring it closer to the Senate version. While no one has agreed to this approach, I believe the final compromise will be close to this. Please let me know if you feel any of these changes should not be made.

1. Adopt Senate restriction on lobbyists' influence on the introduction of bills. Current law prohibits a lobbyist from encouraging the introduction of a bill so that the lobbyist may be employed opposing the bill. The Senate version states that a lobbyist also may not encourage introduction of a bill for the purpose of being employed to secure its passage.
(Senate page 1)
2. Adopt Senate prohibition against lobbyists' involvement in legislative campaigns with one modification. Lobbyists would be allowed to give personal contributions to candidates.
(Senate page 2)
3. Adopt Senate restriction on the taking of an action which could substantially benefit or harm an entity with which a legislator or aide is negotiating for employment.
(Senate page 4)
4. Modify the House prohibition against the misuse of state resources for private benefit, by making the use of a telephone that does not carry a special charge the only exception. Delete the exception for limited use of nominal cost.
(Senate page 4 , House page 2)

5. Modify the House prohibition against the misuse of state resources for political purposes, by making the use of a telephone that does not carry a special charge the only exception. Delete the exception for limited use of nominal cost, and the provision for regulations, and the prohibition against mass mailings within thirty days of an election.

(Senate page 4, House page 2)

6. Adopt Senate ban on fundraising by legislators during session, with the House exception for special elections.

(Senate page 5, House page 8)

7. Adopt Senate disclosure requirements for close economic associations. The Senate version keeps the current statutory requirements, plus requires that disclosure statements include sufficient detail. The House version only requires disclosure of financial relationships with lobbyists, but the commission is given the power to determine whether the economic association warrants restrictions.

(Senate page 5, House page 12)

8. Adopt Senate gift sections. The Senate version increases the value of acceptable gifts to \$100, but limits gifts from a single source to \$100/year. Both the Senate and House versions prohibit the acceptance of gifts from lobbyists during session, with some exceptions. The Senate bill also prohibits the acceptance of gifts from lobbyists' clients during the session, and states that a lobbyist may not give or facilitate a gift to a legislator or aide, other than food or beverage for immediate consumption, during the session.

(Senate page 5, House page 7)

9. Adopt Senate version regarding honoraria, plus the House clarification that the prohibition against honoraria does not prevent a legislator from holding a job which requires appearances or speech as part of the normal course of employment.

(Senate page 6, House page 8)

10. Modify House provisions on the representation of clients before state agencies by requiring disclosure of all types of representation.

(Senate page 7, House page 5)

11. Modify House ethics commission provisions in the following ways:

- All five public members appointed by the Supreme Court;
- Reduce commission staffing to one half-time employee hired by the committee/commission, with legal assistance provided by Legal Services; and
- Adopt Senate version of the complaint process.

(Senate pp. 7-12, House pp. 14-28)

12. Adopt the Senate provision stating that a member of the ethics commission may obtain access to closed confidential committee files only if the full committee determines by majority vote that the member has a need to know.

(Senate page 8)

13. Adopt Senate post-legislative lobbying restrictions with the House clarification that the ban applies to executive and legislative lobbying by paid lobbyists, but not by volunteer or representational lobbyists, and that the Commission may grant exceptions. The House version bans executive branch and legislative branch lobbying for one session. The Senate extends the ban for one year, but only to legislative lobbying.

(Senate page 13, House page 38)

14. Modify the House restrictions on requiring staff to do personal services by eliminating the exception for unusual and infrequent situations.

(House page 2)

15. Delete House language allowing exceptions to the nepotism ban when a relative is uniquely qualified to perform a task.

(House page 4)

16. Delete House provisions which permit legislators and employees to accept contributions to legal defense and election challenge funds.

(House page 9)

17. Modify the House financial disclosure provisions relating to gifts, inheritances, the definition of income, and the definition of a person with with a substantial interest in legislative action. These changes conform to amendments the House State Affairs Committee made to the campaign finance bill, HB 195.

(House page 10)

18. Remove reference to candidates for the legislature from the sections relating to financial disclosure.

(House page 10 and various references)

19. Accept Senate retention of the existing statutory provisions relating to legislators' and aides' interests in state contracts or leases, with the House expansion to cover the immediate family members of legislators.

(House page 12)

20. Delete most House provisions which permit the Commission to grant exceptions to the ethics prohibitions under extraordinary circumstances.

(House page 20 and various other references)

21. Delete House provisions which relate to legislative office accounts, supplemental office expenses and travel.

(House page 34)

22. Delete House provisions which relate to the state-funded legal defense of legislators and legislative employees.

(House page 35)

23. Modify House definitions of legislative assistant and legislative employee to reflect Senate division at range 15. Assistants will be employees who work at range 15 and above and public members of the ethics commission. Employees include everyone on the legislature's payroll, including ethics commission employees and contractors.

(Senate page 4, House page 27)

24. Add a new section prohibiting legislative employees from filing as candidates for the legislature, or filing letters of intent to run for the legislature.

(Not in Senate or House version)



Official Business

Alaska State Legislature

Senate

SPECIAL COMMITTEE ON ETHICS REFORM

Senator Virginia Collins

Pouch V
State Capitol
Juneau, Alaska 99811

April 2, 1992

MEMORANDUM

TO: Representative Gene Kubina, Chair
House State Affairs Committee and
Members of House State Affairs Committee

FROM: Senator Virginia Collins, Chair *W*
Senate Special Committee Ethics Reform

SUBJECT: House State Affairs Committee Substitute CSSB
185(JUD) am

My memorandum to you dated 3/31/92 explained that I would be forwarding two draft committee substitutes for discussion. You already have work draft 7-LS0799/E based on the version passed by the House.

Attached is work draft 7-LS0799/K along with a sectional analysis. It has been drafted based on the bill that passed the Senate. As I mentioned before, the Senators to whom I have spoken prefer leaving intact the existing Select Committee on Legislative Ethics. The attached draft includes most of the concerns that have been expressed to me by various House members. Draft 7-LS0799/K represents the best of both bill versions and has the best chance of concurrence by the full Senate.

I believe that the critical items have been addressed. Listed below are the changes to CSSB 185(JUD) am:

1. Add section requiring compliance with Open Meetings Act, Sec. 15.
2. Add section on reprisals against whistle blowers, Sec. 13.
3. Add section prohibiting discrimination, Sec. 13.
4. Add language to include all legislative employees under the ethics statute, Sec. 4.
5. Reduces the legislative members on the committee from six to four, two from Senate and two from House. Also requires membership on subcommittee, one from the majority and one from the minority. Committee size is reduced from nine members to seven members with changes in quorum requirements, Sec. 17 - 20.

6. Add language to prohibit receipt of anything of value for performing legislative duties, Sec. 6.
7. Add language to prohibit preferential treatment in state contracts, Sec. 6.
8. Add section to prohibit legislative employees from serving on boards and commissions requiring legislative confirmation, Sec. 8.
9. Deletes the total ban on representation before state agencies.
10. Deletes the total ban on post legislative employment.

I urge the House State Affairs Committee to adopt work draft 7-LS0799\K as a committee substitute.



Official Business

Alaska State Legislature

Senate

SPECIAL COMMITTEE ON ETHICS REFORM Senator Virginia Collins

Pouch V
State Capitol
Juneau, Alaska 99811

March 31, 1992

MEMORANDUM

TO: Representative Gene Kubina, Chair
House State Affairs Committee

FROM: Senator Virginia Collins, Chair *VC*
Senate Special Committee Ethics Reform

SUBJECT: Ethics

My staff has gone over both versions of SB 185 and the Representative Finkelstein's proposals dated 3/25/92. I have been working on two proposed committee substitutes which have been drafted using either version.

Work Draft 7-LS0799\E dated 3/30/92 has been drafted to incorporate many of the senate items not contained in the bill that passed the house. I have taken the liberty of deleting from HCS CSSB 185(FIN) am H those items which were purposely left out of CSSB 185(JUD) am. I want to be clear that my preference is still the approach taken in the bill passed by the Senate.

I find little agreement with those I have talked with about doing away with our current advisory ethics committee and establishing a new advisory ethics committee. The main problem seems to be that they do the same thing and the new committee costs 15 times as much as the current committee. We legislators should be looking at ways to cut the cost of government and make it run more efficiently.

After having sat on the Select Committee on Legislative Ethics for over a year, I am not convinced that the current method is broke and needs fixing. We have some very fine public members on our committee and they take their appointments seriously. The statute problems identified in the Adams investigation could not have been foreseen which is why both the senate and the house versions now cover that situation. The current committee was not at fault for the deficiency in the statute.

This draft does not tamper with the concepts passed by the house. However, we have made some minor changes that enhance the enforcement of an ethics code and delete exemptions to the statute. Please consider this draft a starting point should a conference committee become necessary in order to achieve agreement.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

TO: House State Affairs Committee

FROM: David Finkelstein

DATE: March 25, 1992

SUBJECT: Possible amendments to HCS CSSB 185(FIN) am-H,
the Legislative Ethics Act.

I am working with the Senate to try to find a compromise between the House and Senate versions of the ethics bill. Listed below are some possible amendments to HCS CSSB 185(FIN) am-H to incorporate provisions from the Senate version. While we haven't yet reached an agreement with the Senate, I thought it would be helpful to give the committee an idea of what some of these changes would involve. Also attached is an additional list of provisions in the House version which don't fit under the Senate title.

1. Adopt Senate disclosure requirements for close economic associations. The Senate version keeps the current statutory requirements, plus requires that disclosure statements include sufficient detail. The House version only requires disclosure of financial relationships with lobbyists, but the commission is given the power to determine whether the economic association warrants restrictions. ✓
(House page 12, line 4. Senate page 5, line 15)
2. Adopt Senate restriction on the taking of an action which could substantially benefit or harm an entity with which a legislator or aide is negotiating for employment. ✓
(Senate page 4, line 23)
3. Adopt Senate restriction on lobbyists' influence on the introduction of bills. Current law prohibits a lobbyist from encouraging the introduction of a bill so that the lobbyist may be employed opposing the bill. The Senate version states that a lobbyist also may not encourage introduction of a bill for the purpose of being employed to secure its passage.
(Senate page 1, line 11)

4. Adopt Senate gift sections. The Senate version increases the value of acceptable gifts to \$100, but limits gifts from a single source to \$100/year. Both the Senate and House versions prohibit the acceptance of gifts from lobbyists during session, with some exceptions. The Senate bill also prohibits the acceptance of gifts from lobbyists' clients during the session, and states that a lobbyist may not give or facilitate a gift to a legislator or aide, other than food or beverage for immediate consumption, during the session. (House page 7, line 8. Senate page 5, line 18)

5. Adopt Senate limitation on lobbyists' ability to give loans to legislators and aides during the session. A lobbyist may not give or facilitate a non-standard loan during the session. The House version, as well as the Senate version, implicitly prohibits non-standard loans which are related to the recipient's legislative status. Such loans would probably be considered gifts exceeding the \$50 or \$100 limit. (Senate page 2, line 15)

6. Adopt Senate version of the ban on the use of state resources for political gain, but retain the House language restricting the use of state funds to distribute mass mailings immediately before an election. The Senate version prohibits the use of the facilities of public office with the intent to affect a candidate or campaign. The House version clarifies that nominal use, and the use of public information is acceptable. The House version allows the Legislative Council to recommend policies on the use of public resources for political purposes, for adoption by the ethics commission. (House page 2, line 30. Senate page 4, line 19)

7. Adopt Senate version regarding honoraria, plus the House clarification that the prohibition against honoraria does not prevent a legislator from holding a job which requires appearances or speech as part of the normal course of employment. The Senate version expressly permits teaching at a state-funded school or university. Otherwise, the House and Senate language is equivalent. (House page 8, line 13. Senate page 6, line 28)

8. Adopt the Senate provision stating that a member of the ethics commission may obtain access to closed confidential committee files only if the full committee determines by majority vote that the member has a need to know. (Senate page 8, line 18)

9. Adopt Senate post-legislative lobbying restrictions with the House clarification that the ban only applies to registered lobbying, and not to volunteer or representational lobbying and that the Commission may grant exceptions. The House version bans executive branch and legislative branch lobbying for one session. The Senate extends the ban for one year, but only to legislative lobbying. (House page 38, line 3. Senate page 13, line 13)

The following additional items need to be addressed if we decide to try to fit the bill within the Senate title:

Name Change of the Commission

The Senate title refers to the Select Committee on Legislative Ethics. In order to fit under the Senate title, the name of the Legislative Ethics Commission must be changed to the "Select Committee on Legislative Ethics".

Candidates for the Legislature

Reference to candidates for the legislature must be removed from the sections relating to financial disclosure and campaign fundraising during the legislative session. ✓

Legal Defense of Legislators

The sections of the bill which relate to the state-funded legal defense of legislators and legislative employees must be deleted. ✓

Items Related to Compensation

The provisions which relate to legislative office accounts and travel must be removed. ✓

The title of the House version, HCS CSSB 185(FIN) am-H is:

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

The title of the Senate version, CSSB 185(JUD) am is:

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

TO: Rep. Max Gruenberg
FROM: David Finkelstein
DATE: March 12, 1992
SUBJECT: SB 185, legislative ethics

As you know, the Senate failed to pass the House resolution changing the title of SB 185 to accommodate the House version of the legislative ethics bill. SB 185 is now back in the House's possession. I would like the House to rescind its action in passing SB 185, so the bill can be referred to the Rules Committee where an amendment can be made which will permit the bill to fit under the Senate title. I have attached an amendment which makes all the necessary changes to HCS CSHB 185 (FIN) am-H. Those changes are:

Title

Adoption of the Senate title, with the addition of an effective date reference.

Date Changes

Several dates in the bill should be advanced one year to reflect the fact that we are now in the second session.

Name Change of the Commission

The Senate title refers to the Select Committee on Legislative Ethics. In order to fit under the Senate title, the Legislative Ethics Commission created in the House bill must be renamed the "Select Committee on Legislative Ethics". This change constitutes the bulk of the amendment.

Candidates for the Legislature

Reference to candidates for the legislature must be removed from the financial disclosure and campaign fundraising provisions.

Legal Defense of Legislators

The sections of the bill which relate to the state-funded legal defense of legislators and legislative employees must be deleted.

Items related to Compensation

The provisions which relate to legislative office accounts and travel must be removed.

Corrective Amendments

According to Dave Dierdorff, the floor amendments relating to the prohibition against a former legislator's lobbying were drafted correctly. Amendments need to be made to carry out the intent of the floor amendments.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE FINKELSTEIN

TO: HCS CSSB 185 (FINANCE) am H

Page 1, lines 1 - 3, delete all material and insert:

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

Page 1, line 5:

Delete "1991"

Insert "1992"

Page 3, line 15:

Delete "commission"

Insert "committee"

Page 3, line 25:

Delete "commission"

Insert "committee"

Page 4, line 23:

Delete "commission"

Insert "committee"

Page 5, line 11:

Delete "commission"

Insert "committee"

Page 5, line 28:

Delete "commission"

Insert "committee"

Page 6, line 16:

Delete "commission"

Insert "committee"

Page 6, line 21:

Delete "commission"

Insert "committee"

Page 6, line 23:

Delete "commission"

Insert "committee"

Page 7, line 26:

Delete "commission"

Insert "committee"

Page 8, line 16:

Delete "commission"

Insert "committee"

Page 8, line 22:

Delete "commission"

Insert "committee"

Page 8, line 28:

Delete ", and a candidate for the legislature,"

Page 9, line 5:

Delete "commission"

Insert "committee"

Page 9, line 10:

Delete "commission"

Insert "committee"

Page 10, line 3:

Delete "commission"

Insert "committee"

Page 10, lines 9 - 10:

Delete ", LEGISLATIVE DIRECTORS, AND CANDIDATES FOR THE LEGISLATURE"

Insert "AND LEGISLATIVE DIRECTORS"

Page 10, lines 10 - 11:

Delete ", a candidate for the legislature,"

Page 10, line 22:

Delete ", a candidate for the legislature,"

Page 11, line 2 after "year." through line 6:

Delete all material.

Page 11, line 14:

Delete "commission"

Insert "committee"

Page 11, lines 20 - 21:

Delete ", a candidate for the legislature,"

Page 11, lines 29 - 30:

Delete ", including an incumbent legislator,"

Insert "who is an incumbent legislator or legislative director"

Delete "commission"

Insert "committee"

Page 13, line 9:

Delete "commission"

Insert "committee"

Page 13, line 11:

Delete "commission"

Insert "committee"

Page 13, line 13:

Delete "commission"

Insert "committee"

Page 13, line 16:

Delete "commission"

Insert "committee"

Page 13, line 17:

Delete "commission"

Insert "committee"

Page 13, line 18:

Delete "commission"

Insert "committee"

Page 13, line 20:

Delete "commission"

Insert "committee"

Page 13, line 25:

Delete "committee"

Page 12, line 6:

Delete "commission"

Insert "committee"

Page 12, line 13:

Delete "commission"

Insert "committee"

Page 12, line 16:

Delete "commission"

Insert "committee"

Page 12, line 18:

Delete "commission"

Insert "committee"

Page 12, line 24:

Delete "commission"

Insert "committee"

Page 12, line 27:

Delete "commission"

Insert "committee"

Page 12, line 31:

Delete "commission"

Insert "committee"

Page 13, line 1:

Delete "commission"

Insert "committee"

Page 13, line 3:

Insert "Legislative Budget and Audit Committee"

Page 13, line 31:

Delete "commission"

Insert "committee"

Page 14, line 2:

Delete "commission"

Insert "committee"

Page 14, line 6:

After "5." insert "SELECT COMMITTEE ON"

Delete "COMMISSION"

Page 14, line 7:

After "24.61.500." insert "SELECT COMMITTEE ON"

Delete "COMMISSION"

After "The" insert "Select Committee on"

Page 14, line 8:

Delete "Commission"

Page 14, line 9:

Delete "commission"

Insert "committee"

Page 14, line 18:

Delete "commission"

Insert "committee"

Page 14, line 20:

Delete "Commissioners"

Insert "Members"

Page 14, line 23:

Delete "Commissioners"

Insert "Members"

Page 14, line 24:

Delete "commissioner" in both places

Insert "member" in both places

Page 14, line 25:

Delete "commissioner"

Insert "member"

Page 14, line 27:

Delete "commission"

Insert "committee"

Page 14, line 28:

Delete "commission"

Insert "committee"

Page 14, line 30:

Delete "commission"

Insert "committee"

Page 15, line 3:

Delete "commissioner"

Insert "member"

Page 15, line 8:

Delete "COMMISSION"

Insert "COMMITTEE"

Delete "commissioner"

Insert "member"

Page 15, line 12:

Delete "commissioner"

Insert "member"

Page 15, line 13:

Delete "commission"

Insert "committee"

Page 15, line 14:

Delete "commissioner"

Insert "member"

Page 15, line 16:

Delete "commission"

Insert "committee"

Page 15, line 17:

Delete "commissioners"

Insert "members"

Page 15, line 18:

Delete "commissioners"

Insert "members"

Page 15, line 19:

Delete "commissioners"

Insert "members"

Delete "commission"

Insert "committee"

Page 15, line 20:

Delete "commission"

Insert "committee"

Page 15, line 21:

Delete "Commissioners"

Insert "Members"

Page 15, line 23:

Delete "commission"

Insert "committee"

Page 15, line 24:

Delete "commission"

Insert "committee"

Page 15, line 26:

Delete "commission"

Insert "committee"

Page 15, line 28:

Delete "commission"

Insert "committee"

Page 15, line 29:

Delete "commission"

Insert "committee"

Page 15, line 31:

Delete "commission"

Insert "committee"

Page 16, line 2:

Delete "commission"

Insert "committee"

Page 16, line 3:

Delete "commission"

Insert "committee"

Page 16, line 5:

Delete "commission"

Insert "committee"

Page 16, line 8:

Delete "commission"

Insert "committee"

Page 16, line 10:

Delete "COMMISSIONERS"

Insert "COMMITTEE MEMBERS"

Page 16, line 11:

Delete "Commissioners"

Insert "Members"

Page 16, line 12:

Delete "commission"

Insert "committee"

Page 16, line 15:

Delete "commission"

Insert "committee"

Page 16, line 16:

Delete "commission"

Insert "committee"

Page 16, line 19:

Delete "commissioner"

Insert "member"

Page 16, line 20:

Delete "commission"

Insert "committee"

Page 16, line 21:

Delete "commission"

Insert "committee"

Page 17, line 2:

Delete "commission" in both places

Insert "committee" in both places

Page 17, line 4:

Delete "commissioner"

Insert "member"

Page 17, line 7:

Delete "commission"

Insert "committee"

Page 17, line 8:

Delete "commissioner, commission employee, or commission"

Insert "committee member, committee employee, or committee"

Page 17, line 10:

Delete "commission"

Insert "committee"

Page 17, line 11:

Delete "Commissioners"

Insert "Committee members"

Page 17, line 13:

Delete "COMMISSION"

Insert "COMMITTEE"

Page 17, line 14:

Delete "commission"

Insert "committee"

Page 17, line 16:

Delete "commission"

Insert "committee"

Page 18, line 7:

Delete "commission"

Insert "committee"

Page 18, line 11:

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Page 18, line 13:

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Page 18, line 14:

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Page 18, line 16:

Delete "commission"

Insert "committee"

Page 18, line 19:

Delete "commission" in both places

Insert "committee" in both places

Page 18, line 22:

Delete "commission"

Insert "committee"

Page 18, line 26:

Delete "commission"

Insert "committee"

Page 18, line 29:

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Insert "committee"

Page 18, line 30:

Delete "commission"

Insert "committee"

Page 19, line 5:

Delete "commission"

Insert "committee"

Page 19, line 7:

Delete "commission"

Insert "committee"

Page 19, line 8:

Delete "commissioner"

Insert "member"

Page 19, line 9:

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Page 19, line 10:

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Page 19, line 11:

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Page 19, line 14:

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Page 19, line 16:

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Page 19, line 21:

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Insert "committee" in both places

Page 19, line 23:

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Page 20, line 23:

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Page 20, line 24:

Delete "commission"

Insert "committee"

Page 20, line 28:

Delete "commission" in both places

Insert "committee" in both places

Page 21, line 7:

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Insert "committee"

Page 21, line 11:

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Page 21, line 15:

Delete "commission"

Insert "committee"

Page 21, line 16:

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Page 21, line 19:

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Page 19, line 25:

Delete "commission"

Insert "committee"

Page 19, line 29:

Delete "commission"

Insert "committee"

Page 19, line 30:

Delete "commission"

Insert "committee"

Page 20, line 2:

Delete "commission"

Insert "committee"

Page 20, line 4:

Delete "commission"

Insert "committee"

Page 20, line 9:

Delete "commission" in both places

Insert "committee" in both places

Page 20, line 11:

Delete "commission"

Insert "committee"

Page 20, line 20:

Delete "commission"

Insert "committee"

Page 20, line 21:

Insert "committee"

Page 22, line 4:

Delete "commission"

Insert "committee"

Page 22, line 8:

Delete "commissioner"

Insert "member"

Page 22, line 9:

Delete "commission"

Insert "committee"

Page 22, line 12:

Delete "commission"

Insert "committee"

Page 22, line 13:

Delete "commission"

Insert "committee"

Page 22, line 17:

Delete "commission"

Insert "committee"

Page 22, line 18:

Delete "commission"

Insert "committee"

Page 22, line 24:

Delete "commission"

Insert "committee"

Page 22, line 25:

Delete "commission"

Insert "committee"

Page 22, line 31:

Delete "commission" in both places

Insert "committee" in both places

Page 23, line 5:

Delete "commission"

Insert "committee"

Page 23, line 7:

Delete "commission"

Insert "committee"

Page 23, line 11:

Delete "commission" in both places

Insert "committee" in both places

Page 23, line 22:

Delete "commission"

Insert "committee"

Page 23, line 26:

Delete "commission"

Insert "committee"

Page 23, line 27:

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Page 23, line 31:

Delete "commission"

Insert "committee"

Page 24, line 2:

Delete "commission"

Insert "committee"

Page 24, line 4:

Delete "commission"

Insert "committee"

Page 24, line 10:

Delete "commission"

Insert "committee"

Page 24, line 13:

Delete "commission"

Insert "committee"

Page 24, line 19:

Delete "commission" in both places

Insert "committee" in both places

Page 24, line 22:

Delete "commission"

Insert "committee"

Page 24, line 24:

Delete "commission" in both places

Insert "committee" in both places

Page 24, line 28:

Delete "commission"

Insert "committee"

Page 25, line 1:

Delete "commission"

Insert "committee"

Delete "commissioners"

Insert "members"

Page 25, line 4:

Delete "commissioner"

Insert "member"

Page 25, line 5:

Delete "commissioners"

Insert "members"

Page 25, line 6:

Delete "commissioner"

Insert "member"

Page 25, line 8:

Delete "commission"

Insert "committee"

Page 25, line 12:

Delete "commissioner"

Insert "member"

Page 25, line 20:

Delete "commission"

Insert "committee"

Page 25, line 30:

Delete "commissioners"

Insert "members"

Page 26, line 28:

Delete "commission"

Insert "committee"

Page 26, line 29:

Delete "commission"

Insert "committee"

Page 27, line 4:

Delete "commission"

Insert "committee"

Page 27, line 7:

Delete "commission's"

Insert "committee's"

Page 27, line 25:

Delete "commission"

Insert "committee"

Page 27, line 27:

Delete "commission"

Insert "committee"

Page 27, line 31:

Delete "commission"

Insert "committee"

Page 28, line 2:

Delete "commission"

Insert "committee"

Page 28, line 16:

Delete "commission"

Insert "committee"

Page 28, line 17:

Delete "commission"

Insert "committee"

Page 28, line 19:

Delete "commission"

Insert "committee"

Page 28, line 20:

Delete "commission" in both places

Insert "committee" in both places

Page 30, line 16:

Delete "commission"

Insert "committee"

After "the" insert "Select Committee on"

Delete "Commission"

Page 31, line 10:

Delete "commission"

Insert "committee"

Page 31, line 19:

Delete "commission"

Insert "committee"

Page 31, line 24:

Delete "commission"

Insert "committee"

Page 32, line 30:

Delete "[SELECT COMMITTEE ON]"

Insert "Select Committee on"

Page 32, line 31:

Delete "Commission"

Page 33, line 2, after "than":

Insert "a person subject to AS 24.61 who is filing a declaration"

Page 33, line 4, after "person":

Insert "who is subject to AS 24.61 and is"

Page 33, line 15, after "than":

Insert "a person subject to AS 24.61 who is filing a petition"

Page 33, line 18, after "person":

Insert "who is subject to AS 24.61 and is"

Page 33, line 27:

Delete "declaration of candidacy"

Insert "nominating petition"

Page 34, line 9, through page 37, line 21:

Delete all material

Re-number following bill sections accordingly.

Page 38, line 6:

Delete "commission"

Inset "Select Committee on Legislative Ethics"

Page 38, line 7:

Delete "commission"

Insert "committee"

Page 38, line 11, after "this chapter":

Insert "or AS 24.61"

Page 38, line 12, after "this chapter":

Insert ", AS 24.61,"

Page 38, line 20:

After "the" insert "Select Committee on"

Delete "Commission"

Page 38, line 28:

Delete "governor and lieutenant governor [STATE ELECTIVE OFFICE]"

Insert "state elective office other than a candidate who is subject to AS 24.61"

Page 39, line 14:

Delete "AND THE LEGISLATURE]"

Insert ".]" and, if the candidate is not subject to AS 24.61, the legislature,"

Page 40, line 4:

Delete "COMMISSION"

Page 40, line 5:

After "to the" insert "Select Committee on"

Page 40, line 6:

Delete "Commission"

Page 40, line 8:

After "the" insert "Select Committee on"

Delete "Commission"

Page 40, line 10:

After the second "the" insert "Select Committee on"

Delete "Commission"

Page 40, line 12:

After the second "the" insert "Select Committee on"

Delete "Commission"

Page 40, line 18:

Delete "20"

Insert "16"

Page 40, line 19:

After "the" insert "Select Committee on"

Delete "Commission"

Page 40, line 20:

Delete "1992"

Insert "1993"

Page 40, line 21:

Delete "1992"

Insert "1993"

After the second "the" insert "Select Committee on"

Page 40, line 22:

Delete "Commission"

Page 40, line 26:

Delete "1992"

Insert "1993"

Page 40, line 28:

Before "Legislative" insert "Select Committee on"

Delete "Commission"

Page 41, line 1:

Delete "1992"

Insert "1993"

Page 41, line 2:

Delete "1992"

Insert "1993"

Page 41, line 3:

After the first "the" insert "Select Committee on"

Delete "Commission"

Page 41, lines 6 - 8:

Delete all material

ReNUMBER following bill sections accordingly.

Page 41, line 10:

Delete "secs. 12, 13, 21, and 24"

Insert "secs. 9 and 17"

Delete "1991"

Insert "1992"

Page 41, line 11:

Delete "25"

Insert "20"

Delete "1992"

Insert "1993"

Page 40, line 28:

Before "Legislative" insert "Select Committee on"

Delete "Commission"

Page 41, line 1:

Delete "1992"

Insert "1993"

Page 41, line 2:

Delete "1992"

Insert "1993"

Page 41, line 3:

After the first "the" insert "Select Committee on"

Delete "Commission"

Page 41, lines 6 - 8:

Delete all material

Re-number following bill sections accordingly.

Page 41, line 10:

Delete "secs. 12, 13, 21, and 24"

Insert "secs. 9 and 17"

Delete "1991"

Insert "1992"

Page 41, line 11:

Delete "25"

Insert "20"

Delete "1992"

Insert "1993"

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

April 2, 1992

SUBJECT: Sectional Analysis for 2d HCS CSSB 185() (Legislative Ethics bill - version "K")

TO: Senator Virginia Collins
Attn: Shirley Armstrong

FROM: David R. Dierdorff 
Revisor of Statutes

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. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 adds several prohibitions to the current list of prohibited conduct by a lobbyist. It would prohibit a lobbyist from serving as a campaign treasurer or deputy campaign treasurer for a legislative candidate, from offering gifts (except for food or beverages), loans, and campaign contributions to persons covered by the ethics act during session, and from making a gift or campaign contribution in violation of the ethics act.

Section 2 prohibits a former legislator from lobbying the legislature for one year after the former legislator leaves office. It does not prohibit volunteer lobbying.

Section 3 amends and expands the findings and purposes section of the Legislative Ethics Act, AS 24.60.

Section 4 extends the coverage of the Legislative Ethics Act to all legislative employees and to the public members of the Select Committee on Legislative Ethics, unless otherwise provided in a provision of AS 24.60.

Section 5 essentially gathers in one place all of the prohibitions that are currently spread throughout AS 24.60, and adds a couple of new prohibitions, relating to use

of state property and funds for political purposes and to taking action that could substantially affect a person with whom the action-taker is negotiating employment. It retains the provision in current law that an action does not constitute a conflict of interest unless the effect on the legislator or legislative employee is substantial; e.g., a legislator does not need to worry about voting on legislation that would affect the oil industry if he or she owns a couple of shares of Exxon. Section 5 also adds a new subsection (c) to AS 24.60.030 to make clear that the prohibition on conflicts of interest does not prohibit customary constituent contacts by a legislator.

Section 6 enacts two new sections. AS 24.60.032 prohibits a legislator from soliciting or accepting campaign contributions during a session and from accepting money from an event during a session that is designed to raise money for candidates (such as a political party fundraiser).

AS 24.60.034 combines the provisions of CSSB 185(JUD) am that were set out in AS 24.60.085, with provisions of the House version that prohibit receiving a thing of value to procure or advocate for a government contract and receiving a benefit other than official compensation for performing official duties. The House provisions are found in subsections (c) and (d). The provisions that were AS 24.60.085, found in subsections (a) and (b), prohibit honoraria and also codify an ethics committee advisory opinion. The payment of actual travel expenses is allowed. There is an exception where the honorarium is not related to the recipient's legislative status, so that, for instance, a legislator who is a professor of biology could accept an honorarium for speaking at a biology symposium. It also specifically authorizes teaching for compensation at a state-funded school or university.

Section 7 provides that disclosures of close economic associations must be reasonably specific; it would no longer suffice to just state that a close economic association exists, and provide no details.

Section 8 sets out a provision from the House version that limits board memberships held by legislative employees to those that do not require legislative confirmation. It allows legislators and employees to serve on boards of organizations as long as the membership is disclosed.

Sections 9-12 rework the gift provisions of the ethics law. Section 9 raises the allowable limit from \$50 to \$100, and essentially provides that gifts worth less than \$100 are conclusively presumed to be proper. However, the section also prohibits the acceptance of any gift, except for the ones listed in AS 24.60.080(c), from a lobbyist or employer of a lobbyist during a legislative session. Section 10 broadens AS 24.60.-080(c), the exception to the gift prohibition, to include gifts not connected to the recipient's legislative status; this change codifies an ethics committee advisory opinion. Section 11 requires the disclosure of some gifts now allowed by Section 10. And

Section 12 deals with gifts from foreign governments worth \$100 or more; it allows their receipt, but only on behalf of the legislature.

Section 13 enacts two new sections, both from the House version. The first, AS 24.60.084, provides protection for whistle blowers; the second, AS 24.60.086, incorporates the provisions of AS 18.80.220 (unlawful employment practices) within AS 24.60. Violations of this provision are handled by the committee under new AS 24.60.175, found in bill section 24.

Section 14 modifies the nepotism prohibition, to allow a legislator's relatives who may be employed in the other house during session to begin employment one week before session and to keep working for one week after session, and to extend the prohibition to a person who is cohabitating with a person covered by the ethics law.

Section 15 incorporates the open meetings law within AS 24.60. A legislator who violates that law could be the subject of a complaint before the committee under AS 24.60.170.

Section 16 states, in order to avoid any possible problems, that the Select Committee on Legislative Ethics is a permanent interim committee.

Section 17 reduces the committee to seven members by deleting two of the legislative members. Each house will select two members, one of whom will be a member of the majority and the other a member of the minority.

Section 18 makes a technical amendment to reflect the reduction in membership and provides that both committee members from a house may be from the same party or caucus if there is only one party or caucus in house.

Section 19 changes the terms of public members of the committee from two years (the duration of one legislature) to three, in order to provide greater stability in the committee's membership.

Section 20 changes the number of legislative members necessary to make a quorum of the committee or a subcommittee.

Section 21 adds two new subsections to AS 24.60.170. Subsection (j) provides that open meetings and public procurement provisions do not apply when their application would be inconsistent with the confidentiality provisions of AS 24.60. The procurement provisions are included because the committee may need to hire investigators to investigate complaints which are not public during the investigation. Subsection (k) provides that members of the committee may not have access to closed files of the committee unless a majority of the committee determines that there is a need for such access.

DIVISION OF LEGAL SERVICES

MAY 10 1991

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

May 10, 1991

3/25/92

SUBJECT: Sectional analysis of legislative ethics bill (CSSB 185 (JUD)) *AM*

TO: Senator Virginia Collins
Chair, Senate Special Committee on Ethics Reform
ATTN: S. Armstrong *See Page 2*

FROM: John B. Gaguine *206*
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. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 adds several prohibitions to the current list of prohibited conduct by a lobbyist. It would prohibit a lobbyist from serving as a campaign treasurer or deputy campaign treasurer for a legislative candidate, from offering gifts (except for food or beverages), loans, and campaign contributions to persons covered by the ethics act during session, and from making a gift or campaign contribution in violation of the ethics act.

Section 2 prohibits a former legislator from lobbying the legislature for one year after the former legislator leaves office.

Section 3 amends and expands the findings and purposes section of the Legislative Ethics Act, AS 24.60.

Section 4 extends the coverage of the Legislative Ethics Act to all employees Range 15 and above (instead of current Range 18) and to the public members of the Select Committee on Legislative Ethics.

Section 5 essentially gathers in one place all of the prohibitions that are currently spread throughout AS 24.60, and adds a couple of new prohibitions, relating to use

of state property and funds for political purposes and to taking action that could substantially affect a person with whom the action-taker is negotiating employment. It retains the provision in current law that an action does not constitute a conflict of interest unless the impact on the legislator or legislative employee is substantial; e.g., a legislator does not need to worry about voting on legislation that would affect the oil industry if he or she owns a couple of shares of Exxon. Section 5 also adds a new subsection (c) to AS 24.60.030 to make clear that the prohibition on conflicts of interest does not prohibit customary constituent contacts by a legislator.

Section 6 prohibits a legislator from soliciting or accepting campaign contributions during a session and from accepting money from an event during a session that is designed to raise money for candidates (such as a political party fundraiser).

Section 7 provides that disclosures of close economic associations must be reasonably specific; it would no longer suffice to just state that a close economic association exists, and provide no details.

Sections 8-11 rework the gift provisions of the ethics law. Section 7 raises the allowable limit from \$50 to \$100, and essentially provides that gifts worth less than \$100 are conclusively presumed to be proper. However, the section also prohibits the acceptance of any gift, except for the ones listed in AS 24.60.080(c), from a lobbyist or employer of a lobbyist during a legislative session. Section 8 broadens AS 24.60.-080(c), the exception to the gift prohibition, to include gifts not connected to the recipient's legislative status; this change codifies an ethics committee advisory opinion. Section 9 requires the disclosure of gifts now allowed by Section 8. And Section 10 deals with gifts from foreign governments worth \$100 or more; it allows their receipt, but only on behalf of the legislature.

Section 12 prohibits honoraria; this section too codifies an ethics committee advisory opinion. The payment of actual travel expenses is allowed. There is an exception where the honorarium is not related to the recipient's legislative status, so that, for instance, a legislator who is a professor of biology could accept an honorarium for speaking at a biology symposium. The section also specifically authorizes teaching for compensation at a state-funded school or university.

Section 13 slightly modifies the nepotism prohibition, to allow a legislator's relatives who may be employed in the other house during session to begin employment one week before session and to keep working for one week after session. *An amendment was added on the Senate floor regarding definition Page 7 lines 13-16*

Section 14 places a flat ban on representing clients for compensation before an agency, board, or commission (but not a court) of the state. It also makes clear that appearing before an officer or employee of an agency, board, or commission is prohibited. The section would replace existing law allowing such representation, as long as it is disclosed.

Section 15 states, in order to avoid any possible problems, that the Select Committee on Legislative Ethics is a permanent interim committee.

Section 16 changes the terms of public members of the committee from two years (the duration of one legislature) to three, in order to provide greater stability in the committee's membership.

Section 17 reduces the number of legislative members necessary to make a quorum of the committee.

Section 18 adds two new subsections to AS 24.60.170. Subsection (j) provides that open meetings and public procurement provisions do not apply when their application would be inconsistent with the confidentiality provisions of AS 24.60. (The procurement provisions are included because the committee may need to hire investigators to investigate complaints which are not public during the investigation.) Subsection (k) provides that members of the committee may not have access to closed files of the committee unless a majority of the committee determines that there is a need for such access.

Section 19 changes the statute relating to advisory opinions to give the committee, when the opinion requestor consents, more time to respond to the request. During the interim it is often difficult to assemble a quorum to act on a request.

Section 20 totally overhauls the committee's complaint procedures. Under current law the procedures are totally closed to the public virtually from beginning to end, including the hearing on a complaint. As overhauled, the procedures would be closed to the public during the initial and investigation stages, but would be open if the investigation disclosed probable cause to proceed. This change would bring AS 24.60 into line with the vast majority of ethics statutes in the United States. Section 20 also provides that the subject of a complaint facing a hearing would have rights to ascertain the evidence against him or her.

Section 21 would establish the Select Committee on Legislative Ethics, minus its public members, as the body adjudicating equal employment opportunity grievances by legislative employees.

Section 22 adds a new provision that a person who was covered by the legislative ethics act (legislators and most aides and legislative employees) may not, for one year after leaving service, represent a client for compensation in any forum on a matter that the person personally and substantially participated in while a legislator or legislative employee.

Section 23 states that persons covered by AS 24.60 are not covered by the total ban in AS 39.50.090(c) (part of the 1974 conflict-of-interest initiative) on representing

Senator Virginia Colli...

May 10, 1991

Page 4

clients for compensation before state agencies, boards, and commissions. This statute is inconsistent with current AS 24.60.100, and our office has expressed its opinion that AS 24.60.100 was intended to supersede AS 39.50.090(c) with regard to legislators and legislative employees. Note, though, that AS 24.60.100 as amended by this bill would have the same effect as AS 39.50.090(c).

Section 24 repeals two statutes (AS 24.60.060 and 24.60.120) that were incorporated into new AS 24.60.030, and AS 24.60.080(b), that was incorporated into AS 24.60.080(a).

Section 25 provides that the three current members of the ethics committee just confirmed would serve one, two, and three year terms, with the term length to be determined by lot. The purpose of this is to stagger the three-year terms for public members, so that each year one, and only one, new member would be appointed.

JBG:mi:lmb

91-180.lmb

HCS CSSB 185(FIN)-am H Legislative Ethics

Overview

ARTICLE 1. PURPOSE

P.1 AS 24.61.010 is a brief purpose section.

ARTICLE 2. STANDARDS OF CONDUCT

P.2 AS 24.61.100 says that a legislator or legislative employee may not accept anything other than their regular paycheck and benefits for doing their legislative duties.

P.2 AS 24.61.110 prohibits a legislator or legislative employee from using public funds or resources for private gain. There are exceptions for minor acts, like using a state photocopier to copy a medical form.

P.2 AS 24.61.120 prohibits a legislator or legislative employee from using state funds or resources for political purposes. A legislator who is running for office may not use state funds, other than his personal office account, to send out a mass mailing during the period beginning 30 days before the primary election and ending the day after the general election. A legislative employee may not work on political party activities on government time.

P.4 AS 24.61.140 prohibits a legislator from coercing political or other contributions by threatening to take a given action.

P.4 AS 24.61.150 is the current legislative nepotism law, with a minor change allowing relatives to begin work in the other house eight days before session and to finish eight days after session. The nepotism restrictions apply to spousal equivalents and immediate family members.

P.5 AS 24.61.170 requires legislators and legislative assistants to disclose their membership on government and private boards.

P.5 AS 24.61.180 states the general conflict-of-interest prohibition that one cannot take an action that will significantly benefit one's financial interests, unless required by the Uniform Rules

P.5 AS 24.61.190 requires legislators and legislative assistants to disclose if they represent clients for pay before state boards or agencies that are not acting quasi-judicially.

p.6 AS 24.61.200 adopts, with slight modification, current law regarding participation in state contracts and leases.

- P.7 AS 24.61.210 adopts, with slight modification, current law regarding the receipt of gifts.
- P.8 AS 24.61.220 prohibits honoraria for speeches connected with the speaker's legislative status, and prohibits outside salaries that are not commensurate with the services rendered.
- P.8 AS 24.61.235 prohibits fundraising by legislators and candidates for the legislature during the legislative session.
- P.9 AS 24.61.240 prohibits reprisals against or harassment of whistle blowers.
- P.9 AS 24.61.250 requires legislators to abide by the Open Meetings Act.
- P.9 AS 24.61.260 prohibits legislators and legislative employees from engaging in unlawful discrimination.
- P.9 AS 24.61.270 states that a person who violates the standards of conduct in the previous sections is subject to proceedings before the ethics commission and possible civil sanctions.

ARTICLE 3. LEGAL DEFENSE FUNDS

- P.9 AS 24.61.350 authorizes the establishment of legal defense and election challenge funds. The legal action being paid for must be directly related to legislative or campaign work, and the commission will limit the size of donations.

ARTICLE 4. FINANCIAL DISCLOSURE

- P.10 AS 24.61.400-24.61.426 expands the existing financial disclosure requirements and increases the minimum reporting level from \$100 to \$1000, as suggested by A.P.O.C. For each source of salary or other employment compensation, a description of the work performed must be submitted. When the source of a loan or employment compensation has a substantial interest in state government, the amount of the loan or compensation must also be disclosed.
- P.12 AS 24.61.430 requires disclosure to the Commission of a legislator's or legislative assistant's close economic associations with lobbyists. Current law requires public disclosure of associations with lobbyists and some other categories of people.
- P.12 AS 24.61.440 adopts, with slight modification, current law regarding disclosure of participation in state loans and programs.
- P.13 AS 24.61.450 says that a person who makes a false, incomplete, or late financial disclosure is subject to proceedings before the ethics commission, or A.P.O.C. penalties.

ARTICLE 5. LEGISLATIVE ETHICS COMMISSION

P.14-28 AS 24.61.500-24.61.580 establish a Legislative Ethics Commission consisting of seven members, including a senator, a representative, and five public members. The public members are appointed to four-year terms by the Supreme Court and the other commission members. The complaint process is more open to the public than under current law. The statute of limitations for ethics violations is raised from two years to five years. The Commission shall offer voluntary ethics education courses for legislators, staff and lobbyists.

ARTICLE 6. GENERAL PROVISIONS

P.28-32 AS 24.61.900-990 contain miscellaneous provisions concerning the retention of documents by the Commission, the penalty for disclosing confidential information, the definition of terms in HB 4, and the bill's general relationship to other laws.

P.32 Sections 3-8 make the existing APOC financial disclosure law consistent with the Ethics Act and prevent duplication in reporting.

P.34 Section 9 increases the current office allowance from \$4,000 to \$6,000.

p.34 Section 10 guarantees that each legislator may travel to his or her district at state expense at least twice during each legislative session.

P.34 Section 11 provides for the establishment of a system of reimbursement for legislative expenses. The Legislative Council will set a maximum amount, not to exceed \$2,000, that may be reimbursed.

P.35-37 Section 12 establishes a policy for state-funded legal defense of legislators and legislative employees against civil or criminal charges which stem from an act within the scope of the accused person's legislative duties.

P.37 Section 13 says that a legislator may not be taken to court for a statement he or she makes regarding the intent of legislation. Currently, legislators are only immune from prosecution for statements made during the legislative session.

P.38 Section 14 prohibits a legislator from working as a lobbyist for one session after leaving office.

P.38-41 Sections 15-26 are largely technical in nature. They include conforming language and effective dates.

7-LS0799W
Dierdorff
4/14/92

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATE SPECIAL COMMITTEE ON ETHICS REFORM

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (2) legislators;

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

24 (4) a registered lobbyist; or

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

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

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

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

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

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

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

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

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

- 19 (1) hospitality, other than hospitality described in (4) of this subsection
20 (A) with incidental transportation at the residence of a person; or
21 (B) at a social event or meal;
22 (2) discounts that are available generally to the public or to a large class of
23 persons to which the person belongs;
24 (3) food or foodstuffs indigenous to the state that are shared generally as a
25 cultural or social norm;
26 (4) travel and hospitality primarily for the purpose of obtaining information on
27 matters of legislative concern;
28 (5) gifts from the immediate family of the person; or
29 (6) gifts that are not connected with the recipient's legislative status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (i) A quorum of the [A] committee [ESTABLISHED UNDER THIS SECTION] consists
11 of a majority of the members and must include at least two legislative members and three
12 public members [OF THE COMMITTEE]. A quorum of a subcommittee established under this
13 section consists of a majority of the members of the subcommittee and must include at least
14 one legislative member and three public members. A vote of a majority of the members
15 appointed to the committee or a subcommittee is required for official action [.
16 NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, A COMMITTEE DOES
17 NOT HAVE A QUORUM UNLESS THREE LEGISLATIVE MEMBERS ARE PRESENT AND
18 A SUBCOMMITTEE DOES NOT HAVE A QUORUM UNLESS TWO LEGISLATIVE
19 MEMBERS ARE PRESENT].

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

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

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

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

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

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

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

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

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

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

13 (A) a candidate for the legislature;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **Sec. 24.60.260. PROHIBITED CONDUCT RELATING TO DISCLOSURES.** (a) A
10 person required to make a disclosure under this chapter may not knowingly make a false or
11 deliberately misleading or incomplete disclosure to the committee or to the Alaska Public Offices
12 Commission, or file a disclosure after a deadline set by this chapter or by a regulation adopted
13 by the committee or by the Alaska Public Offices Commission.

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

17 **Sec. 24.60.300. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS.** (a) A
18 legislator or legislative employee may establish a fund to assist with the payment of attorney fees
19 and other costs arising from the legislator's or legislative employee's defense of a civil, criminal,
20 or administrative action brought against the legislator or employee and directly related to acts or
21 omissions of the legislator or employee while acting as a legislator or employee or while
22 campaigning for elective office, or from the prosecution or defense of an administrative or
23 judicial action concerning a contested election in which the legislator or employee is a candidate.
24 Contributions to a fund under this section are not subject to the restrictions of AS 24.60.080.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 nominating petition under (b) of this section.

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

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

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

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

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

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

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

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

27 (a) A lobbyist may not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 * Sec. 41. AS 39.50.020 is amended to read:

2 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a) A
3 judicial officer, commissioner, chair [CHAIRMAN] or member of a state commission or board
4 specified in AS 39.50.200(b), a person hired or appointed as head or deputy head of, or director
5 of a division within, a department in the executive branch, a person appointed as assistant to the
6 governor, and a municipal officer, shall file a statement giving income sources and business
7 interests, under oath and on penalty of perjury, within 30 days after taking office as a public
8 official. Candidates for state elective office other than a candidate who is subject to AS 24.60
9 shall file such a statement with the director of elections at the time of filing a declaration of
10 candidacy or within 30 days of the filing of a [ANY] nominating petition, or within 30 days of
11 becoming a candidate by any other means. Candidates for elective municipal office shall file
12 such a statement at the time of filing a nominating petition, declaration of candidacy, or other
13 required filing for the elective municipal office. Refusal or failure to file within the time
14 prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or
15 that a previously accepted filing fee be returned and the candidate's name removed from the
16 filing records. A statement shall also be filed by public officials no later than April 15 or 15
17 days after the person files a federal income tax return in each following year, whichever comes
18 first. Persons who, on or after December 11, 1974, were members of boards or commissions not
19 named in AS 39.50.200(b) are not required to file financial statements.

20 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLATURE,] judicial
21 officers, each commissioner, head or deputy head of, or director of a division within, a
22 department in the executive branch, assistant to the governor or chair [CHAIRMAN] or member
23 of a commission or board required to report under this chapter, shall file the statement with the
24 Alaska Public Offices Commission. Candidates for the office of governor and [,] lieutenant
25 governor [,] and, if the candidate is not subject to AS 24.60, the legislature, shall file the
26 statement under AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective
27 municipal office, shall file with the municipal clerk or other municipal official designated to
28 receive their filing for office. All statements required to be filed under this chapter are public
29 records.

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

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

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

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

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

- 14 (1) two of the members, determined by lot, serve terms of three years;
15 (2) two of the members, determined by lot, serve terms of two years;
16 (3) the fifth member serves a term of one year.

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

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

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

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATE SPECIAL COMMITTEE ON ETHICS REFORM

A BILL

FOR AN ACT ENTITLED

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

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

5 * Section 1. SHORT TITLE. This Act may be known as the Legislative Ethics Act of 1992.

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

7 CHAPTER 61. LEGISLATIVE ETHICS.

8 ARTICLE 1. PURPOSE.

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

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

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

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

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

5 ARTICLE 2. STANDARDS OF CONDUCT.

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

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

11 Sec. 24.61.110. MISUSE OF STATE PROPERTY AND RESOURCES FOR PRIVATE

12 BENEFIT. (a) A legislator or legislative employee may not use public funds, facilities,
13 equipment, services, or another government asset or resource for a nongovernmental purpose or
14 for the private benefit of either the legislator, legislative employee, or another person. This
15 subsection does not prohibit telephone use that does not carry a special charge.

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

20 (c) A legislator or legislative employee may not require a legislative employee to perform
21 services for the private benefit of the legislator or employee at any time. A legislator or
22 legislative employee may not allow a legislative employee to perform services for the private
23 benefit of a legislator or employee on government time.

24 Sec. 24.61.120. MISUSE OF STATE PROPERTY AND RESOURCES FOR POLITICAL

25 PURPOSES. (a) A legislator or legislative employee may not use or authorize the use of state
26 funds, facilities, equipment, services, or another government asset or resource for the purpose of
27 political fund raising or campaigning. This subsection does not prohibit telephone use that does
28 not carry a special charge.

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

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

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

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

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

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

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

22 Sec. 24.61.150. NEPOTISM. (a) A relative of a legislator may not be employed for
23 compensation

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

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

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

27 (4) by the committee, whether for compensation or not.

28 (b) A relative of a legislative employee may not be employed for compensation in a
29 position over which the employee has supervisory authority.

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

1 (d) In this section, "interim between legislative sessions" means the period beginning on
2 the eighth day after the legislature adjourns from a regular session and ending eight days before
3 the date that the legislature shall convene under AS 24.05.090; and "relative" means a member
4 of the legislator's or legislative employee's immediate family or a person who is a legislator's
5 or legislative employee's spousal equivalent living together in a conjugal relationship not a legal
6 marriage with the legislator or legislative employee.

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

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

19 Sec. 24.61.200. INTEREST IN STATE CONTRACTS OR LEASES. (a) A legislator,
20 a legislative assistant, or a member of the immediate family of a legislator may not be a party
21 to or have an interest in a state contract or lease unless the contract or lease is let through
22 competitive sealed bidding under AS 36.30 (State Procurement Code) or the total annual amount
23 of the state contract or lease is \$1,000 or less, or is a standardized contract or lease that was
24 developed under publicly established guidelines and is generally available to the public at large,
25 members of a profession, occupation, or group. A person has an interest in a state contract or
26 lease under this section if the person receives direct or indirect financial benefits.

27 (b) In this section, "direct or indirect financial benefits" means income, profits, or other
28 financial benefits under a state contract, without regard to whether the income, profits, or other
29 financial benefits ensue to the person as a partner, shareholder, investor, agent, employee,
30 consultant, or joint venturer of the contractor.

31 Sec. 24.61.210. GIFTS. (a) A legislator or legislative employee may not solicit, accept,

1 or receive, directly or indirectly, a gift worth \$100 or more, whether in the form of money,
2 services, a loan, travel, entertainment, hospitality, promise, or other form, or gifts from the same
3 person worth less than \$100 that in a calendar year aggregate to \$100 or more in value, and may
4 not solicit, accept, or receive a gift with any monetary value from a lobbyist, the client of a
5 lobbyist, or a person acting on behalf of a lobbyist or the client of a lobbyist during a legislative
6 session.

7 (b) Notwithstanding (a) of this section, it is not a violation of this section for a legislator
8 or legislative employee to accept

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

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

11 (B) at a social event or meal;

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

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

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

18 (5) gifts from the family of the person; or

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

20 (c) A legislator or legislative employee who accepts a gift under (b)(4) or (6) of this
21 section shall disclose the gift if it has a value of \$100 or more. The disclosure must include the
22 name and occupation of the person making the gift and the approximate value of the gift. Each
23 gift required to be disclosed under this subsection shall be disclosed within 30 days of the receipt
24 of the gift in the journal of the appropriate body or, if the legislature is not in session, to the
25 committee. The committee shall maintain a public record of the disclosure it receives and shall
26 forward the disclosure to the appropriate house for inclusion in the journal by the fifth day of the
27 next regular session.

28 (d) A political contribution that is reported under AS 15.13.040 is not a gift under this
29 section.

30 (e) Notwithstanding (a) of this section, a legislator or legislative employee may accept
31 a gift of property worth \$100 or more, other than money, from a foreign government or from an

1 official of a foreign government if the person accepts the gift on behalf of the legislature. The
2 person shall, within 60 days of receiving the gift, deliver the gift to the legislative council, which
3 shall determine the appropriate disposition of the gift.

4 Sec. 24.61.220. RESTRICTIONS ON EARNED INCOME AND HONORARIA. (a) A
5 legislator or legislative employee may not

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

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

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

18 Sec. 24.61.235. RESTRICTIONS ON FUND RAISING. (a) A legislator may not

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

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

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

27 (b) This section does not apply to a special election ordered by a court.

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

29 Sec. 24.61.237. RESTRICTIONS ON EMPLOYEE CANDIDACIES. A legislative
30 employee may not file a letter of intent to become a candidate or file a declaration of candidacy
31 for the legislature.

1 Sec. 24.61.240. PROTECTION OF WHISTLE BLOWERS. A legislator or legislative
2 employee may not, directly or indirectly, subject a person who reports to the committee or
3 another government entity conduct the person reasonably believes is a violation of this chapter
4 or another state law, to reprisal, harassment, or discrimination. A legislative employee who is
5 discharged, disciplined, involuntarily transferred, or otherwise penalized by a legislator or another
6 legislative employee in violation of this subsection may

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

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

10 Sec. 24.61.250. OPEN MEETINGS LAW. Legislators shall abide by AS 44.62.310 -
11 44.62.312 (open meetings law).

12 Sec. 24.61.260. DISCRIMINATION PROHIBITED. A legislator or legislative employee
13 may not engage in acts of discrimination in violation of AS 18.80.220.

14 Sec. 24.61.270. PENALTIES. (a) A person who violates a provision of AS 24.61.100 -
15 24.61.260, or a regulation adopted under AS 24.61.100 - 24.61.260, is subject to civil sanctions
16 under AS 24.61.560(a).

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

20 ARTICLE 3. REQUIRED DISCLOSURE.

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

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

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

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

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

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

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

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

16 Sec. 24.61.410. DEADLINES FOR FILING OF DISCLOSURE STATEMENTS. A
17 legislator and a legislative director shall file an annual report with the Alaska Public Offices
18 Commission, covering the previous calendar year, containing the disclosures required by
19 AS 24.61.400, on or before April 15 of each year.

20 Sec. 24.61.420. ADMINISTRATION OF AS 24.61.400 - 24.61.426. The Alaska Public
21 Offices Commission shall

22 (1) adopt regulations to implement and interpret the provisions of AS 24.61.400 -
23 24.61.426 and 24.61.450;

24 (2) prepare standardized forms on which the statements required by AS 24.61.400
25 shall be filed; and

26 (3) examine, investigate, and compare all reports and statements required under
27 AS 24.61.400, and report all possible violations of this chapter it discovers to the committee.

28 Sec. 24.61.422. STATEMENTS AS PUBLIC RECORDS. A statement filed with the
29 Alaska Public Offices Commission under AS 24.61.400 is a public record. A person is not
30 required to comply with AS 24.61.400 to the extent that a court of competent jurisdiction of the
31 state determines that legally privileged professional relationships or constitutional privacy

1 considerations would be violated by compliance.

2 Sec. 24.61.424. CIVIL PENALTY FOR LATE FILING. A legislator or a legislative
3 director who fails to file a properly completed report under AS 24.61.400 is subject to a civil
4 penalty of not more than \$10 a day for each day the delinquency continues as the Alaska Public
5 Offices Commission determines, subject to appeal to the superior court. An affidavit stating facts
6 in mitigation may be submitted to the Alaska Public Offices Commission by the person against
7 whom the civil penalty is assessed. However, the imposition of the penalties prescribed in this
8 section does not excuse the person from filing reports required by AS 24.61.400.

9 Sec. 24.61.426. EFFECT OF FAILURE TO FILE BY LEGISLATIVE CANDIDATE.
10 In addition to the sanctions described in AS 24.61.450, if the Alaska Public Offices Commission
11 finds that a candidate for the legislature who is an incumbent legislator or a legislative director,
12 has failed or refused to file a report under AS 24.61.400 by a deadline established in
13 AS 24.61.410, it shall notify the lieutenant governor. The candidate shall forfeit nomination to
14 office and may not be seated in office. The lieutenant governor may not certify the person's
15 nomination for office or election to office and nomination to the office shall be certified as
16 provided in AS 39.50.060(b).

17 Sec. 24.61.430. DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS. (a) A
18 legislator or a legislative assistant shall disclose in the journal of the appropriate body or if the
19 legislature is not in session to the committee, which shall maintain a public record of the
20 disclosure and forward the disclosure to the respective house for inclusion in the journal by the
21 fifth day of the session, the formation or maintenance of a close economic association involving
22 a substantial financial matter with

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

26 (2) legislators;

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

29 (4) a registered lobbyist.

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

1 Sec. 24.61.440. DISCLOSURE OF PARTICIPATION IN STATE PROGRAMS. (a) A
2 legislator or legislative assistant may, without disclosure to the committee, participate in a
3 statewide benefit program or receive a loan from the state if the program or loan is generally
4 available to members of the public, is subject to fixed, objective eligibility standards, and requires
5 minimal discretion in determining qualification.

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

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

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

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

31 (f) The committee shall annually recommend to the Legislative Budget and Audit

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

6 Sec. 24.61.445. DISCLOSURE OF ACTIVITIES AS AN ATTORNEY OR
7 REPRESENTATIVE. A legislator or legislative assistant who represents another person for
8 compensation before an agency, board, or commission of the state shall disclose the name of the
9 person represented, the subject matter of the representation, and the body before which the
10 representation is to take place to the committee. The committee shall maintain a public record
11 of the disclosure and forward the disclosure to the respective house for inclusion in the journal.

12 Sec. 24.61.450. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a) A
13 person required to make a disclosure under this chapter may not knowingly make a false or
14 deliberately misleading or incomplete disclosure to the committee or to the Alaska Public Offices
15 Commission, or file a disclosure after a deadline set by this chapter or by a regulation adopted
16 by the committee or by the Alaska Public Offices Commission.

17 (b) A person who violates this section is subject to civil sanctions under AS 24.61.560(a),
18 in addition to penalties that may be imposed by the Alaska Public Offices Commission under
19 AS 24.61.424 and to the penalty set out in AS 24.61.426.

20 ARTICLE 4. SELECT COMMITTEE ON LEGISLATIVE ETHICS.

21 Sec. 24.61.500. SELECT COMMITTEE ON LEGISLATIVE ETHICS ESTABLISHED.

22 (a) The Select Committee on Legislative Ethics is established in the legislative branch of
23 government. The committee consists of seven members, selected as follows:

24 (1) one member of the senate appointed jointly by the president of the senate and
25 the senate minority leader, if any;

26 (2) one member of the house of representatives appointed jointly by the speaker
27 of the house and the house minority leader, if any; and

28 (3) five public members appointed by the supreme court.

29 (b) No more than one member appointed under (a)(3) of this section may be a former
30 legislator. No more than three members of the committee may be members of the same political
31 party.

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

4 (d) Members who are not legislators serve staggered terms of four years. A nonlegislator
5 member is eligible for reappointment; however, a nonlegislator member may not serve more than
6 two consecutive four-year terms. A nonlegislator member whose term has expired continues in
7 office until a successor has been appointed and certified.

8 (e) A vacancy on the committee is filled in the same manner as the original appointment
9 to that seat on the committee. A vacancy shall be filled within 30 days after the vacancy occurs.

10 (f) The committee shall elect a chair and a vice-chair, who serve a term of three years.
11 Neither the chair nor the vice-chair may be a legislator. An officer may not hold the same office
12 for more than two consecutive terms. The vice-chair shall act as chair in the absence of the
13 chair.

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

18 Sec. 24.61.502. LEGISLATIVE REMOVAL OF MEMBERS. (a) A member may be
19 removed from office by a vote of two-thirds of each house of the legislature, by concurrent
20 resolution, for cause. A member being removed for cause shall be given a copy of the charges
21 and afforded an opportunity to publicly present a defense in person or by counsel upon not less
22 than 10 days' notice.

23 (b) In this section, "cause" means

24 (1) incompetency, which is the inability or the unintentional or intentional failure
25 to perform the duties of the member;

26 (2) immorality, which is the commission of an act that constitutes a crime
27 involving moral turpitude; or

28 (3) malfeasance or misfeasance in office, which includes the unexcused failure
29 of the member to attend meetings or to comply with this chapter or regulations adopted by the
30 committee under this chapter.

31 Sec. 24.61.504. MEETINGS; QUORUM. (a) The committee shall meet at the call of

1 the chair or a majority of the members.

2 (b) Five members constitute a quorum. A vote of the majority of the members appointed
3 is required for official action of the committee.

4 (c) The committee may meet by teleconference.

5 Sec. 24.61.505. APPLICABILITY OF OPEN MEETINGS AND PROCUREMENT
6 LAWS TO COMMITTEE. Except to the extent that a provision would prevent the committee
7 from complying with the confidentiality provisions of this chapter, the committee is subject to
8 AS 44.62.310 - 44.62.312 and to the procurement provisions adopted by the legislative council
9 under AS 36.30.020.

10 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The committee shall hire
11 an executive director and determine the director's salary. The executive director serves at the
12 pleasure of the committee.

13 (b) The executive director may employ and determine the compensation of necessary
14 employees, subject to the budget approved by the committee. The executive director may,
15 subject to the approval of the committee, contract for services when those services are temporary
16 or specialized in nature, or it is in the best interest of the state.

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

19 (d) If the committee determines that an investigation is necessary and that the
20 investigation cannot be efficiently, promptly, or adequately handled by committee staff, the
21 executive director shall nominate a special investigator to be appointed upon approval by the
22 committee.

23 (e) The executive director and employees of the committee are in the exempt service
24 under AS 39.25.110.

25 Sec. 24.61.508. APPLICABILITY OF CHAPTER TO MEMBERS, EMPLOYEES, AND
26 CONTRACTORS; OTHER RESTRICTIONS. (a) Members who are not legislators, and
27 employees of the committee, including persons employed or under contract as legal counsel or
28 special investigators, are subject to this chapter.

29 (b) A committee employee, including a person who provides personal services under a
30 contract with the committee, may not be a legislator, a legislative employee, an elected or
31 appointed official of a state or local 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 member who is not a legislator, an
3 employee of the committee, or a person under contract to provide personal services to the
4 committee may not

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

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

9 (A) a candidate for the legislature;

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

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

14 (3) participate in lobbying activities that would require the person to register as
15 a lobbyist except as required to inform the legislature concerning legislation requested by the
16 committee or other matters related to the committee; or

17 (4) take an action or make a statement that is likely to cause a reasonable person
18 to believe that the member, employee, or other person is not impartial or independent or is other-
19 wise unable to properly perform public duties.

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

24 Sec. 24.61.510. GENERAL POWERS AND DUTIES OF THE COMMITTEE. (a) The
25 committee shall

26 (1) administer the provisions of this chapter, including the adoption of regulations
27 that the committee is required to adopt;

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

30 (3) issue formal written advisory opinions on specific situations or clarify a
31 provision of this chapter;

1 (4) investigate and adjudicate complaints and recommend disciplinary actions to
2 the legislature;

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

7 (b) The committee may

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

9 (2) prepare and distribute an ethics education manual for legislators, legislative
10 employees, and registered lobbyists;

11 (3) design and implement voluntary ethics education courses for legislators,
12 legislative employees, and registered lobbyists;

13 (4) perform the other acts, duties, and functions necessary to properly administer
14 this chapter, consistent with law and the purpose of this chapter.

15 (c) In adopting regulations under (a) and (b) of this section, the committee shall follow
16 procedures that are, to the extent practicable, consistent with AS 44.62 (Administrative Procedure
17 Act). Regulations adopted by the committee do not take effect until 60 days after adoption.

18 **Sec. 24.61.515. OFFICES; STAFF SUPPORT; BUDGET.** The legislative council shall
19 provide office space, equipment, and staff support for the committee. The committee shall
20 submit a budget for each fiscal year to the finance committees of the legislature and shall
21 annually submit an estimated budget to the governor for information purposes in preparation of
22 the state operating budget.

23 **Sec. 24.61.520. INFORMAL ADVICE.** The committee shall authorize and train its staff
24 to give oral advice and provide a written informal nonbinding advice letter to persons seeking
25 guidance as to the spirit or legal requirements of this chapter, provided that the advice is given
26 with the express stipulations that

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

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

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

31 **Sec. 24.61.525. FORMAL BINDING ADVISORY OPINIONS.** (a) The committee may

1 issue a formal written advisory opinion on its own initiative, on the request of a person to whom
2 this chapter applies, or on the request of a person elected to the legislature who at the time of
3 election is not a member of the legislature.

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

6 (c) The committee shall issue its opinion within 30 days of receiving the request. The
7 period for issuing an opinion may be extended by the committee if the person requesting the
8 opinion consents.

9 (d) An opinion shall be issued by official action of the committee. The vote of each
10 member participating in the opinion shall be indicated on the opinion, which shall be forwarded
11 to the person requesting it.

12 (e) Written formal advisory opinions issued by the committee are binding on the
13 committee in a subsequent proceeding concerning the facts and circumstances of the particular
14 case unless material facts were omitted or misstated in the request.

15 (f) The committee may review or elaborate on a previously issued advisory opinion.

16 (g) The committee and all committee employees shall keep confidential the identity of
17 the requester and all information conveyed orally or in writing relating to the request, unless the
18 requester authorizes the committee to make public the requester's identity or the information
19 conveyed.

20 (h) Advisory opinions issued by the committee are confidential, but shall be made public
21 if a written request by the person who requested the opinion is filed with the committee.

22 (i) Notwithstanding (h) of this section, the committee may issue a public summary of
23 advisory opinions written so that the identity of the requester cannot be ascertained.

24 Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR
25 ADVICE. The committee may not bring a complaint against a person based upon information
26 voluntarily given to the committee by the person in connection with a good faith request for
27 advice under AS 24.61.520 or 24.61.525, and may not use that information against the person
28 in a proceeding under AS 24.61.540. This subsection does not preclude the committee from
29 acting on a complaint concerning the subject of a person's request for advice if the complaint is
30 brought by another person, or if the complaint arises out of conduct taking place after the advice
31 is requested, and does not preclude the committee from using information or evidence obtained

1 from an independent source, even if that information or evidence was also submitted with a
2 request for advice.

3 Sec. 24.61.540. PROCEEDINGS BEFORE THE COMMITTEE. (a) The committee
4 shall consider a complaint alleging a violation of this chapter if the alleged violation occurred
5 within five years of the date that the complaint is filed with the committee and, when the subject
6 of the complaint is a former member of the legislature, the complaint is filed within one year of
7 the subject's departure from the legislature. The committee may not consider a complaint filed
8 against a person employed by the legislative branch of government after the person has
9 terminated legislative service. The committee may also initiate complaints on its own motion,
10 subject to the same time limitations. The time limitations of this subsection do not bar
11 proceedings against a person who intentionally prevents discovery of a violation of this chapter.

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

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

22 (d) If the committee determines that some or all of the allegations of a complaint, if
23 proven, would constitute a violation of this chapter, or if the committee has initiated a complaint,
24 the committee shall investigate the complaint, on a confidential basis. Before beginning an
25 investigation of a complaint, the committee shall adopt a resolution defining the scope of the
26 investigation. A copy of this resolution shall be provided to the complainant and to the subject
27 of the complaint. As part of its investigation, the committee shall afford the subject of the
28 complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

29 (e) If during the investigation under (d) of this section, the committee discovers facts that
30 justify an expansion of the investigation and the possibility of additional charges beyond those
31 contained in the complaint, the resolution described in (d) of this section shall be amended

1 accordingly and a copy of the amended resolution shall be provided to the subject of the
2 complaint.

3 (f) If the committee determines after investigation that there is not probable cause to
4 believe that the subject of the complaint has violated this chapter, the committee shall dismiss
5 the complaint. The committee may also dismiss portions of a complaint if it finds no probable
6 cause to believe that the subject of the complaint has violated this chapter as alleged in those
7 portions. The committee shall issue a decision explaining its dismissal. A copy of the dismissal
8 order and decision shall be sent to the complainant and to the subject of the complaint.
9 Notwithstanding (l) of this section, a dismissal order and decision is open to inspection and
10 copying by the public.

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

18 (h) If the subject of a complaint fails to comply with an opinion issued under (g) of this
19 section, or if the committee determines after investigation that there is probable cause to believe
20 that the subject of the complaint has committed a violation of this chapter that may require
21 sanctions instead of or in addition to corrective action, the committee shall formally charge the
22 person. The charge shall be served on the person charged, in a manner consistent with the
23 service of summons under the rules of civil procedure, and a copy of the charge shall be sent to
24 the complainant. The person charged may file a responsive pleading to the committee admitting
25 or denying some or all of the allegations of the charge.

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

29 (j) If the committee has issued a formal charge under (h) of this section, and if the person
30 charged has not admitted the allegations of the charge, the committee shall schedule a hearing
31 on the charge. The hearing shall be scheduled for a date more than 20 days after service of the

1 charge on the person charged, unless the person agrees to an earlier hearing date. At the hearing,
2 the person charged shall have the right to appear personally before the committee, to subpoena
3 witnesses and require the production of books or papers relating to the proceedings, to be
4 represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The
5 committee is not bound by the rules of evidence but the committee's findings must be based
6 upon clear and convincing evidence. Testimony taken at the hearing shall be recorded and
7 evidence shall be maintained.

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

16 (l) Proceedings of the committee relating to complaints before it are confidential until
17 the committee determines that there is probable cause to believe that a violation of this chapter
18 has occurred. The complaint and all documents produced or disclosed as a result of the
19 committee investigation are confidential and not subject to inspection by the public. If in the
20 course of an investigation or probable cause determination the committee finds evidence of
21 probable criminal activity, the committee shall transmit a statement and factual findings limited
22 to that activity to the appropriate law enforcement agency. If the committee finds evidence of
23 a probable violation of AS 15.13, the committee shall transmit a statement to that effect and
24 factual findings limited to the probable violation to the Alaska Public Offices Commission. All
25 meetings of the committee before the determination of probable cause are closed to the public.
26 The confidentiality provisions of this subsection may be waived by the subject of the complaint.

27 (m) All documents issued by the committee after a determination of probable cause to
28 believe that the subject of a complaint has violated this chapter, including an opinion
29 recommending corrective action under (g) of this section and a formal charge under (h) of this
30 section, are subject to public inspection. All hearings of the committee under (j) of this section
31 are open to the public, and all documents presented at a hearing, and all motions filed in

1 connection with the hearing, are subject to inspection by the public. Deliberations of the
 2 committee following a hearing, deliberations on motions filed by the subject of a charge under
 3 (h) of this section, and deliberations concerning appropriate sanctions are confidential.

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

8 Sec. 24.61.560. CIVIL SANCTIONS. (a) When the committee considers the appropriate
 9 recommended sanctions to be included in its decision, it shall give due consideration to the
 10 purposes of this chapter, the nature of the violation, and other circumstances that are included
 11 in the hearing record. The committee may recommend, either singly or in combination,

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

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

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

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

17 (5) restitution or reimbursement;

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

19 (7) probationary status;

20 (8) a written reprimand;

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

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

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

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

27 (b) If the committee finds that a violation of AS 24.61.100 - 24.61.450 contributed
 28 substantially to the enactment of legislation or to other legislative action, the committee may
 29 recommend to the presiding officer of each house that the legislation be repealed or amended or
 30 that the other legislative action be rescinded or modified.

31 Sec. 24.61.565. RECOMMENDATIONS TO THE LEGISLATURE WHERE VIOLATOR

1 IS A LEGISLATOR. (a) If the person found to have violated this chapter is or was a member
2 of the legislature, the committee's recommendations shall be forwarded by the chair of the
3 committee to the presiding officer of the appropriate house of the legislature.

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

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

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

15 Sec. 24.61.570. RECOMMENDATIONS WHERE VIOLATOR IS A LEGISLATIVE
16 EMPLOYEE. If the person found to have violated this chapter is or was a legislative employee,
17 the committee's recommendations shall be forwarded to the appropriate appointing authority
18 which shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed.
19 The appointing authority may not question the committee's findings of fact. The appointing
20 authority shall assume the validity of the committee's findings, and determine and impose the
21 appropriate sanctions.

22 Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL. The attorney general may
23 independently bring civil actions relating to violations under this chapter regardless of the
24 outcome or settlement of a charge before the committee, provided that the cumulative civil
25 penalties imposed for a violation may not exceed the amount that could be imposed in an action
26 before the committee. This subsection does not prohibit the attorney general from bringing an
27 action under another civil or criminal law.

28 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. (a) The subject of a complaint
29 may waive any provision of AS 24.61.540 relating to the confidentiality of the proceedings.

30 (b) The committee may publicly respond to a statement or interpretation made concerning
31 the contents of an advisory opinion or decision it has issued or is purported to have issued. A

1 person who requests an advisory opinion and makes that fact public is considered to have waived
2 the confidentiality of the person's identity.

3 ARTICLE 5. GENERAL PROVISIONS.

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

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

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

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

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

21 Sec. 24.61.940. UNAUTHORIZED DISCLOSURES. A person subject to the provisions
22 of this chapter may not knowingly make an unauthorized disclosure of confidential information
23 acquired in the course of official duties. A person who violates this section is subject to civil
24 sanctions under AS 24.61.560(a) and may be subject to prosecution under AS 11.56.860 or
25 another law.

26 Sec. 24.61.950. ACCESS TO CLOSED FILES. A member or an employee or contractor
27 of the committee may obtain access to closed committee files containing information that is
28 confidential only if the committee determines that the person has a need to obtain access to the
29 closed files that relates to the official duties of the committee and the person seeking access.

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

31 (1) "administrative action" means conduct related to the development, drafting,

1 consideration, enactment, defeat, application, or interpretation of a rule, regulation, policy, or
2 other action in a regulatory proceeding or a proceeding involving a license, permit, franchise, or
3 entitlement for use;

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

9 (A) "anything of value," "benefit," or "thing of value" includes

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

1 (xxii) any other item having economic value;

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

3 (i) an item listed in AS 24.61.210(b);

4 (ii) campaign contributions, pledges, political endorsements,
5 support in a political campaign, or a promise of endorsement or support;

6 (iii) contributions to a cause or organization, including a charity,
7 made in response to a direct solicitation from a legislator or a person acting at the
8 legislator's direction;

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

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

12 (4) "close economic association" means a financial relationship that exists between
13 a person covered by this chapter and some other person or entity, including but not limited to
14 relationships where the person covered by this chapter serves as a consultant or advisor to, is a
15 member or representative of, or has a financial interest in, any association, partnership, business,
16 or corporation;

17 (5) "committee" means the Select Committee on Legislative Ethics;

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

21 (7) "confidential information" means information that has been classified
22 confidential by law;

23 (8) "honorarium" means anything of value, other than reimbursement of travel
24 expenses, given to a person for making a speech, panel presentation, personal appearance, or
25 similar activity;

26 (9) "immediate family" means the spouse, parents, children, including a stepchild
27 and an adoptive child, and siblings of a person;

28 (10) "income" means assets that are received, regardless of whether they are
29 earned or unearned; inheritances and other gifts are not income;

30 (11) "intent to influence legislative, administrative, or political action" means that
31 an act, including the offering or conferring of a thing of value to a public official, is done with

1 the intent to induce the official to do or refrain from doing an act;

2 (12) "knowingly" has the meaning given in AS 11.81.900;

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

6 (14) "legislative assistant" means a legislative employee compensated at a rate
7 equivalent to step A of Range 15 of the state salary schedule under AS 39.27.011(a) or higher;

8 (15) "legislative director" means the director of the legislative finance division,
9 the legislative auditor, the director of the legislative research agency, the ombudsman, the
10 executive director of the Legislative Affairs Agency, and the directors of the divisions within the
11 Legislative Affairs Agency;

12 (16) "legislative employee" means a person, other than a legislator, who is
13 compensated by the legislative branch in return for regular or substantial personal services,
14 regardless of the person's pay level or technical status as a full-time or part-time employee,
15 independent contractor, or consultant; it includes public members and staff of the committee;

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

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

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

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

29 (21) "representation" means action taken on behalf of another, whether for
30 compensation or not, including but not limited to telephone calls and meetings and appearances
31 at proceedings or meetings.

1 (b) A person has a substantial interest in legislative, administrative, or political action if
2 the person (1) is not a natural person and will be directly and substantially affected financially
3 by a legislative, administrative, or political action; (2) is a natural person and will be directly and
4 substantially affected financially by a legislative, administrative, or political action in a way that
5 is greater than the effect on a substantial class of persons to which the person belongs as a
6 member of a profession, occupation, industry, or region; (3) has or seeks contracts in excess of
7 \$10,000 annually for goods or services with the legislature or with an agency of the state; or (4)
8 is a lobbyist. For the purpose of this subsection, the state, the federal government, and an
9 agency, corporation, or other entity of or owned by the state or federal government do not have
10 a substantial interest in legislative, administrative, or political action.

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

12 (a) A person commits the crime of false accusation if the person knowingly or
13 intentionally initiates a false complaint with the Select Committee on Legislative Ethics
14 established under AS 24.61 [IN AS 24.60].

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

16 (b) A person filing a declaration of candidacy under this section, other than a person
17 subject to AS 24.61 who is filing a declaration for a state legislative office, shall
18 simultaneously file with the director a statement of income sources and business interests that
19 complies with the requirements of AS 39.50. A person who is subject to AS 24.61 and is filing
20 a declaration of candidacy for state legislative office shall simultaneously file with the
21 director a disclosure statement that complies with the requirements of AS 24.61.400.

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

23 (c) An incumbent public official, other than a legislator, who has a current statement
24 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
25 Commission, or an incumbent legislator who has a current disclosure statement under
26 AS 24.61.400 on file with the Alaska Public Offices Commission, is not required to file a
27 statement of income sources and business interests or a disclosure statement with the
28 declaration of candidacy under (b) of this section.

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

30 (b) A person filing a nominating petition under this section, other than a person subject
31 to AS 24.61 who is filing a petition for a state legislative office, shall also file with the

1 director a statement of income sources and business interests that complies with the requirements
2 of AS 39.50 within 30 days of filing the petition. A person who is subject to AS 24.61 and
3 is filing a nominating petition for state legislative office shall file with the director a
4 disclosure statement that complies with the requirements of AS 24.61.400 within 30 days
5 of filing the petition.

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

7 (c) An incumbent public official, other than a legislator, who has a current statement
8 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
9 Commission, or an incumbent legislator who has a current disclosure statement under
10 AS 24.61.400 on file with the Alaska Public Offices Commission, is not required to file a
11 statement of income sources and business interests or a disclosure statement with the
12 nominating petition under (b) of this section.

13 * Sec. 8. AS 23.20.525(d)(8) is amended to read:

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

16 (A) as a "public official" as defined in AS 39.50.200(a), [OR] any other
17 elected official, the fiscal analyst of the legislative finance division, the legislative
18 auditor of the legislative audit division, the executive director of the Legislative
19 Affairs Agency, and the directors of the divisions within the Legislative Affairs
20 Agency;

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

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

25 * Sec. 9. AS 24.40.010 is amended to read:

26 AS 24.40.010. IMMUNITIES. A legislator may not be held to answer before another
27 [ANY OTHER] tribunal for a [ANY] statement made at any time regarding the meaning of
28 or legislative intent behind a statute or resolution that was enacted by a legislature of which
29 the legislator was a member or made in the exercise of legislative duties while the legislature
30 is in session. A member attending, going to, or returning from legislative sessions is not subject
31 to civil process and is privileged from arrest except for felony or breach of the peace. The

1 immunities provided in this section extend to a legislator attending, going to, or returning from
2 a meeting of an interim standing or special committee of the legislature of which the legislator
3 is a member. For the purposes of going to and returning from a session or meeting, the
4 immunities provided extend to a legislator for a period of five days immediately preceding and
5 following the legislator's attendance at the session or meeting.

6 * Sec. 10. AS 24.45.121(a) is amended to read:

7 (a) A lobbyist may not

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

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

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

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

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

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

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

21 (8) serve as a campaign manager or director, serve as a campaign treasurer
22 or deputy campaign treasurer on a finance or fundraising committee, host a fundraising
23 event, or otherwise actively engage in the fundraising activity of a legislative campaign if
24 the lobbyist has registered during the calendar year; this paragraph does not apply to a
25 representational lobbyist as defined in the regulations of the Alaska Public Offices
26 Commission, and does not prohibit a lobbyist from making personal contributions to or
27 personally advocating on behalf of a candidate;

28 (9) make or offer a gift or a campaign contribution whose acceptance by the
29 person to whom it is offered would violate AS 24.61.

30 * Sec. 11. AS 24.45.121 is amended by adding a new subsection to read:

31 (c) A former member of the legislature may not engage in activity as a lobbyist before

1 the legislature for a period of one year after the former member has left the legislature. This
2 subsection does not prohibit a former member from acting as a volunteer lobbyist described in
3 AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the commission.

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

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

9 * Sec. 13. AS 39.50.020 is amended to read:

10 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a) A
11 judicial officer, commissioner, chair [CHAIRMAN] or member of a state commission or board
12 specified in AS 39.50.200(b), a person hired or appointed as head or deputy head of, or director
13 of a division within, a department in the executive branch, a person appointed as assistant to the
14 governor, and a municipal officer, shall file a statement giving income sources and business
15 interests, under oath and on penalty of perjury, within 30 days after taking office as a public
16 official. Candidates for state elective office other than a candidate who is subject to AS 24.61
17 shall file such a statement with the director of elections at the time of filing a declaration of
18 candidacy or within 30 days of the filing of any nominating petition, or within 30 days of
19 becoming a candidate by any other means. Candidates for elective municipal office shall file
20 such a statement at the time of filing a nominating petition, declaration of candidacy, or other
21 required filing for the elective municipal office. Refusal or failure to file within the time
22 prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or
23 that a previously accepted filing fee be returned and the candidate's name removed from the
24 filing records. A statement shall also be filed by public officials no later than April 15 or 15
25 days after the person files a federal income tax return in each following year, whichever comes
26 first. Persons who, on or after December 11, 1974, were members of boards or commissions not
27 named in AS 39.50.200(b) are not required to file financial statements.

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

1 Alaska Public Offices Commission. Candidates for the office of governor and [,] lieutenant
2 governor [,] and, if the candidate is not subject to AS 24.61, the legislature, shall file the
3 statement under AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective
4 municipal office, shall file with the municipal clerk or other municipal official designated to
5 receive their filing for office. All statements required to be filed under this chapter are public
6 records.

7 * Sec. 14. AS 39.50.200(a)(8) is amended to read:

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

17 * Sec. 15. AS 39.52.910(a) is amended to read:

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

23 * Sec. 16. AS 24.55.310, AS 24.60, AS 39.50.025, and 39.50.120 are repealed.

24 * Sec. 17. INITIAL COMMITTEE APPOINTMENTS. (a) Notwithstanding AS 24.61.500(d), as
25 added by sec. 2 of this Act, the terms of the members initially appointed to the Select Committee on
26 Legislative Ethics are as follows:

27 (1) two of the members appointed by the supreme court, determined by lot, serve terms
28 of four years;

29 (2) two of the members appointed by the supreme court, determined by lot, serve terms
30 of three years;

31 (3) the fifth member appointed by the supreme court serves a term of two years.

1 (b) The member serving a two-year term under this section is eligible for reappointment to two
2 consecutive four-year terms. A member serving a three-year term under this section may not be
3 reappointed to two consecutive four-year terms.

4 (c) A public member serving on the Select Committee on Legislative Ethics under AS 24.60 is
5 eligible for appointment to the Select Committee on Legislative Ethics under AS 24.61 and this section.

6 * Sec. 18. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER AS 24.60.
7 Notwithstanding the repeal of AS 24.60 by sec. 16 of this Act, in addition to the provisions of AS 24.61,
8 as added by sec. 2 of this Act, the Select Committee on Legislative Ethics may consider complaints
9 alleging violations of AS 24.60 that occurred before January 1, 1993, and for which proceedings have
10 not been commenced or concluded before January 1, 1993. For the purpose of this section, the Select
11 Committee on Legislative Ethics shall follow the procedures established under AS 24.61, but may not
12 recommend a sanction or penalty not authorized under former AS 24.60.

13 * Sec. 19. AS 24.61.420, 24.61.500 - 24.61.580, and 24.61.990, as added by sec. 2 of this Act, and
14 sec. 17 of this Act take effect July 1, 1992.

15 * Sec. 20. Except as provided in sec. 19 of this Act, this Act takes effect January 1, 1993.

7-LS0799K
Dierdorff
4/2/92

2d HOUSE CS FOR CS FOR SENATE BILL NO. 185 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE SPECIAL COMMITTEE ON ETHICS REFORM

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to conduct of legislators, legislative employees, former legislators, former
2 legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

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

4 * Section 1. AS 24.45.121(a) is amended to read:

5 (a) A lobbyist may not

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

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

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

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

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

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

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

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

12 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
13 covered by AS 24.60. during a legislative session,

14 (A) a gift, other than food or beverage for immediate consumption;

15 (B) a loan, other than a loan made in the ordinary course of business
16 by a person authorized to transact business in this state at terms and interest rates
17 generally available to a member of the public; or

18 (C) a campaign contribution;

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

21 * Sec. 2. AS 24.45.121 is amended by adding a new subsection to read:

22 (c) A former member of the legislature may not engage in activity as a lobbyist before
23 the legislature for a period of one year after the former member has left the legislature if that
24 activity would require the former member to register under this chapter.

25 * Sec. 3. AS 24.60.010 is repealed and reenacted to read:

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

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

30 (2) a fair and open government requires that legislators and legislative employees
31 conduct the public's business in a manner that preserves the integrity of the legislative process

1 and avoids conflicts of interest or even appearances of conflicts of interest;

2 (3) the public's commitment to a part-time citizen legislature requires that
3 legislators be drawn from all parts of society and the best way to attract competent people is to
4 acknowledge that they provide their time and energy to the state, often at substantial personal and
5 financial sacrifice;

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

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

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

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

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

24 * Sec. 4. AS 24.60.020(a) is amended to read:

25 (a) Except as otherwise provided in this chapter [SUBSECTION], this chapter applies
26 to a member of the legislature, [AND] to a person employed by the legislative branch of
27 government, and to public members of the Select Committee on Legislative Ethics. This
28 chapter does not apply to

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

31 (2) a person elected to the legislature who at the time of election is not a member

1 or employee of the legislature [;

2 (3) A PERSON EMPLOYED BY THE LEGISLATIVE BRANCH OF
3 GOVERNMENT WHOSE POSITION IS ESTABLISHED BELOW RANGE 18 OF THE STATE
4 SALARY SCHEDULE ESTABLISHED IN AS 39.27.011(a)].

5 * Sec. 5. AS 24.60.030 is repealed and reenacted to read:

6 Sec. 24.60.030. CONFLICTS OF INTEREST. (a) A person to whom this chapter
7 applies may not have a conflict of interest. A person has a conflict of interest when the person

8 (1) uses public office for private advancement or gain;

9 (2) takes or withholds official action or exerts official influence that could
10 substantially benefit or harm a financial or political matter in which the person has a direct or
11 indirect private interest;

12 (3) solicits or accepts a benefit beyond that which may accrue uniformly to
13 members of the profession, occupation, or group to which the person belongs, or to the public
14 at large;

15 (4) wilfully discloses, or knowingly uses, for personal gain or the gain of another,
16 information that by law is not available to the public and that the person acquired in the course
17 of official duties; a person who violates this paragraph may be subject to prosecution under
18 AS 11.56.860;

19 (5) uses state funds or state property, except property under lease from the state,
20 for private advancement or gain;

21 (6) knowingly uses or authorizes the use of the facilities of a public office,
22 including office space, stationery, postage, office machines and equipment, vehicles, and official
23 publications, or knowingly uses or authorizes the use of state-paid employees, with the intent to
24 affect a candidate or campaign for elective office; or

25 (7) takes or withholds official action or exerts official influence that could
26 substantially benefit or harm the financial interest of another person with whom the person to
27 whom this chapter applies is negotiating for employment.

28 (b) Notwithstanding (a) of this section, a person to whom this chapter applies does not
29 have a conflict of interest if, as to a specific matter, there is no substantial impropriety or
30 appearance of impropriety because

31 (1) the person's interest is relatively insignificant; or

1 (2) the person's authority is relatively far removed from an official action that
2 could reasonably be affected by the potential conflict of interest, provided that no attempt has
3 been made to remove the appearance of impropriety by delegating responsibility for official
4 action.

5 (c) This section does not prohibit customary constituent contacts by a legislator, including
6 newsletters and other constituent correspondence that express the legislator's opinions or views
7 on issues before the legislature, or that describe the legislator's votes, legislative proposals, or
8 other legislative actions.

9 * Sec. 6. AS 24.60 is amended by adding new sections to read:

10 Sec. 24.60.032. PROHIBITED FUND RAISING. (a) A legislator may not

11 (1) solicit or accept a contribution during a legislative session; or

12 (2) accept money from an event held during a legislative session if a substantial
13 purpose of the event is either to raise money on behalf of the legislator for campaign purposes
14 or to raise money for state legislative political purposes.

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

16 Sec. 24.60.034. LIMITATIONS ON COMPENSATION. (a) A legislator or legislative
17 employee may not accept a payment of money or anything of value for an appearance or speech
18 by the person, except that the person may accept payment of actual and necessary travel expenses
19 incurred by the person in making the appearance or speech.

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

24 (c) A legislator or legislative employee may not receive anything of value to procure or
25 advocate for a contract with the state or a local government in the state.

26 (d) A legislator or legislative employee may not solicit, agree to accept, or accept for the
27 performance of public duties a benefit other than official compensation.

28 * Sec. 7. AS 24.60.070 is amended by adding a new subsection to read:

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

31 * Sec. 8. AS 24.60 is amended by adding a new section to read:

1 Sec. 24.60.075. BOARD MEMBERSHIPS AND OTHER PUBLIC OFFICES. A
2 legislative employee may not serve in a position that requires confirmation by the legislature.
3 A legislator or legislative employee may serve on a board of an organization, including a
4 governmental entity, that regularly has a substantial interest in the legislative activities of the
5 legislator or employee, if the legislator or employee discloses the board membership to the
6 committee.

7 * Sec. 9. AS 24.60.080(a) is amended to read:

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

17 * Sec. 10. AS 24.60.080(c) is amended to read:

18 (c) Notwithstanding (a) [(b)] of this section, it is not a violation of this section for a
19 person to whom this chapter applies to accept

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

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

22 (B) at a social event or meal;

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

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

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

29 (5) gifts from the family of the person; or

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

31 * Sec. 11. AS 24.60.080(d) is amended to read:

1 (d) A person to whom this chapter applies who accepts a gift under (c)(4) or (6) of this
2 section [OF TRAVEL AND HOSPITALITY PRIMARILY FOR THE PURPOSE OF
3 OBTAINING INFORMATION ON MATTERS OF LEGISLATIVE CONCERN] shall disclose
4 the gift if it has a value of \$100 or more. The disclosure must include the name and occupation
5 of the person making the gift and the approximate value of the gift. Each gift required to be
6 disclosed under this subsection shall be disclosed within 30 days of the receipt of the gift in the
7 journal of the appropriate body or, if the legislature is not in session, to the committee. The
8 committee shall maintain a public record of the disclosure it receives and shall forward the
9 disclosure to the appropriate house for inclusion in the journal by the fifth day of the next regular
10 session.

11 * Sec. 12. AS 24.60.080 is amended by adding a new subsection to read:

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

17 * Sec. 13. AS 24.60 is amended by adding new sections to read:

18 Sec. 24.60.084. PROTECTION OF WHISTLE BLOWERS. A legislator or legislative
19 employee may not, directly or indirectly, subject a person who reports to the committee or
20 another government entity conduct the person reasonably believes is a violation of this chapter
21 or another state law, to reprisal, harassment, or discrimination. A legislative employee who is
22 discharged, disciplined, involuntarily transferred, or otherwise penalized by a legislator or another
23 legislative employee in violation of this subsection may

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

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

27 Sec. 24.60.086. DISCRIMINATION PROHIBITED. A legislator or legislative employee
28 may not engage in acts of discrimination in violation of AS 18.80.220. A person who violates
29 this section is subject to an action under AS 24.60.175 in addition to an action that may be
30 brought under another law.

31 * Sec. 14. AS 24.60.090(a) is amended to read:

1 (a) An [A SPOUSE OR AN] individual [OTHER THAN A SPOUSE] who is related to
2 a member of the legislature may not be employed in the house in which the legislator is a
3 member, by an agency of the legislature established under AS 24.20, or in either house during
4 the interim between sessions. An individual who is related to an employee of the legislature may
5 not be employed in a position over which the employee has supervisory authority. In this
6 subsection,

7 (1) "an individual who is related to" means a child, stepchild, husband, wife,
8 mother, father, sister, brother, or spousal equivalent living together in a conjugal relationship
9 not as a legal marriage; and

10 (2) "interim between sessions" means the period beginning on the eighth day
11 after the legislature adjourns from a regular session, and ending eight days before the date
12 that the legislature shall convene under AS 24.05.090.

13 * Sec. 15. AS 24.60 is amended by adding a new section to read:

14 Sec. 24.60.105. VIOLATIONS OF THE OPEN MEETING LAW. A violation by a
15 legislator of a provision of AS 44.62.310 - 44.62.312 (open meetings law) in the conduct of
16 legislative business is a violation of this chapter for the purpose of a proceeding under
17 AS 24.60.170.

18 * Sec. 16. AS 24.60.130(a) is amended to read:

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

21 * Sec. 17. AS 24.60.130(b) is amended to read:

22 (b) The committee consists of seven [NINE] members, in two subcommittees, as follows:

23 (1) the senate subcommittee consists of two [THREE] members of the
24 senate, one member shall be a member of the majority organizational caucus and one
25 member shall be a member of the minority organizational caucus, appointed by the president
26 of the senate with the concurrence by roll call vote of two-thirds of the full membership of the
27 senate; and

28 (2) the house subcommittee consists of two [THREE] members of the house, one
29 member shall be a member of the majority organizational caucus and one member shall be
30 a member of the minority organizational caucus, appointed by the speaker of the house with
31 the concurrence by roll call vote of two-thirds of the full membership of the house; and

1 (3) three public members who are selected by the Chief Justice of the Alaska
2 Supreme Court and who are ratified by two-thirds of the full membership of the senate and
3 two-thirds of the full membership of the house, shall serve on both the full committee and each
4 subcommittee.

5 * Sec. 18. AS 24.60.130(c) is amended to read:

6 (c) No more than one [TWO] legislative member [MEMBERS] of each subcommittee
7 may be a member [MEMBERS] of the same political party or the same organizational caucus
8 unless compliance with this subsection and (b)(1) or (2) of this section is impossible because
9 all members of the house or senate are members of the same political party or there is no
10 minority organizational caucus.

11 * Sec. 19. AS 24.60.130(g) is amended to read:

12 (g) Each legislative member serves for the duration of the legislature during which the
13 member is appointed. Each public member serves for a three-year term.

14 * Sec. 20. AS 24.60.130(i) is amended to read:

15 (i) A quorum of the [A] committee established under this section consists of a majority
16 of the members of the committee and must include at least two legislative members and two
17 public members. A quorum of a subcommittee established under this section consists of a
18 majority of the members of the subcommittee and must include at least one legislative member
19 and two public members. [NOTWITHSTANDING THE PROVISIONS OF THIS
20 SUBSECTION, A COMMITTEE DOES NOT HAVE A QUORUM UNLESS THREE
21 LEGISLATIVE MEMBERS ARE PRESENT AND A SUBCOMMITTEE DOES NOT HAVE
22 A QUORUM UNLESS TWO LEGISLATIVE MEMBERS ARE PRESENT.]

23 * Sec. 21. AS 24.60.130 is amended by adding new subsections to read:

24 (j) The committee is not subject to AS 44.62.310 - 44.62.312, to the procurement
25 provisions adopted by the legislative council under AS 36.30.020, or to the Uniform Rules of the
26 Alaska State Legislature to the extent that those provisions would prevent the committee from
27 complying with the confidentiality provisions of this chapter. The committee may adopt rules
28 to implement this subsection.

29 (k) A member of the committee or of the committee staff may obtain access to closed
30 committee files containing information that is confidential under AS 24.60.160 or 24.60.170 only
31 if the full committee determines, by a majority vote, that the member has a need to obtain access

1 to the closed files that relates to the official duties of the committee and the person seeking
2 access.

3 * Sec. 22. AS 24.60.160 is amended to read:

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

15 * Sec. 23. AS 24.60.170 is repealed and reenacted to read:

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

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

29 (c) When the committee receives a complaint under (a) of this section, it shall determine
30 whether the allegations of the complaint, if true, constitute a violation of this chapter. If the
31 committee determines that the allegations, if proven, would not give rise to a violation, or if the

1 committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall
2 dismiss the complaint, and shall notify the complainant and the subject of the complaint of the
3 dismissal.

4 (d) If the committee determines that some or all of the allegations of a complaint, if
5 proven, would constitute a violation of this chapter, or if the committee has initiated a complaint,
6 the committee shall investigate the complaint, on a confidential basis. Before beginning an
7 investigation of a complaint, the committee shall adopt a resolution defining the scope of the
8 investigation. A copy of this resolution shall be provided to the complainant and to the subject
9 of the complaint. As part of its investigation, the committee shall afford the subject of the
10 complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

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

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

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

31 (h) If the subject of a complaint fails to comply with an opinion issued under (g) of this

1 section, or if the committee determines after investigation that there is probable cause to believe
2 that the subject of the complaint has committed a violation of this chapter that may require
3 sanctions instead of or in addition to corrective action, the committee shall formally charge the
4 person. The charge shall be served on the person charged, in a manner consistent with the
5 service of summons under the rules of civil procedure, and a copy of the charge shall be sent to
6 the complainant. The person charged may file a responsive pleading to the committee admitting
7 or denying some or all of the allegations of the charge.

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

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

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

29 (l) If the committee issues a decision finding that a member of the legislature has
30 violated a provision of this chapter or that the member has failed to cooperate with the
31 committee, it shall refer the decision to the presiding officer of the house of the legislature to

1 which the member belongs. The legislature shall act on the decision as it considers appropriate.

2 (m) If the committee issues a decision finding that an employee of the legislative branch
3 of government has violated a provision of this chapter, or that the employee has failed to
4 cooperate with the committee, it shall refer the decision to the chair of the legislative council.
5 The legislative council shall act on the decision as it considers appropriate.

6 (n) Proceedings of the committee relating to complaints before it are confidential until
7 the committee determines that there is probable cause to believe that a violation of this chapter
8 has occurred. The complaint and all documents produced or disclosed as a result of the
9 committee investigation are confidential and not subject to inspection by the public. If in the
10 course of an investigation or probable cause determination the committee finds evidence of
11 probable criminal activity, the committee shall transmit a statement and factual findings limited
12 to that activity to the appropriate law enforcement agency. If the committee finds evidence of
13 a probable violation of AS 15.13, the committee shall transmit a statement to that effect and
14 factual findings limited to the probable violation to the Alaska Public Offices Commission. All
15 meetings of the committee before the determination of probable cause are closed to the public.
16 The confidentiality provisions of this subsection may be waived by the subject of the complaint.

17 (o) All documents issued by the committee after a determination of probable cause to
18 believe that the subject of a complaint has violated this chapter, including an opinion
19 recommending corrective action under (g) of this section and a formal charge under (h) of this
20 section, are subject to public inspection. All hearings of the committee under (j) of this section
21 are open to the public, and all documents presented at a hearing, and all motions filed in
22 connection with the hearing, are subject to inspection by the public. Deliberations of the
23 committee following a hearing, deliberations on motions filed by the subject of a charge under
24 (h) of this section, and deliberations concerning appropriate sanctions are confidential.

25 (p) The committee shall dismiss a complaint against a person employed by the legislative
26 branch of government if the person terminates legislative service. The committee may in its
27 discretion dismiss a complaint against a former member of the legislature whether the complaint
28 was filed before or after the former member departed from the legislature.

29 (q) A committee member or member of the committee staff who divulges information
30 concerning a proceeding, except as permitted by this chapter, is guilty of a class A misdemeanor.

31 * Sec. 24. AS 24.60 is amended by adding a new section to read:

1 Sec. 24.60.175. EMPLOYMENT DISCRIMINATION GRIEVANCES. (a) A person
2 employed or formerly employed by the legislative branch of government may file a grievance
3 with the committee alleging a violation of AS 24.60.086 by the person's employer or former
4 employer. The committee shall adopt procedures concerning the filing, the investigation, the
5 mediation, and the hearing of grievances under this subsection. In adopting procedures, the
6 committee shall consider guidelines of the office of equal employment opportunity adopted under
7 AS 44.21.501 and shall protect the confidentiality of grievances.

8 (b) In accordance with the procedures established under (a) of this section the committee
9 may

10 (1) provide for mediation of a grievance;

11 (2) dismiss a grievance without prejudice; or

12 (3) after a hearing, make appropriate recommendations concerning a grievance
13 to the president of the senate, the speaker of the house, or the head of the legislative agency
14 where the grievant is or was employed.

15 (c) This section does not diminish rights under other state or federal law relating to
16 employment discrimination.

17 (d) In this section, "committee" means the legislative members of the house
18 subcommittee when the grievant is or was employed by a member or a committee of the house,
19 the legislative members of the senate subcommittee when the grievant is or was employed by a
20 member or a committee of the senate, and the legislative members of the full committee when
21 the grievant is or was an employee of an agency of the legislature.

22 * Sec. 25. AS 24.60.190(2) is amended to read:

23 (2) "legislative employee" or "person employed by the legislative branch of
24 government" means a person who is employed by

25 (A) an individual legislator;

26 (B) a legislative body, including a legislative committee; or

27 (C) an agency of the legislature established under AS 24.20 and AS 24.55.

28 * Sec. 26. AS 39.50.090(c) is amended to read:

29 (c) A public official may not represent a client before a state agency for a fee. However,
30 this prohibition does not apply to a person to whom AS 24.60 applies, to a municipal officer,
31 or to the chair [CHAIRMAN] or a member of a state commission or board except with regard

1 to representation before that commission or board; this exception from the general prohibition
2 does not apply to one whose service on the commission or board constitutes the person as a full-
3 time state employee under this title.

4 * Sec. 27. AS 24.60.060, 24.60.080(b), and 24.60.120 are repealed.

5 * Sec. 28. TRANSITIONAL PROVISIONS RELATING TO PUBLIC MEMBERS OF SELECT
6 COMMITTEE ON LEGISLATIVE ETHICS. Notwithstanding AS 24.61.130(g), as amended by sec. 19
7 of this Act, one of the public members of the Select Committee on Legislative Ethics shall serve until
8 the commencement of the 1993 regular session of the Alaska State Legislature; one of the public
9 members shall serve until the commencement of the 1994 regular session; and the remaining public
10 member shall serve until the commencement of the 1995 regular session. The length of each public
11 member's term under this section shall be determined by lot.

HOUSE CS FOR CS FOR SENATE BILL NO. 185 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE SPECIAL COMMITTEE ON ETHICS REFORM

A BILL

FOR AN ACT ENTITLED

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

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

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

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

6 CHAPTER 61. LEGISLATIVE ETHICS.

7 ARTICLE 1. PURPOSE.

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

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

12 (2) provide a comprehensive and unified statement of the ethical principles,
13 considerations, and obligations inherent in the public trust theory of government service and
14 establish specific standards of conduct to ensure that those entrusted with public authority avoid

1 conduct that might undermine the people's respect for the legislature; and

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

4 ARTICLE 2. STANDARDS OF CONDUCT.

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

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

10 Sec. 24.61.110. MISUSE OF STATE PROPERTY AND RESOURCES FOR PRIVATE

11 BENEFIT. (a) A legislator or legislative employee may not use public funds, facilities,
12 equipment, services, or another government asset or resource for a nongovernmental purpose or
13 for the private benefit of either the legislator, legislative employee, or another person. This
14 subsection does not prohibit use of the telephone that does not carry a special charge.

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

19 (c) A legislator or legislative employee may not require at any time, or authorize on
20 government time, a legislative employee to perform personal services at any time or to assist in
21 a private activity on government time.

22 Sec. 24.61.120. MISUSE OF STATE PROPERTY AND RESOURCES FOR POLITICAL

23 PURPOSES. (a) A legislator or legislative employee may not use or authorize the use of state
24 funds, facilities, equipment, services, or another government asset or resource for the purpose of
25 political fund raising, campaigning, or other political purposes.

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

29 (c) A legislator, or another person on behalf of the legislator, or a campaign committee
30 of the legislator, may not distribute or post literature, placards, posters, or other communications
31 intended to influence the election of a candidate in an election in public areas in a facility

1 ordinarily used to conduct state government business.

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

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

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

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

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

19 Sec. 24.61.150. NEPOTISM. (a) A relative of a legislator may not be employed for
20 compensation

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

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

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

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

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

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

29 (d) In this section, "interim between legislative sessions" means the period beginning on
30 the eighth day after the legislature adjourns from a regular session and ending eight days before
31 the date that the legislature shall convene under AS 24.05.090; and "relative" means a member

1 of the legislator's or legislative employee's immediate family or a person who is a legislator's
2 or legislative employee's spousal equivalent living together in a conjugal relationship not a legal
3 marriage with the legislator or legislative employee.

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

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

16 Sec. 24.61.190. RESTRICTED ACTIVITIES AS AN ATTORNEY OR
17 REPRESENTATIVE. (a) A legislator or legislative assistant may not for compensation
18 represent, as an advocate, advisor, or consultant, a person before an agency, board, or
19 commission of the state unless

20 (1) the agency, board, or commission is acting quasi-judicially; or

21 (2) the legislator or legislative assistant discloses to the commission the name of
22 the person represented, the subject matter of the representation, and the agency, board, or
23 commission before which the representation is to take place.

24 This provision does not prohibit an attorney from representing a client in a judicial action or
25 prevent a legislator or legislative assistant from representing personal interests.

26 (b) This section may not be construed to prohibit a legislator or legislative assistant from
27 advising a person about the procedures or appropriateness of bringing an action against the state
28 or a local government.

29 Sec. 24.61.200. RESTRICTED TRANSACTIONS; INTEREST IN STATE CONTRACTS
30 OR LEASES. (a) A legislator, a legislative assistant, or a member of the immediate family of
31 a legislator may not be a party to or have an interest in a state contract or lease unless the

1 contract or lease is let through competitive sealed bidding under AS 36.30 (State Procurement
2 Code) or the total annual amount of the state contract or lease is \$1,000 or less, or is a
3 standardized contract or lease that was developed under publicly established guidelines and is
4 generally available to the public at large, members of a profession, occupation, or group. A
5 person has an interest in a state contract or lease under this section if the person receives direct
6 or indirect financial benefits.

7 (b) In this section, "direct or indirect financial benefits" means income, profits, or other
8 financial benefits under a state contract, without regard to whether the income, profits, or other
9 financial benefits ensue to the person as a partner, shareholder, investor, agent, employee,
10 consultant, or joint venturer of the contractor.

11 Sec. 24.61.210. GIFTS. (a) A legislator or legislative employee may not solicit, accept,
12 or receive, directly or indirectly, a gift worth \$100 or more, whether in the form of money,
13 services, a loan, travel, entertainment, hospitality, promise, or other form, or gifts from the same
14 person worth less than \$100 that in a calendar year aggregate to \$100 or more in value, and may
15 not solicit, accept, or receive a gift with any monetary value from a lobbyist, the client of a
16 lobbyist, or a person acting on behalf of a lobbyist or the client of a lobbyist during a legislative
17 session.

18 (b) Notwithstanding (a) of this section, it is not a violation of this section for a legislator
19 or legislative employee to accept

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

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

22 (B) at a social event or meal;

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

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

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

29 (5) gifts from the family of the person; or

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

31 (c) A legislator or legislative employee who accepts a gift shall disclose the gift if it has

1 a value of \$100 or more. The disclosure must include the name and occupation of the person
2 making the gift and the approximate value of the gift. Each gift required to be disclosed under
3 this subsection shall be disclosed within 30 days of the receipt of the gift in the journal of the
4 appropriate body or, if the legislature is not in session, to the committee. The committee shall
5 maintain a public record of the disclosure it receives and shall forward the disclosure to the
6 appropriate house for inclusion in the journal by the fifth day of the next regular session.

7 (d) A political contribution that is reported under AS 15.13.040 is not a gift under this
8 section.

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

14 Sec. 24.61.220. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOYMENT
15 AND HONORARIA. (a) A legislator or legislative assistant may not

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

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

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

28 Sec. 24.61.235. RESTRICTIONS ON FUND RAISING. (a) A legislator running for the
29 legislature may not solicit or accept a campaign contribution or a promise or pledge to make a
30 campaign contribution while the legislature is in regular session.

31 (b) This section does not apply to a special election ordered by a court.

1 (c) In this section, "campaign contribution" has the meaning given for "contribution" in
2 AS 15.13.130.

3 Sec. 24.61.240. ACCOUNTABILITY: WHISTLE BLOWING, AND PROTECTION OF
4 WHISTLE BLOWERS. A legislator or legislative employee may not, directly or indirectly,
5 subject a person who reports to the commission or another government entity conduct the person
6 reasonably believes is a violation of this chapter or another state law, to reprisal, harassment, or
7 discrimination. A legislative employee who is discharged, disciplined, involuntarily transferred,
8 or otherwise penalized by a legislator or another legislative employee in violation of this
9 subsection may

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

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

13 Sec. 24.61.250. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. Legislators
14 shall abide by AS 44.62.310 - 44.62.312 (open meetings law).

15 Sec. 24.61.260. DISCRIMINATION PROHIBITED. A legislator or legislative employee
16 may not engage in acts of discrimination in violation of AS 18.80.220.

17 Sec. 24.61.270. PENALTIES. (a) A person who violates a provision of AS 24.61.100 -
18 24.61.260, or a regulation adopted under AS 24.61.100 - 24.61.260, is subject to civil sanctions
19 under AS 24.61.560(a).

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

23 ARTICLE 3. REQUIRED DISCLOSURE.

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

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

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

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

12 (4) gifts with a value of \$100 or more.

13 Sec. 24.61.410. DEADLINES FOR FILING OF DISCLOSURE STATEMENTS. A
14 legislator and a legislative director shall file an annual report with the Alaska Public Offices
15 Commission, covering the previous calendar year, containing the disclosures required by
16 AS 24.61.400, on or before April 15 of each year.

17 Sec. 24.61.420. ADMINISTRATION OF AS 24.61.400 - 24.61.426. The Alaska Public
18 Offices Commission shall

19 (1) adopt regulations to implement and interpret the provisions of AS 24.61.400 -
20 24.61.426 and 24.61.450;

21 (2) prepare standardized forms on which the statements required by AS 24.61.400
22 shall be filed; and

23 (3) examine, investigate, and compare all reports and statements required under
24 AS 24.61.400, and report all possible violations of this chapter it discovers to the commission.

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

30 Sec. 24.61.424. CIVIL PENALTY FOR LATE FILING. A legislator or a legislative
31 director who fails to file a properly completed report under AS 24.61.400 is subject to a civil

1 penalty of not more than \$10 a day for each day the delinquency continues as the Alaska Public
2 Offices Commission determines, subject to appeal to the superior court. An affidavit stating facts
3 in mitigation may be submitted to the Alaska Public Offices Commission by the person against
4 whom the civil penalty is assessed. However, the imposition of the penalties prescribed in this
5 section does not excuse the person from filing reports required by AS 24.61.400.

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

13 Sec. 24.61.430. DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS. (a) A
14 legislator or a legislative employee shall disclose in the journal of the appropriate body or if the
15 legislature is not in session to the commission, which shall maintain a public record of the
16 disclosure and forward the disclosure to the respective house for inclusion in the journal by the
17 fifth day of the session, the formation or maintenance of a close economic association involving
18 a substantial financial matter with

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

22 (2) legislators;

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

25 (4) a registered lobbyist.

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

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

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

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

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

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

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

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

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

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

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

12 ARTICLE 4. LEGISLATIVE ETHICS COMMISSION.

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

16 (1) one member of the senate appointed jointly by the president of the senate and
17 the senate minority leader, if any;

18 (2) one member of the house of representatives appointed jointly by the speaker
19 of the house and the house minority leader, if any; and

20 (3) five members appointed by the supreme court.

21 (b) No more than one member appointed under (a)(3) of this section may be a former
22 legislator. No more than three members of the commission may be members of the same
23 political party.

24 (c) Commissioners described in (a)(1) and (2) of this section shall be appointed within
25 15 days of the commencement of the first regular session of each legislature and shall serve until
26 the commencement of the next legislature.

27 (d) Commissioners who are not legislators serve staggered terms of four years. A
28 nonlegislator commissioner is eligible for reappointment; however, a nonlegislator commissioner
29 may not serve more than two consecutive four-year terms. A nonlegislator commissioner whose
30 term has expired continues in office until a successor has been appointed and certified.

31 (e) A vacancy on the commission is filled in the same manner as the original

1 appointment to that seat on the commission. A vacancy shall be filled within 30 days after the
2 vacancy occurs.

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

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

11 Sec. 24.61.502. LEGISLATIVE REMOVAL OF COMMISSIONER. (a) A
12 commissioner may be removed from office by a vote of two-thirds of each house of the
13 legislature, by concurrent resolution, for cause. A commissioner being removed for cause shall
14 be given a copy of the charges and afforded an opportunity to publicly present a defense in
15 person or by counsel upon not less than 10 days' notice.

16 (b) In this section, "cause" means:

17 (1) incompetency, which is the inability or the unintentional or intentional failure
18 to perform the duties of the commissioner;

19 (2) immorality, which is the commission of an act that constitutes a crime
20 involving moral turpitude; or

21 (3) malfeasance or misfeasance in office, which includes the unexcused failure
22 of the commissioner to attend meetings or to comply with this chapter or regulations adopted by
23 the commission under this chapter.

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

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

28 (c) The commission may meet by teleconference.

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

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

1 Sec. 24.61.506. EXECUTIVE DIRECTOR AND STAFF. (a) The commission shall hire
2 an executive director and determine the director's salary. The executive director serves at the
3 pleasure of the commission.

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

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

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

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

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

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

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

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

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

3 (A) a candidate for the legislature;

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

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

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

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

14 (d) A violation or alleged violation of (b) or (c) of this section shall be treated as any
15 other violation of this chapter and shall be dealt with by the commission accordingly. During
16 the pendency of a complaint against a commissioner, commission employee, or commission
17 contractor, the person complained against may not participate in official action of the
18 commission.

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

21 Sec. 24.61.510. GENERAL POWERS AND DUTIES OF THE COMMISSION. (a) The
22 commission shall

23 (1) administer the provisions of this chapter, including the adoption of regulations
24 that the commission is required to adopt;

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

27 (3) issue formal written advisory opinions on specific situations or clarify a
28 provision of this chapter;

29 (4) investigate and adjudicate complaints and recommend disciplinary actions to
30 the legislature;

31 (5) carry out the educational programs that are required by this chapter and

1 additional programs it considers necessary to effectuate the policy and purposes of this chapter;

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

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

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

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

13 (b) The commission may

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

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

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

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

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

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

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

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

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

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

7 (c) The commission shall issue its opinion within 30 days of receiving the request. The
8 period for issuing an opinion may be extended by the commission if the person requesting the
9 opinion consents.

10 (d) An opinion shall be issued by official action of the commission. The vote of each
11 commissioner participating in the opinion shall be indicated on the opinion, which shall be
12 forwarded to the person requesting it.

13 (e) Written formal advisory opinions issued by the commission are binding on the
14 commission in a subsequent proceeding concerning the facts and circumstances of the particular
15 case unless material facts were omitted or misstated in the request.

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

17 (g) The commission and all commission employees shall keep confidential the identity
18 of the requester and all information conveyed orally or in writing relating to the request, unless
19 the requester authorizes the commission to make public the requester's identity or the information
20 conveyed.

21 (h) Advisory opinions issued by the commission are confidential, but shall be made
22 public if a written request by the person who requested the opinion is filed with the commission.

23 (i) Notwithstanding (h) of this section, the commission may issue a public summary of
24 advisory opinions written so that the identity of the requester cannot be ascertained.

25 Sec. 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR
26 ADVICE. The commission may not bring a complaint against a person based upon information
27 voluntarily given to the commission by the person in connection with a good faith request for
28 advice under AS 24.61.520 or 24.61.525, and may not use that information against the person
29 in a proceeding under AS 24.61.535 - 24.61.555. This subsection does not preclude the
30 commission from acting on a complaint concerning the subject of a person's request for advice
31 if the complaint is brought by another person, or if the complaint arises out of conduct taking

1 place after the advice is requested, and does not preclude a commission from using information
2 or evidence obtained from an independent source, even if that information or evidence was also
3 submitted with a request for advice.

4 Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PROCESSES.

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

7 A complaint must include

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

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

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

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

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

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

28 (e) Once a complaint has been determined to be formally sufficient, commission staff
29 shall evaluate the complaint and advise the chair as to its opinion as to whether it states a valid
30 complaint that should be investigated. If the executive director is a member of the bar, the
31 executive director may provide the advice. Otherwise, the executive director shall appoint a duly

1 qualified legal counsel to assist in making the determinations required under this subsection. To
2 be valid, the complaint must allege

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

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

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

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

10 (3) that the person charged with misconduct is a legislator or legislative employee
11 at the time of filing of the complaint or was a legislator within one year of the time of filing of
12 the complaint.

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

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

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

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

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

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

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

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

30 (f) Upon completion of the investigation, a confidential report summarizing the evidence,
31 evaluating its credibility, and detailing findings on each of the allegations investigated shall be

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

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

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

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

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

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

1 (f) The commission may suspend further proceedings if the respondent acknowledges the
2 violation and agrees to corrective actions and sanctions considered appropriate by the
3 commission. If the commission suspends the proceedings or dismisses the charges as a result
4 of a negotiated settlement, the terms and conditions of the settlement and the reasons for entering
5 into the agreement shall be stated in a written report that shall be sent to the complainant and
6 made part of the public record.

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

10 Sec. 24.61.550. ADJUDICATORY HEARING. (a) Notwithstanding AS 24.61.504(b),
11 an adjudicatory hearing shall be before at least a majority of the commission. If the chair cannot
12 attend all hearing sessions without undue inconvenience, the vice-chair shall serve in the chair's
13 place. If neither the chair nor the vice-chair is available, the chair shall appoint another
14 commissioner.

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

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

23 (d) The commission may

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

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

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

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

31 (e) The respondent may

- 1 (1) appear before the hearing board and submit testimony or other evidence;
- 2 (2) personally, or through counsel, request production of documentary or tangible
- 3 evidence, subpoena, examine, and cross-examine witnesses, raise objections, and make arguments;
- 4 (3) exercise the pretrial discovery procedures available in civil actions.

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

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

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

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

- 23 (1) a civil penalty of not more than \$5,000 for each offense, or twice the amount
- 24 improperly gained by the misconduct, whichever is greater;
- 25 (2) divestiture of specified assets or withdrawal from specified associations;
- 26 (3) detailed disclosure, with or without additional periodic reporting requirements;
- 27 (4) suspension from legislative employment, with or without pay;
- 28 (5) restitution or reimbursement;
- 29 (6) suspension of pay until orders are complied with;
- 30 (7) probationary status;
- 31 (8) a written reprimand;

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

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

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

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

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

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

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

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

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

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

1 appropriate sanctions.

2 Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL. The attorney general may
3 independently bring civil actions relating to violations under this chapter regardless of the
4 outcome or settlement of a charge before the commission, provided that the cumulative civil
5 penalties imposed for a violation may not exceed the amount that could be imposed in an action
6 before the commission. This subsection does not prohibit the attorney general from bringing an
7 action under another civil or criminal law.

8 Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. (a) The subject of a complaint
9 may waive any provision of AS 24.61.535 - 24.61.550 relating to the confidentiality of the
10 proceedings.

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

15 ARTICLE 5. GENERAL PROVISIONS.

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

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

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

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

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

1 performance of its duties.

2 Sec. 24.61.940. UNAUTHORIZED DISCLOSURES. A person subject to the provisions
3 of this chapter may not knowingly make an unauthorized disclosure of confidential information
4 acquired in the course of official duties. A person who violates this section is subject to civil
5 sanctions under AS 24.61.560(a) and may be subject to prosecution under AS 11.56.860 or
6 another law.

7 Sec. 24.61.950. ACCESS TO CLOSED FILES. A commissioner or an employee or
8 contractor of the commission may obtain access to closed commission files containing
9 information that is confidential only if the commission determines that the person has a need to
10 obtain access to the closed files that relates to the official duties of the commission and the
11 person seeking access.

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

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

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

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

24 (i) money;

25 (ii) products or merchandise;

26 (iii) works of art or collectibles;

27 (iv) stocks, bonds, notes, or options;

28 (v) an interest in real property;

29 (vi) contracts or a promise of a future interest in a contract;

30 (vii) an interest or a promise of a future interest in a business;

31 (viii) meals, beverages, or lodging;

- 1 (ix) transportation;
- 2 (x) services, including loaned employees;
- 3 (xi) loans, loan guarantees, co-signing;
- 4 (xii) forgiveness of a debt;
- 5 (xiii) discounts or rebates not extended to the public generally;
- 6 (xiv) tickets or admissions;
- 7 (xv) free or discounted use of office facilities;
- 8 (xvi) loan of office equipment;
- 9 (xvii) radio or television time;
- 10 (xiii) promise or offer of present or future employment;
- 11 (xix) use of autos, boats, apartments, or other recreational or
- 12 lodging facilities;
- 13 (xx) intangible rights such as a cause of action;
- 14 (xxi) licenses, patents, copyrights, or an interest in them;
- 15 (xxii) any other item having economic value;
- 16 (B) "anything of value," "benefit," or "thing of value" does not include
- 17 (i) an item listed in AS 24.61.210(b);
- 18 (ii) campaign contributions, pledges, political endorsements,
- 19 support in a political campaign, or a promise of endorsement or support;
- 20 (iii) contributions to a cause or organization, including a charity,
- 21 made in response to a direct solicitation from a legislator or a person acting at the
- 22 legislator's direction;
- 23 (iv) grants under AS 37.05.316 to named recipients;
- 24 (3) "charitable organization" means an organization that qualifies for a federal tax
- 25 exemption under 26 U.S.C. 501(c)(3);
- 26 (4) "close economic association" means a financial relationship that exists between
- 27 a person covered by this chapter and some other person or entity, including but not limited to
- 28 relationships where the person covered by this chapter serves as a consultant or advisor to, is a
- 29 member or representative of, or has a financial interest in, any association, partnership, business,
- 30 or corporation;
- 31 (5) "commission" means the Legislative Ethics Commission;

- 1 (6) "compensation" means remuneration for personal services rendered, including
2 salary, fees, commissions, bonuses, and similar payments, but does not include reimbursement
3 for actual expenses incurred by a person;
- 4 (7) "confidential information" means information that has been classified
5 confidential by law;
- 6 (8) "exonerate" means to free from a charge or the imputation of guilt, or to prove
7 blameless;
- 8 (9) "honorarium" means anything of value, other than reimbursement of travel
9 expenses, given to a person for making a speech, panel presentation, personal appearance, or
10 similar activity;
- 11 (10) "immediate family" means the spouse, parents, children, including a stepchild
12 and an adoptive child, and siblings of a person;
- 13 (11) "income" means gross income as defined in 26 U.S.C. 61 in effect on
14 January 1, 1990, and all gifts, awards, and inheritances;
- 15 (12) "intent to influence legislative, administrative, or political action" means that
16 an act, including the offering or conferring of a thing of value to a public official, is done with
17 the intent to induce the official to do or refrain from doing an act;
- 18 (13) "knowingly" has the meaning given in AS 11.81.900;
- 19 (14) "legislative action" means conduct relating to the development, drafting,
20 consideration, sponsorship, enactment or defeat, support or opposition to or of a law, amendment,
21 resolution, report, nomination, or other matter affected by legislative action or inaction;
- 22 (15) "legislative assistant" means a legislative employee whose assigned duties
23 involve the exercise of substantial discretion and judgment; it does not include employees who
24 perform purely clerical or ministerial functions; the legislative council shall propose policies
25 relating to the interpretation of this definition, and the commission shall consider the adoption
26 of these guidelines as regulations;
- 27 (16) "legislative director" means the director of the legislative finance division,
28 the legislative auditor, the director of the legislative research agency, the ombudsman, the
29 executive director of the Legislative Affairs Agency, and the directors of the divisions within the
30 Legislative Affairs Agency;
- 31 (17) "legislative employee" means a person, other than a legislator, who is

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

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

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

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

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

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

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

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

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

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

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

7 (4) is a lobbyist;

8 (5) represents, with or without compensation, a person or organization described
9 in (1) - (4) of this section; or

10 (6) is not the state or federal government or an agency of the state or federal
11 government.

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

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

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

17 (b) A person filing a declaration of candidacy under this section, other than a person
18 subject to AS 24.61 who is filing a declaration for a state legislative office, shall
19 simultaneously file with the director a statement of income sources and business interests that
20 complies with the requirements of AS 39.50. A person who is subject to AS 24.61 and is filing
21 a declaration of candidacy for state legislative office shall simultaneously file with the
22 director a disclosure statement that complies with the requirements of AS 24.61.400.

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

24 (c) An incumbent public official, other than a legislator, who has a current statement
25 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
26 Commission, or an incumbent legislator who has a current disclosure statement under
27 AS 24.61.400 on file with the Alaska Public Offices Commission, is not required to file a
28 statement of income sources and business interests or a disclosure statement with the
29 declaration of candidacy under (b) of this section.

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

31 (b) A person filing a nominating petition under this section, other than a person subject

1 to AS 24.61 who is filing a petition for a state legislative office, shall also file with the
2 director a statement of income sources and business interests that complies with the requirements
3 of AS 39.50 within 30 days of filing the petition. A person who is subject to AS 24.61 and
4 is filing a nominating petition for state legislative office shall file with the director a
5 disclosure statement that complies with the requirements of AS 24.61.400 within 30 days
6 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 a current statement
9 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
10 Commission, or an incumbent legislator who has a current disclosure statement under
11 AS 24.61.400 on file with the Alaska Public Offices Commission, is not required to file a
12 statement of income sources and business interests or a disclosure statement with the
13 nominating petition under (b) of this section.

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

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

17 (A) as a "public official" as defined in AS 39.50.200(a), [OR] any other
18 elected official, the fiscal analyst of the legislative finance division, the legislative
19 auditor of the legislative audit division, the executive director of the Legislative
20 Affairs Agency, and the directors of the divisions within the Legislative Affairs
21 Agency;

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

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

26 * Sec. 9. AS 24.45.121 is amended by adding a new subsection to read:

27 (c) A former legislator may not act as a lobbyist for a period of 12 months following the
28 legislator's departure from office.

29 * Sec. 10. AS 24.45.171(12) is amended to read:

30 (12) "public official" or "public officer" means a public official as defined in
31 AS 39.50.200(a), a member of the legislature, or a legislative director as defined in

1 AS 24.61.990(a); however, it does not include a judicial officer or an elected or appointed
2 municipal officer.

3 * Sec. 11. AS 39.25.110 is amended by adding a new paragraph to read:

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

5 * Sec. 12. AS 39.50.020 is amended to read:

6 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a) A
7 judicial officer, commissioner, chair [CHAIRMAN] or member of a state commission or board
8 specified in AS 39.50.200(b), a person hired or appointed as head or deputy head of, or director
9 of a division within, a department in the executive branch, a person appointed as assistant to the
10 governor, and a municipal officer, shall file a statement giving income sources and business
11 interests, under oath and on penalty of perjury, within 30 days after taking office as a public
12 official. Candidates for state elective office other than a candidate who is subject to AS 24.61
13 shall file such a statement with the director of elections at the time of filing a declaration of
14 candidacy or within 30 days of the filing of any nominating petition, or within 30 days of
15 becoming a candidate by any other means. Candidates for elective municipal office shall file
16 such a statement at the time of filing a nominating petition, declaration of candidacy, or other
17 required filing for the elective municipal office. Refusal or failure to file within the time
18 prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or
19 that a previously accepted filing fee be returned and the candidate's name removed from the
20 filing records. A statement shall also be filed by public officials no later than April 15 or 15
21 days after the person files a federal income tax return in each following year, whichever comes
22 first. Persons who, on or after December 11, 1974, were members of boards or commissions not
23 named in AS 39.50.200(b) are not required to file financial statements.

24 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLATURE,] judicial
25 officers, each commissioner, head or deputy head of, or director of a division within, a
26 department in the executive branch, assistant to the governor or chair [CHAIRMAN] or member
27 of a commission or board required to report under this chapter, shall file the statement with the
28 Alaska Public Offices Commission. Candidates for the office of governor and [,] lieutenant
29 governor [,] and, if the candidate is not subject to AS 24.61, the legislature, shall file the
30 statement under AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective
31 municipal office, shall file with the municipal clerk or other municipal official designated to

1 receive their filing for office. All statements required to be filed under this chapter are public
2 records.

3 * Sec. 13. AS 39.50.200(a)(8) is amended to read:

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

13 * Sec. 14. AS 39.52.910(a) is amended to read:

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

19 * Sec. 15. AS 24.55.310, AS 24.60, AS 39.50.025, and 39.50.120 are repealed.

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

23 (1) two of the members appointed by the supreme court, determined by lot, serve terms
24 of four years;

25 (2) two of the members appointed by the supreme court, determined by lot, serve terms
26 of three years;

27 (3) the fifth member appointed by the supreme court serves a term of two years.

28 (b) The member serving a two-year term under this section is eligible for reappointment to two
29 consecutive four-year terms. A member serving a three-year term under this section may not be
30 reappointed to two consecutive four-year terms.

31 * Sec. 17. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER AS 24.60.

1 Notwithstanding the repeal of AS 24.60 by sec. 15 of this Act, in addition to the provisions of AS 24.61,
2 as added by sec. 2 of this Act, the Legislative Ethics Commission may consider complaints alleging
3 violations of AS 24.60 that occurred prior to January 1, 1993, and for which proceedings have not been
4 commenced or concluded prior to January 1, 1993. For the purpose of this section, the Legislative
5 Ethics Commission shall follow the procedures established under AS 24.61, but may not recommend a
6 sanction or penalty not authorized under former AS 24.60.

7 * Sec. 18. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTHERS.

8 Notwithstanding AS 24.61.190, as added by sec. 2 of this Act, a legislator or legislative assistant who
9 is subject to AS 24.61.190 may, until July 1, 1993, represent a person in a manner that would otherwise
10 be prohibited under AS 24.61.190 if the legislator or legislative assistant promptly files a statement with
11 the Legislative Ethics Commission that includes the name of the client, an identifying name or number
12 of the action, a brief description of the nature of the action, and the amount of compensation received
13 or anticipated relating to the representation. The statement shall be published in the journal of the
14 appropriate house. If information contained in the statement changes, a supplemental statement shall be
15 filed every 90 days until the matter is completed or July 1, 1993, at which time the representation must
16 be terminated. The representation may continue beyond July 1, 1993, if the legislator or legislative
17 assistant applies for, and the Legislative Ethics Commission grants, an exemption to the termination date
18 under AS 24.61.530, as added by sec. 2 of this Act. In this section, "legislative assistant" has the
19 meaning given in AS 24.61.990, as added by sec. 2 of this Act.

20 * Sec. 19. AS 24.61.420, 24.61.500 - 24.61.580, and 24.61.990, as added by sec. 2 of this Act, and
21 sec. 16 of this Act take effect July 1, 1992.

22 * Sec. 20. Except as provided in sec. 19 of this Act, this Act takes effect January 1, 1993.