

CONFIRM.

SELECT

COMM.

LEG.

ETHICS

**REPORTS OF STANDING COMMITTEES**

The Judiciary Committee has reviewed the qualifications of:

Bonnie Mehner - Appointment  
Arthur S. Robinson - Appointment  
H. Conner Thomas - Reappointment

as members of the Select Committee on Legislative Ethics with the following individual recommendations:

Confirm (5): Meyer, Berkowitz, Kookesh, Ogan, James

**HB 285**

The State Affairs Committee has considered:

**HOUSE BILL NO. 285**

"An Act adding a second verse to the official Alaska state song."

The report was signed by Representative Coghill, Chair, with the following individual recommendations:

Do pass (6): Wilson, Stevens, James, Fate, Hayes, Coghill

The following fiscal note(s) apply:

1. Zero, University of Alaska

HB 285 was referred to the Rules Committee for placement on the calendar.

\*\*The presence of Representatives Kerttula, Davies, and Croft was noted.

**INTRODUCTION OF CITATIONS**

The following citations were introduced and referred to the Rules Committee for placement on the calendar:



Official Business

# Alaska State Legislature

House of Representatives


Office of the Chief Clerk

State Capitol, Room 216  
Juneau, AK 99801-1182  
Phone: (907) 465-3725  
Fax: (907) 465-5334

## MEMORANDUM

Date: June 7, 2001

To: Judiciary Committee

From: Suzi Lowell   
Chief Clerk

Subject: Ethics Committee Appointment

Speaker Porter referred the following appointment by Chief Justice Dana Fabe to the Judiciary Committee:

### Select Committee on Legislative Ethics

Bonnie Mehner of Anchorage



Chambers of  
Dana Fabe  
Chief Justice

**Supreme Court**  
State of Alaska

303 K Street  
Anchorage, Alaska  
99501-2083  
  
(907) 264-0622  
FAX (907) 264-0554

May 14, 2001

The Honorable Rick Halford  
Senate President  
P.O. Box 670190  
Chugiak, Alaska 99567-0190

The Honorable Brian Porter  
Speaker of the House  
716 West 4th Avenue, Suite 300  
Anchorage, Alaska 99501

Dear President Halford  
and Speaker Porter:

In my capacity as Chief Justice, and pursuant to AS 24.60.130(b)(3), I am nominating Bonnie Mehner to a term as a public member of the Select Committee on Legislative Ethics. Ms. Mehner will be filling the seat vacated by Mr. Tom Owens upon his resignation.

Ms. Mehner is a highly respected realtor in Anchorage, and for purposes of determining compliance with AS 24.60.130(c), Ms. Mehner is non-partisan.

Ms. Mehner can be reached at (907) 762-3110. Her mailing address is 2923 McCollie Drive, Anchorage, Alaska 99517. Please let me know if I can provide you with any other information on this matter.

Sincerely,

Dana Fabe  
Chief Justice

DF:jd  
cc: Bonnie Mehner  
Susan Barnett

# BONNIE L. MEHNER

Associate Broker, Prudential Jack White Real Estate

## PERSONAL

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Married to William Mehner, Associate Broker, Prudential Jack White R.E. Daughter, Bethany, son-in-law, Martin Weiser and granddaughters, Isabel and Sophie. Daughter, Whitney and son-in-law, Toby Merriman.

## EXPERIENCE

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1978 – Present	Prudential Jack White Real Estate	Anchorage, Alaska
Associate Broker		
■ Top Producer, 2000, 1999, 1998, 1996, 1994, 1993, and 1991		
■ Profiled in "National Relocation and Real Estate Magazine".		
■ Featured in "Who's Who in Luxury Real Estate".		
1977 – 1978	Totem Realty	Anchorage, Alaska
Associate Broker		
1974 – 1977	Realty Center	Anchorage, Alaska
Associate Broker & Agent		
1969 – 1971	Alaska Airlines	Anchorage, Alaska
Sales Agent		
1967 – 1968	U.S. Civil Service	Worms, Germany
Editor		
1966 – 1967	Pubic Information Service	Ft. Benning, Georgia
Writer/Reporter		

## COMMUNITY INVOLVEMENT

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2000 – Present	Alaska Pacific University	Trustee
1998 – Present	Alaska Community Foundation	President & Chairman
1996 – Present	Alaska Community Foundation	Co-founder & Board Member
1993 – 1995	Anchorage Arts Advisory Commission	Chair
1991 – 1998	Anchorage Arts Advisory Commission	Commissioner
1997 & 1998	United Way of Anchorage Campaign Cabinet	Team Leader
1993 – 1994	Soroptimist International of Cook Inlet	Past President
1988 – Present	Soroptimist International of Cook Inlet	Member
1991 – 1993	BRAVO! Anchorage Opera Company	Chair
1992 – 1993	Anchorage Opera Company	Board Member
1991 – Present	Alaska Pacific University	President's Forum Member
1993 – Present	Residential Sales Council	Member
1974 – Present	National Association of REALTORS	Member
1974 – Present	Anchorage Board of REALTORS	Member

## EDUCATION

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- 1962-1966 Alaska Methodist University Anchorage, Alaska
- B.A., Business Administration and Computer Science.

## PROFESSIONAL DESIGNATIONS:

- Certified Residential Specialist, CRS
- Graduate Accredited Buyer Representative, ABR
- Graduate Realtor's Institute, GRI

## INTERESTS

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Sküing, Bicycling, Tennis, Reading, Walking, Traveling

## BACKGROUND

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Traveled extensively as a child and young adult with military officer/father. Attended sixteen schools across the country. Two years in Europe. Returned to Anchorage permanently in January 1969.



Official Business


# Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216  
Juneau, AK 99801-1182  
Phone: (907) 465-3725  
Fax: (907) 465-5334

## MEMORANDUM

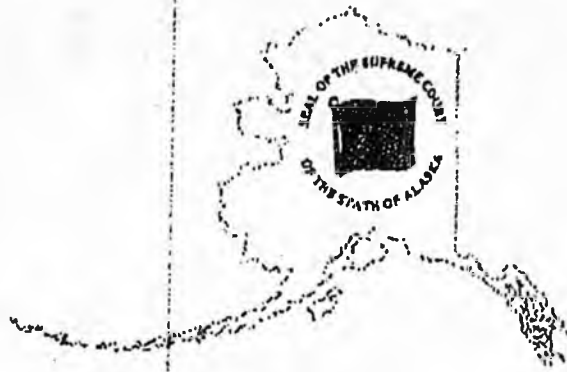
Date: January 14, 2002  
To: Judiciary Committee  
From: Suzi Lowell   
Chief Clerk  
Subject: Ethics Committee Appointments

Speaker Porter referred the following appointments by Chief Justice Dana Fabe to the Judiciary Committee:

### Select Committee on Legislative Ethics

Arthur S. Robinson of Soldotna

H. Connor Thomas of Nome (reappointment for second term)



Chambers of  
Dana Fabe  
Chief Justice

**Supreme Court**  
State of Alaska

303 K Street  
Anchorage, Alaska  
99501-2063  
(907) 264-0622  
FAX (907) 264-0554

November 13, 2001

The Honorable Rick Halford  
Senate President  
P.O. Box 670190  
Chugiak, Alaska .99567-0190

The Honorable Brian Porter  
Speaker of the House  
716 West 4th Avenue, Suite 300  
Anchorage, Alaska 99501

Dear President Halford  
and Speaker Porter:

In my capacity as Chief Justice, and pursuant to AS 24.60.130(b)(3), I am nominating Arthur S. Robinson to a term as a public member of the Select Committee on Legislative Ethics. Mr. Robinson will be filling the seat vacated by Mr. Curt Wallace upon his resignation.

Mr. Robinson is a partner in the law firm, Robinson & Beiswenger. He has been a member of the Alaska Bar for twenty-seven years and has practiced in Kenai since 1978. For purposes of determining compliance with AS 24.60.130(c), Mr. Robinson is non-partisan.

Mr. Robinson can be reached at (907) 262-9164. His mailing address is 35401 Kenai Spur Highway, Soldotna, Alaska 99669. Please let me know if I can provide you with any other information on this matter.

Sincerely,

Dana Fabe  
Chief Justice

DF:jd  
cc: Arthur Robinson  
Joyce Anderson

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

**RESUME**

Arthur S. Robinson  
35401 Kenai Spur Highway  
Soldotna, Alaska 99669  
Telephone: (907) 262-9164

Birthdate: December 21, 1948  
Place of Birth: Washington, D.C.  
Marital Status: Married, 2 Children  
Health: Excellent

**BAR ADMISSION**

Admitted to Practice of Law in Alaska May 16, 1974

**EDUCATION**

Law School: Juris Doctorate 1973, University of California at Los Angeles

Undergraduate: Bachelor of Arts/Political Science, cum laude, 1970, University of California at Los Angeles

**WORK EXPERIENCE**

1998 to Present Partner in Law Firm of Robinson & Beiswenger, 35401 Kenai Spur Highway, Soldotna, Alaska.

1982 to 1998: Partner in Law Firm of Robinson & Beiswenger, 35401 Kenai Spur Highway, Soldotna, Alaska. On October 1, 1987, Peter Ehrhardt became a member of the firm, Robinson, Beiswenger & Ehrhardt. Telephone No. (907) 262-9164

1977-1982: Sole Practitioner, Law Office of Arthur S. Robinson, 35401 Kenai Spur Highway, Soldotna, Alaska, (907) 262-9164

1975-1977 Staff attorney with Law Firm of Johnson, Christensen & Shenberg, Airport Heights Road, Anchorage, Alaska and Kenai Alaska

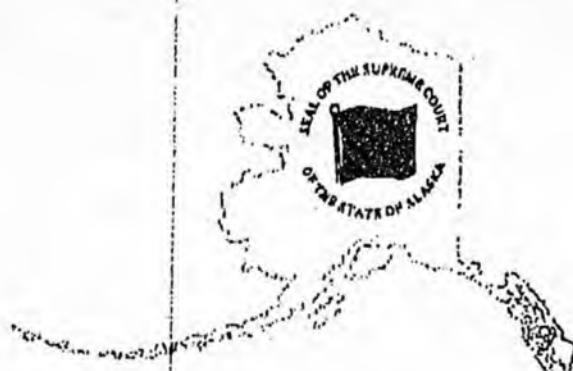
1974-1975 Assistant District Attorney, Alaska Department of Law, Criminal Division, Anchorage, Alaska

1973-1974: Legal Intern, Alaska Department of Law, Criminal Division, Anchorage, Alaska

1972-1973: Legal Intern, Alaska Public Defender Agency, Anchorage, Alaska

**LEGAL EXPERIENCE:** Arthur S. Robinson has practiced law in Alaska since 1974. He has practiced law on the Kenai Peninsula since 1975. His 27 years of experience have been in the fields of both criminal and civil litigation, with emphasis in contracts, real property, personal injury, natural resource law, criminal law, and employment law. Mr. Robinson has also had considerable exposure in the business community and has served as a board of director for the Kenai Care Center. He is also active as legal advisor to local and statewide commercial fishing organizations. He is a trustee and fellow-founder of the Martin Luther King Scholarship Foundation of Kenai. Mr. Robinson has taught business law and real estate law at the Kenai Community College.

**PROFESSIONAL MEMBERSHIPS & COMMUNITY ACTIVITIES:** Alaska Bar Association, Kenai Peninsula Bar Association, Kenai Trial Lawyers Association, American Bar Association, American Trial Lawyers Association, Alaska Academy of Trial Lawyers, Inducted 9/95 American College of Trial Lawyers, Kenai Peninsula Resource Development Commission, Alaska Reapportionment Board, Chairman, March 1990-December 1990, Member, Citizens' Advisory Commission on Federal Areas in Alaska 7/91-12/94



Chambers of  
Dana Fabe  
Chief Justice

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The Honorable Brian Porter  
Speaker of the House  
716 West 4th Avenue, Suite 300  
Anchorage, Alaska 99501

Dear President Halford  
and Speaker Porter:

In my capacity as Chief Justice, and pursuant to AS 24.60.130(b)(3), I am nominating H. Conner Thomas to a second term as a public member of the Select Committee on Legislative Ethics. Mr. Conner's current term will expire on the first day of the legislative session.

Mr. Thomas is a partner in the law firm, Lewis & Thomas. He has been a member of the Alaska Bar for twenty-one years. For purposes of determining compliance with AS 24.60.130(c), Mr. Thomas is a Democrat.

Mr. Thomas can be reached at (907) 443-5226. His mailing address is P.O. Box 61, Nome, Alaska 99762. Please let me know if I can provide you with any other information on this matter.

Sincerely,

Dana Fabe  
Chief Justice

DF:jd  
cc: H. Conner Thomas  
Joyce Anderson

**H. CONNER THOMAS**  
P.O. Box 865  
Nome, Alaska 99762  
(907) 443-5226

**EDUCATION**

**University of Louisville, School of Law**  
Louisville, Kentucky  
J.D. (1977)

**University of Kentucky**  
Lexington, Kentucky  
B.A. Economics (1973)

**EMPLOYMENT**

**Larson, Timbers & Thomas, P.C.** August 1986 to present  
Nome, Alaska  
*Associate and partner in a small general practice law firm*

**State of Alaska, Public Defender Agency** May 1983 to August 1983  
Nome, Alaska  
*Representing indigent criminal defendants*

**State of Alaska Court System - magistrate** September 1982 to May 1983  
Nome, Alaska  
*Arraign criminal defendants, preside over misdemeanor trials, act as foster in child in need of aid and juvenile delinquency cases*

**Alaska Legal Services Corporation** October 1979 to September 1982  
Nome, Alaska  
*Staff and supervising attorney for law office representing indigent clients in civil cases*

**U.S. Department of Interior** May 1979 to October 1979  
Anchorage, Alaska  
*Land adjudicator*

**VISTA Volunteer** October 1977 to January 1979  
Fairbanks and Nome, Alaska  
*Staff attorney with Protection and Advocacy for developmentally disabled, Fairbanks Alaska*  
*Staff attorney with Alaska Legal Services Corporation, Nome, Alaska*

## ORGANIZATIONS

**Nome Kennel Club**  
Nome, Alaska  
*President, Board of Directors*

*December 1992 to present*

**Alaska Civil Liberties Union**  
*Board of Directors*

*April 1994 to October 1997*

**Citizen Review Committee**  
Department of Health & Social Services

*October 1985 to January 1987*

## Article 3. Legislative Ethics Committee

### Section

- 130. Select Committee on Legislative Ethics
- 134. Prohibited conduct by public members and committee employees and contractors
- 140. Authority of the committee and subcommittees
- 150. Duties and powers of the committee
  
- 158. Informal advice

### Section

- 160. Advisory opinions
- 165. Use of information submitted with request for advice
- 170. Proceedings before the committee
  
- 174. Recommendations to the legislature where violator is a legislator
- 176. Recommendations where violator is a legislative employee
- 178. Recommended Sanctions

### Sec. 24.60.130. Select committee on legislative ethics.

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

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

(1) the senate subcommittee, which consists of two members of the senate, one of whom shall be a member of the minority organizational caucus, if any, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the senate, and includes the five public members appointed under (3) of this subsection;

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

(3) five public members who are selected by the Chief Justice of the Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house.

(c) No more than one public member may be a former legislator and no more than two public members of the committee may be members of the same political party.

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

(e) Except as provided in this subsection, a vacancy on the committee shall be filled under (b) of this section. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the first regular session of a legislature or during the interim between regular sessions of that legislature serves without concurrence or ratification through the 10th day of the second regular

session of the legislature. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the second regular session of a legislature or during the interim after the second regular session serves without concurrence or ratification through the convening of the first regular session of the next legislature.

(f) The committee may contract for professional services and may employ staff as it considers necessary. A committee employee, including a person who provides personal services under a contract with the committee, may not be a legislator, an elected or appointed official of a state or local governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist. The legislative council shall provide office space, equipment, and additional staff support for the committee. The committee shall submit a budget for each fiscal year to the finance committees of the legislature and shall annually submit an estimated budget to the governor for information purposes in preparation of the state operating budget. Public members of the committee serve without compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

(g) Each legislative member serves for the duration of the legislature during which the member is appointed. Each public member serves for a term that commences on the date the member is ratified and ends on the first day of the third regular session that follows the ratification. A public member whose term has expired continues in office until a successor has been appointed and ratified or until the 30th calendar day of the first legislative session that follows the successor's appointment, whichever is earlier. A member of the committee may be removed from membership on the committee for failure to carry out the person's duties as a member of the committee. A legislator may be removed with the concurrence by roll call vote of two-thirds of the full membership of the house of the legislature to which the member belongs. A public member may be removed with the concurrence by roll call vote of two-thirds of the full membership of each house of the legislature.

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an employee whose work is supervised by the member or an advisory opinion requested by the member. If a regular legislative member of the committee is disqualified under this subsection from participating in a proceeding involving a complaint, the member's alternate shall be designated under (n) of this section.

(i) A quorum of the committee consists of a majority of the members and must include at least two legislative members and three public members. A quorum of a subcommittee established under this section consists of a majority of the members of the subcommittee and must include at least one legislative member and three public members. A vote of a majority of the members appointed to the committee or a subcommittee is required for official action.

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

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

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

(m) Except as provided in (b)(1) and (2) of this section, a member may not be a legislator, a legislative employee, an elected or appointed official required to make disclosures under AS 39.50 (public official financial disclosure), an officer of a political party, a candidate for public office, or a registered lobbyist.

(n) When appointing members of the legislature to serve on the committee, the speaker of the house or the president of the senate, as appropriate, shall appoint an alternate member for each regular member. An alternate must have the same qualifications as the regular member for whom the alternate stands as alternate and is subject to confirmation as required for the regular member. If a regular legislative member of the committee or a subcommittee is disqualified under (h) of this section from serving on the committee or the subcommittee concerning a proceeding under AS 24.60.170, the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member in the proceeding unless the alternate is also disqualified from serving. The designation shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential.

(o) In this section, "minority organizational caucus" means a group of legislators who have organized and elected a minority leader and constitute at least 25 percent of the total membership of the house or senate, as appropriate.

**Sec. 24.60.134. Prohibited conduct by public members and committee employees and contractors.**

(a) Except as provided in (c) of this section, in addition to complying with the other requirements of this chapter, a public member of the committee, an employee of the committee, or a person under contract to provide personal services to the committee may not, during the person's term of office or employment or during the life of the contract, participate in

(1) political management or in a political campaign for a candidate for election to federal, state, or local office, regardless of whether the campaign is partisan or nonpartisan, or for passage or defeat of a ballot measure of any type;

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

(A) a candidate for the legislature;

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

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

(3) a fund-raising event held on behalf of a political party or attend a political party fund-raising event; or

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

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

(c) A person under contract to provide personal services to the committee who is part of a corporation or partnership that includes individuals who will not be participating directly in the work performed by the entity for the committee may request the committee to exclude members of the entity from some or all of the provisions of this section. The committee may grant the request if it finds that doing so will not lead to the appearance that the committee is subject to undue political influence and if there is no appearance of impropriety.

**Sec. 24.60.140. Authority of the committee.**

- (a) The senate subcommittee has authority over proceedings concerning conduct by a member or former member of the senate or a person employed by a member or a committee of the senate.
- (b) The house subcommittee has authority over proceedings concerning the conduct by a member or former member of the house or a person employed by a member or a committee of the house.
- (c) The full committee has authority
  - (1) over proceedings concerning the conduct by an employee of an agency of the legislature;
  - (2) to review any matter arising under this chapter that would result in action being required by both houses of the legislature; and
  - (3) to issue advisory opinions under AS 24.60.160 .

**Sec. 24.60.150. Duties of the committee.**

- (a) The committee shall
  - (1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;
  - (2) publish semi-annual summaries of decisions and advisory opinions with sufficient deletions in the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions that have remained confidential.
- (b) The committee may
  - (1) recommend legislation to the legislature the committee considers desirable or necessary to promote and maintain high standards of ethical conduct in government;
  - (2) subpoena witnesses, administer oaths, and take testimony relating to matters before the committee, and may require the production for examination of any books or papers relating to any matter under investigation before the committee.

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

- (1) the opinions given are not necessarily those of the committee;
- (2) although the advice is given in good faith, the person seeking the advice relies on it at the person's own risk; and
- (3) the advice is not binding upon the committee.

**Sec. 24.60.160. Advisory opinions.**

(a) On the request of a person to whom this chapter applies or who has been newly elected to the legislature, the committee shall issue an advisory opinion within 60 days as to whether the facts and circumstances of a particular case constitute a violation of ethical standards. If it finds that it is advisable to do so, the committee may issue an opinion under this section on the request of a person who reasonably expects to become subject to this chapter within the next 45 days. The 60-day period for issuing an opinion may be extended by the committee if the person requesting the opinion consents.

(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. Except as provided in this chapter, an advisory opinion is confidential but shall be made public if a written request by the person who requested the opinion is filed with the committee.

**Sec. 24.60.165. Use of information submitted with request for advice.** The committee may not bring a complaint against a person based upon information voluntarily given to the committee by the person in connection with a good faith request for advice under AS 24.60.158 or 24.60.160, and may not use that information against the person in a proceeding under AS 24.60.170. This section does not preclude the committee from acting on a complaint concerning the subject of a person's request for advice if the complaint is brought by another person, or if the complaint arises out of conduct taking place after the advice is requested, and does not preclude the committee from using information or evidence obtained from an independent source, even if that information or evidence was also submitted with a request for advice.

**Sec. 24.60.170. Proceedings before the committee; limitations.**

(a) The committee shall consider a complaint alleging a violation of this chapter if the alleged violation occurred within two years before the date that the complaint is filed with the committee and, when the subject of the complaint is a former member of the legislature, the complaint is filed within one year after the subject's departure from the legislature. The committee may not consider a complaint filed against all members of the legislature, against all members of one house of the legislature, or against a person employed by the legislative branch of government after the person has terminated legislative service. However, the committee may reinstitute proceedings concerning a complaint that was closed because a former employee terminated legislative service or because a legislator left the legislature if the former employee or legislator resumes legislative service, whether as an employee or a legislator, within two years after the alleged violation. The time limitations of this subsection do not bar proceedings against a person who intentionally prevents discovery of a violation of this chapter.

(b) A complaint may be initiated by any person. The complaint must be in writing and signed under oath by the person making the complaint and must contain a statement that the complainant has reason to believe that a violation of this chapter has occurred and describe any facts known to the complainant to support that belief. The committee shall upon request provide a form for a complaint to a person wishing to file a complaint. Upon receiving a complaint, the committee shall advise the complainant that the committee or the subject of the complaint may ask the complainant to testify at any stage of the proceeding as to the complainant's belief that the subject

of the complaint has violated this chapter. The committee shall respond to a complaint concerning the conduct of a candidate for election to state office received during the campaign period in accordance with (o) of this section. The committee shall treat a complaint concerning the conduct of a candidate for election to state office that is pending at the beginning of a campaign period in accordance with (p) of this section. The committee shall immediately provide a copy of the complaint to the person who is the subject of the complaint.

(c) When the committee receives a complaint under (a) of this section, it may assign the complaint to a staff person. The staff person shall conduct a preliminary examination of the complaint and advise the committee whether the allegations of the complaint, if true, constitute a violation of this chapter and whether there is credible information to indicate that a further investigation and proceeding is warranted. The staff recommendation shall be based on the information and evidence contained in the complaint as supplemented by the complainant and by the subject of the complaint, if requested to do so by the staff member. The committee shall consider the recommendation of the staff member, if any, and shall determine whether the allegations of the complaint, if true, constitute a violation of this chapter. If the committee determines that the allegations, if proven, would not give rise to a violation, that the complaint is frivolous on its face, that there is insufficient credible information that can be uncovered to warrant further investigation by the committee, or that the committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the complaint and shall notify the complainant and the subject of the complaint of the dismissal. The committee may ask the complainant to provide clarification or additional information before it makes a decision under this subsection and may request information concerning the matter from the subject of the complaint. Neither the complainant nor the subject of a complaint is obligated to provide the information. A proceeding conducted under this subsection, documents that are part of a proceeding, and a dismissal under this subsection are confidential as provided in (l) of this section unless the subject of the complaint waives confidentiality as provided in that subsection.

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

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

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

(g) If the committee investigation determines that a probable violation of this chapter exists that may be corrected by action of the subject of the complaint and that does not warrant sanctions other than correction, the committee may issue an opinion recommending corrective action. This opinion shall be provided to the complainant and to the subject of the complaint, and is open to inspection by the public. Within 20 days after receiving the opinion, the subject of the complaint may request a confidential meeting with the committee at which meeting the committee shall explain the reasons for its recommendations. The committee may divulge confidential information to the subject of the complaint. The information remains confidential. The subject of the complaint may comply with the opinion or may request a hearing before the committee under (j) of this section. After the hearing, the committee may amend or affirm the opinion. If the subject of the complaint agrees to comply with the opinion but later fails to complete the corrective action in a timely manner, the committee may formally charge the person as provided in (h) of this section or may refer the matter to the appropriate house of the legislature, in the case of a legislator, or, in the case of a legislative employee, to the employee's appointing authority. The appropriate house of the legislature or the appointing authority, as appropriate, may take action to enforce the corrective action or may decline to take action and refer the matter to the committee. In either case, the committee may formally charge the person under (h) of this section.

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

(i) A person charged under (h) of this section may engage in discovery in a manner consistent with the Alaska Rules of Civil Procedure. The committee may adopt procedures that

(1) impose reasonable restrictions on the time for this discovery and on the materials that may be discovered;

(2) permit a person who is the subject of a complaint to engage in discovery at an earlier stage of the proceedings;

(3) impose reasonable restrictions on the release of information that the subject of a complaint acquires from the committee in the course of discovery, or on information obtained by use of the committee's authority, in order to protect the privacy of persons not under investigation to whom the information pertains; however, the committee may not impose restrictions on the release of information by the subject of the complaint unless the complainant has agreed to be bound by similar restrictions and has not made public the information contained in the complaint, information about the complaint, or the fact of filing the complaint.

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

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

(l) Proceedings of the committee relating to complaints before it are confidential until the committee determines that there is probable cause to believe that a violation of this chapter has occurred. The complaint and all documents produced or disclosed as a result of the committee investigation are confidential and not subject to inspection by the public. If in the course of an investigation or probable cause determination the committee finds evidence of probable criminal activity, the committee shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the committee finds evidence of a probable violation of AS 15.13, the committee shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. All meetings of the committee before the determination of probable cause are closed to the public and to legislators who are not members of the committee. However, the committee may permit the subject of the complaint to attend a meeting other than the deliberations on probable cause. The confidentiality provisions of this subsection may be waived by the subject of the complaint.

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

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

(o) The committee shall return a complaint concerning the conduct of a candidate for state office received during a campaign period to the complainant unless the subject of the complaint permits the committee to assume jurisdiction under this subsection. If the committee receives a complaint concerning the conduct of a candidate during the campaign period, the committee shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the committee's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the committee mails or otherwise sends notice of the complaint to the candidate, notify the committee that the candidate chooses to have the committee proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the committee that the candidate is not waiving the suspension of committee jurisdiction, the committee shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(p) When the committee has a complaint concerning the conduct of a candidate for state office pending before it at the beginning of a campaign period that has not resulted in the issuance of formal charges under (h) of this section, the committee may proceed with its consideration of the complaint only to the extent that the committee's actions are confidential under this section. The committee may not, during a campaign period, issue a dismissal order or decision under (f) of this section, issue an opinion under (g) of this section, or formally charge a person under (h) of this section. If the committee has formally charged a person under (h) of this section and the charge is still pending when a campaign period begins, the committee shall suspend any public hearings on the matter until after the campaign period ends. The parties to the hearing may continue with discovery during the campaign period. If a hearing has been completed before the beginning of a campaign period but the committee has not yet issued its decision, the committee may not issue the decision until after the end of the campaign period. Notwithstanding the suspension of public proceedings provided for in this subsection, a candidate who is the subject of a complaint may notify the committee in writing that the candidate chooses to have the committee proceed with the complaint under this section.

(q) A campaign period under this section begins on the later of 45 days before a primary election in which the legislator or legislative employee is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

**Sec. 24.60.174. Recommendations to the legislature where violator is a legislator.**

(a) If the person found to have violated this chapter is or was a member of the legislature, the committee's recommendations shall be forwarded by the chair of the committee to the presiding officer of the appropriate house of the legislature. If the committee recommends sanctions other than expulsion from the legislature, the committee recommendation

(1) must include a suggested timetable for the compliance reports required under (e) of this section, if any; and

(2) may include recommended fines that the legislature may impose if the legislator who was found to have violated this chapter does not comply with the sanctions imposed by the legislature in a timely manner

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

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

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

(e) When a house of the legislature imposes a sanction other than expulsion on a member or former member, it shall advise the committee at the time of imposing the sanction of the terms it has imposed and of the timetable for compliance adopted with the sanctions. A legislator or former legislator on whom sanctions other than expulsion have been imposed shall report to the committee as required by the timetable. If the committee determines that the legislator or former legislator has not complied fully and in a timely manner with the sanctions imposed by the legislature, the committee may recommend that the legislature impose a fine or additional sanctions.

**Sec. 24.60.176. Recommendations where violator is a legislative employee.**

(a) If the person found to have violated this chapter is or was a legislative employee, the committee's recommendations shall be forwarded to the appropriate appointing authority which shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed. The appointing authority may not question the committee's findings of fact. The appointing authority shall assume the validity of the committee's findings and determine and impose the appropriate sanctions. The appointing authority has the power to impose a sanction recommended by the committee or to impose a different sanction. The appointing authority shall enforce the sanction and shall report to the committee at a time specified by the committee concerning the employee's compliance with the sanction.

(b) In this section, "appointing authority" means

- (1) the legislative council for employees of the Legislative Affairs Agency and of the legislative council and for legislative employees not otherwise covered under this subsection;
- (2) the Legislative Budget and Audit Committee for the legislative fiscal analyst and employees of the division of legislative finance, the legislative auditor and employees of the division of legislative audit, and employees of the Legislative Budget and Audit Committee;
- (3) the appropriate finance committee for employees of the senate or house finance committees;
- (4) the appropriate rules committee for employees of
  - (A) standing committees of the legislature, other than the finance committees;
  - (B) the senate secretary's office and the office of the chief clerk of the house of representatives; and
  - (C) house records and senate records;
- (5) the legislator who made the hiring decision for employees of individual legislators; however, the legislator may request the appropriate rules committee to act in the legislator's stead;
- (6) the ombudsman for employees of the office of the ombudsman, other than the ombudsman;
- (7) the legislature for the ombudsman.

**Sec. 24.60.178. Recommended sanctions.**

(a) When the committee finds that a person has violated this chapter, the committee may recommend appropriate sanctions, including sanctions set out in (b) of this section.

(b) The sanctions that the committee may recommend include

- (1) imposition of a civil penalty of not more than \$5,000 for each offense or twice the amount improperly gained, whichever is greater;
- (2) divestiture of specified assets or withdrawal from specified associations;
- (3) additional, detailed disclosure, either as a public disclosure or as a confidential disclosure to the committee;
- (4) in the case of a legislative employee, suspension of employment with or without pay for a stated period of time or until stated conditions are met, or termination from legislative employment;
- (5) restitution of property or reimbursement of improperly received benefits;
- (6) public or private written reprimand;
- (7) censure, including, in the case of a legislator, removal from a leadership position or committee membership and a determination that the legislator will not be appointed to serve in a leadership position or on a committee during the remainder of that legislature;
- (8) placing the person on probationary status;
- (9) in the case of a legislator, expulsion from the house of the legislature;
- (10) any other appropriate measure.

(c) In addition to or in place of a sanction recommended under (b) of this section, the committee may recommend that the subject of a complaint be required to pay all or a portion of the costs related to the investigation and adjudication of a complaint.

Sec. 24.60.180. [Renumbered as AS 24.60.980]. Repealed or Renumbered

Sec. 24.60.190. Definitions. [Repealed, Sec. 42 ch 127 SLA 1992]. Repealed or Renumbered

## Article 4. Required Annual Financial Disclosure

Section	Section
200. Financial disclosure by legislators and legislative directors	240. Civil penalty for late filing
210. Deadlines for filing of disclosure statements	250. Effect of failure to file by legislative candidate
220. Administration of AS 24.60.200 - 24.60.260	260. Prohibited conduct relating to disclosures
230. Statements as public records	

**Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors.** A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or spousal equivalent, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:

- (1) the information that a public official is required to report under AS 39.50.030 , other than information about gifts;
- (2) as to income in excess of \$1,000 received as compensation for personal services, the name and address of the source of the income, and a statement describing the nature of the services performed; if the source of income is known or reasonably should be known to have a

substantial interest in legislative, administrative, or political action and the recipient of the income is a legislator or a legislative director, the amount of income received from the source shall be disclosed;

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

**Sec. 24.60.210. Deadlines for filing of disclosure statements.** A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year.

**Sec. 24.60.220. Administration of AS 24.60.200 - 24.60.260.** The Alaska Public Offices Commission shall

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

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

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

**Sec. 24.60.230. Statements as public records.** A statement filed with the Alaska Public Offices Commission under AS 24.60.200 is a public record. A person is not required to comply with AS 24.60.200 to the extent that a court of competent jurisdiction of the state determines that legally privileged professional relationships or constitutional privacy considerations would be violated by compliance.

**Sec. 24.60.240. Civil penalty for late filing.** A person required to file a disclosure statement under AS 24.60.200 who fails to file a properly completed report under AS 24.60.200 is subject to a civil penalty of not more than \$10 a day for each day the delinquency continues as the Alaska Public Offices Commission determines, subject to appeal to the superior court. An affidavit stating facts in mitigation may be submitted to the Alaska Public Offices Commission by the person against whom the civil penalty is assessed. However, the imposition of the penalties prescribed in this section does not excuse the person from filing reports required by AS 24.60.200.

**Sec. 24.60.250. Effect of failure to file.**

(a) In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission finds that a candidate for the legislature who is an incumbent legislator has failed to file a report under AS 24.60.200 by March 15, the commission shall notify the candidate that the report is late. If the candidate fails to file the report within 30 days after it is due,

(1) the commission shall notify the lieutenant governor;

(2) the candidate shall forfeit nomination to office and may not be seated in office;

(3) the lieutenant governor may not certify the person's nomination for office or election to office; and

(4) nomination to the office shall be certified as provided in AS 39.50.060(b).

(b) In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission finds that a member of the committee has failed or refused to file a report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify the presiding officer of the appropriate legislative body. In the case of a public member of the committee, the commission shall notify both presiding officers.

(c) In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission finds that a legislative director has failed or refused to file a report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify the Alaska Legislative Council or the Legislative Budget and Audit Committee, as appropriate. For the ombudsman, the Alaska Legislative Council shall be notified.

#### **Sec. 24.60.260. Prohibited conduct relating to disclosures.**

(a) A person required to make a disclosure under this chapter may not knowingly make a false or deliberately misleading or incomplete disclosure to the committee or to the Alaska Public Offices Commission. A person who files a disclosure after a deadline set by this chapter or by a regulation adopted by the committee or by the Alaska Public Offices Commission has violated this chapter and may be subject to imposition of a fine as provided in (c) of this section or AS 24.60.240.

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

(c) The committee may impose a fine on a person who files a disclosure after a deadline set by this chapter. The amount of the fine imposed under this subsection may not exceed \$2 for each day to a maximum of \$100 for each disclosure for a late disclosure. However, if the committee finds that a late filing was inadvertent, the maximum fine the committee may impose under this subsection is \$25.

## **Article 5. Miscellaneous and General Provisions**

### **Section**

970. Actions by the Attorney General

980. Cooperation by State Agencies

990. Definitions

**Sec. 24.60.970. Actions by the attorney general.** The attorney general may independently bring civil actions relating to violations under this chapter regardless of the outcome or settlement of a charge before the committee. This section does not prohibit the attorney general from bringing an action under another civil or criminal law.

**Sec. 24.60.980. Cooperation by state agencies.** Each agency of the executive branch of state government shall, to the extent permitted by state or federal law, cooperate fully with the committee or a subcommittee by providing information and assistance, including disclosure of financial material and other records relating to a potential violation of this chapter.

**Sec. 24.60.990. Definitions.**

(a) In this chapter,

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

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

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

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

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

(D) grants under AS 37.05.316 to named recipients;

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

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

(5) "immediate family" means

(A) the spouse or spousal equivalent of the person; or

(B) a parent, child, including a stepchild and an adoptive child, and sibling of a person if the parent, child, or sibling resides with the person, is financially dependent on the person, or shares a substantial financial interest with the person;

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

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

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

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

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

or consultant; it includes public members and staff of the committee; it does not include individuals who perform functions that are incidental to legislative functions, including security, messenger, maintenance, and print shop employees, and other employees designated by the committee;

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

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

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

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

(15) "spousal equivalent" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage;

(16) "state office" includes the office of governor, lieutenant governor, member of the legislature, or similar state office.

(b) A person has a substantial interest in legislative, administrative, or political action if the person

(1) is not a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action;

(2) is a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action in a way that is greater than the effect on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region;

(3) has or seeks contracts in excess of \$10,000 annually for goods or services with the legislature or with an agency of the state; or

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