

LEGISLATIVE FINANCE-HOUSE/SENATE FINANCE COMM. FILES 8879

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Guidelines and Commentary for the Legislative Ethics Act

when, and at what price they sell their services are of critical importance. See also Guidelines and Commentary to AS 24.61.180(d) and (e).

AS 24.61.205. PROHIBITED USES OF CAMPAIGN FUNDS.

(a) Improper Conversion or Gratuity. A candidate who solicits donations for the purpose of conducting a campaign accepts such funds on the implicit condition that they are only given for the limited lawful purpose of financing campaign activities for an immediate election. When funds given for this limited purpose are converted to personal use, either before or after a campaign, the use is either an illegal conversion or an improper gratuity. The use of campaign funds for personal benefits violates the principles of these standards by permitting private gain from public office and creates blatant appearances of impropriety.

(b) Examples of Prohibited Uses. It is improper to use campaign funds to: purchase personal items such as clothes, gifts, art; defray normal living costs such as auto leasing or maintenance, gas, or dry cleaning; pay for the travel of spouses or other relatives not clearly relevant to a campaign; or to decorate political offices.

(c) Employment of Family. A special problem under Subsection (c) concerns the employment of any member of a candidate's immediate family by the campaign. While such employment is not specifically prohibited, it is most strongly discouraged. Ordinarily, family members would be expected to volunteer their time to support a candidacy and payment, even if the amount is clearly reasonable, appears as a method of siphoning campaign funds for personal use. Payment of a relative by a campaign should be permitted only when: 1) the person has taken leave from a paid position in order to serve on the campaign and 2) the amount is clearly commensurate with the services rendered, in light of the person's qualifications and training and what others non-relatives receive for similar services.

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(d) Repeal of Prior Law Re: Post-Election Conversion of Funds. Prior law permitted candidates after an election to disburse surplus campaign funds to themselves provided they declared the funds as income. This provision is expressly repealed with respect to legislative candidates. The ability to convert surplus funds to personal income is totally inconsistent with the limited purpose under which the funds were, and lawfully could be, given and received. Loans of campaign funds to the candidate or others has the effect of converting the funds to personal use. Such loans create a serious appearance of impropriety, whether or not interest is paid and whether or not the loan is paid back in a timely manner.

AS 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. Where candidates have raised more funds than they need for an immediate election, continued efforts to raise campaign funds is proper only if the donors are clearly informed about the likely use and lack of immediate need for their contributions. The increasing ability of incumbents to amass large "war chests" well before an election has raised serious ethical issues. This section prevents this by limiting the carryover of surplus funds to \$5,000 for senate candidates and \$2,500 for house candidates. The discrepancy is justified by the length of time between elections and the fact that other provisions limit fund raising to specific periods. Retained surplus campaign funds can be used for campaign travel and other political activities.

AS 24.61.230. IMPROPER COERCION.

(a) Solicitations of Campaign Contributions or Any Other Benefit. Difficult problems arise with respect to the solicitation and acceptance of any benefit including campaign or other contributions from those who have a substantial interest in legislative, administrative or political actions of a legislator or legislative employee. In such cases, great caution should be exercised to avoid the

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appearance that solicitations of campaign contributions or other contributions are connected in any way, as a quid pro quo, with any legislative, administrative or political action which might benefit or harm the contributor. For example, solicitations of any benefit made shortly before or shortly after a legislator has done any act on behalf of a constituent should be scrupulously avoided in order to avoid the appearance that the legislator expected a contribution or other benefit in return for legislative, administrative or political services.

(b) Political Contributions or Support in Exchange for Access. A common complaint among lobbyists and others who have a substantial interest in legislative, administrative or political actions is that legislators directly, or through their staff, create the impression that those who make political contributions, hold fund raising events or provide other political support will have special access to the legislator when they want to make their case to influence action. In some cases, this access is expected to give the person an edge in persuading the legislator to take or refrain from taking certain actions. In others, the person solicited believes that the contributions are more defensive, necessary to lubricate the relationship, believing that the failure to be supportive would significantly reduce their ability to effectively plead their case. In all these situations, however, there is implicit impropriety.

(c) Soliciting Donations to Charitable and Other Causes. More and more, lobbyists and others who have a substantial interest in legislative, administrative or political actions have complained that legislators "strong arm" them to make donations to charities or other causes in which the legislator has a personal or political interest. Because of the importance of a positive relationship with the legislator, many persons so solicited feel obligated, not by conscience but by fear of offending, to comply with the request.

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Although most situations do not create the appearance of influence peddling since the benefit is not personal and since it is rarely large enough to create the appearance of a quid pro quo, many insiders see this as a mild form of extortion or a "tax" levied by legislative whim. A legislator who solicits another, either directly or through an aide, to contribute to a charity or a cause, should do so in a manner that clearly and unequivocally removes any suggestion of coercion or implication that the decision to make or not make the requested contribution will in any way affect the professional relationship.

AS 24.61.240. FUND RAISING LIMITATIONS. Previous law limited certain forms of fund raising in the capital city during legislative session but this limitation did not effectively prevent fund raising activities. Instead, it inspired creative methods of non-event fund raising such as raffles, fund raising activities in Juneau for events outside the city and various forms of fund raising by legislators for other candidates. As a result, neither the goal of preventing the diversion of the legislator's time and energy to public matters or of reducing opportunities for potential conflicts was achieved. This ban on all fund raising activities during the legislative session will accomplish that purpose. It goes further by preventing "off-year" fundraising and limiting the total period of legislative fund raising to about ten months for incumbents and fourteen months for non public official challengers. Nonincumbent candidates are permitted to fund raise during the legislative session in the year of the election because the reasons to prevent fund raising during sessions do not apply to them and because there is a general consensus that nonincumbents need more time to raise funds.

AS 24.61.250. OBLIGATION TO AVOID CONFLICTS OF INTEREST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS. Public officials must be vigilant for relationships and transactions that create conflicts of interest. Such conflicts are either

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forbidden, in which case, the interest must be divested or the relationship terminated; or it shall be disclosed pursuant to law. In addition, the legislator or legislative employee who has a conflict may be required to refrain from participating in any legislative, administrative or political action which involves the questioned financial interest or personal relationship.

Financial conflicts of interest can arise out of almost any close economic association but the most common and significant conflicts for legislators and legislative employees relate to:

- (a) sources of nonlegislative income for personal services, especially when the income is derived from a source that has a substantial interest in legislative, administrative or political actions of the legislator or legislative employee;
- (b) the conferment of any benefit, including investment opportunities, employment, entertainment, gratuities, honoraria, loans, favors and special treatment from a source that has a substantial interest in legislative, administrative or political actions of the legislator or legislative employee;
- (c) close economic associations with other public officials or lobbyists, especially those that have a substantial interest in legislative, administrative or political actions of the legislator or legislative employee;
- (d) personal financial interests in contracts or leases with the state or other government entities;
- (e) personal financial interests in licenses, permits, franchises or other valuable entitlements or privileges granted by the state;
- (f) personal participation in state loan or other programs conferring benefits;
- (g) representation of oneself or others in actions before state agencies or other government entities;
- (h) state regulation or funding which substantially affect a profession, occupation or organization in which the legislator or legislative employee has a substantial economic interest; and

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(i) personal involvement at a managerial or governance level with a private enterprise or nonprofit organization that is regulated by or seeks benefits from the state.

AS 24.61.280. PERSONAL RELATIONSHIP CONFLICTS OF INTEREST. The area of personal conflicts of interest is a delicate matter and difficult definitional issues arise. Still, it is important to acknowledge that certain personal relationships raise conflict of interest problems every bit as potent as financial conflicts. The definition of personal conflicts of interest leaves much room for discretion and judgment but the principle of good faith can be of great assistance. There are two separate aspects to the personal relationship conflict of interest: 1) does the relationship create real conflicts with the ability of the public servant to exercise independent judgment in matters relating to the person involved in the relationship; and 2) does the relationship create in the mind of an objective, fair-minded observer the belief that the person will have undue access to confidential information or will otherwise receive favored treatment regarding public actions. It is not intended that this provision create unwarranted and embarrassing intrusions into personal lives yet certain romantic relationships reach a point where they do create serious conflicts of interest. This point is not measured by any specific litmus test such as exclusivity, sexual activity, or longevity. It is a common sense test. The "how would it look in the newspaper" test may be helpful. Put another way, given the respective duties and activities of both parties, would a responsible and fair person doubt the ability of the legislator or legislative assistant to exercise independent professional judgment?

(b) Personal Conflict of Interest Defined. A close personal relationship is a special relationship between a legislator or legislative employee and another person that creates strong bonds of loyalty, friendship, or love that could potentially conflict with public duties and the obligation to exercise objective independent judgment or create the appearance that the person may

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have access to confidential information or otherwise receive favored treatment regarding public actions. A close personal relationship includes, but is not limited to, immediate family, long-term personal friends, or former business associates, and persons with whom the legislator or legislative employee has a significant and continuous romantic relationship.

AS 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLATORS AND LEGISLATIVE EMPLOYEES.

(a) Fund Raising by Lobbyists. When a lobbyist is actively involved as a fund raiser in a legislative campaign (or for a legal defense fund) both financial interest and personal relationship conflict of interests emerge in major proportions. The likelihood that the legislator will be beholden to the lobbyist in a way that could impede objective impartial independent judgment is so great that the relationship must be prohibited.

(b) Close Relationships. It is the purpose of this code to stay out of the private lives of those regulated to the greatest extent reasonably possible without compromising the public need to assure that impermissible conflicts are prevented and that questionable ones are revealed. The system established allows the commission to privately screen and evaluate the substantiality of the conflict. Only if it finds the conflict to be substantial or one that ought to be disclosed publicly, shall it take further action. In the case of legislators, however, there ought to be a strong presumption in favor of public disclosure since such information is necessary if the citizens of the legislator's district are to hold the legislator accountable. If the legislator or legislative employee requests, the matter shall be disclosed.

AS 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS AND OTHER PUBLIC OFFICES.

(a) Board Memberships. A person who serves on a governing

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or advisory board of an organization, whether for profit or not, which regularly has a substantial interest in legislative, administrative or political actions, must be considered to be too integrally involved in the welfare of that organization to exercise independent objective judgment with regard to official actions that affect the organization in a significant way. Though exemptions may be sought, they should be granted rarely and only when the commission can impose limitations on actions involving the organization. Either the interest must be divested or strict limitations must be imposed by the commission prohibiting any actions which involve official or unofficial use of public office to influence the outcome of a decision affecting private business interests.

(b) Other Public Offices. A legislative assistant is prohibited from serving as an elected public official or in any other position that requires confirmation by the legislature for three reasons: (1) the demands and needs of the constituency that elected the legislative assistant can create serious actual and apparent conflicts of interest which impede the legislative assistant's ability to make objective judgments for the legislature in matters which may affect that constituency; (2) constituents should be able to have access to their elected representatives even during the legislative session yet such access will often require the legislative assistant to tend to matters relating to public office on state time and on state premises; and (3) any position which requires the legislative assistant to seek from the legislature confirmation or benefits for others creates conflicts of interest. Persons elected to office or confirmed by the legislature before this provision was enacted should be permitted to serve out their term but they should disclose the position they hold to the commission which shall consider imposing restrictions on the legislative assistant's legislative duties to reduce the opportunities and scope of conflicts.

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AS 24.61.320. RESTRICTED FINANCIAL INTERESTS.

This provision presents legislators and legislative assistants with an alternative when it comes to actions relating to a substantial personal financial interest: either divest the interest or refrain from taking any official or unofficial actions. Under present legislative rules and practices, a person with a conflict of interest is not permitted to refrain from voting during legislative session. Other forms of participation, however, are forbidden by this rule. The spirit of this chapter strongly disfavors official actions which materially affect private financial interests.

AS 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REPRESENTATIVE.

(a) Representation in Matters Involving State Government.

Legislators and legislative assistants may not professionally represent, either informally or formally, persons or entities in their dealings with state entities except where the nature of the representation is such that no actual or apparent conflict of interest exists. Where a matter is to be determined in an adversary setting with opposite parties represented, a legislator or legislative assistant may act as a representative. It is not proper, however, for the legislator or legislative assistant to make telephone calls, render advice, or otherwise represent another who is dealing with state or local government. It is impossible to remove the appearance of undue advantage when a person with substantial state legislative authority seeks to help another who is dealing with state agencies. Moreover, the advantage is often real -- some government officials simply do things for legislators and, to a lesser extent, legislative assistants that they would not do for less connected persons.

(b) Dealing With Local Government Entities. Initial drafts of this provision extended the prohibitions of professional representation of persons dealing with entities of local government. This limitation was removed in favor of a more

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liberal rule that relies on the exercise of discretion of legislators and legislative assistants to avoid representation in situations where there is an actual unfair advantage due to the legislator or legislative assistant's influence with the government entity or where a reasonable objective observer would conclude that clients of the legislator or legislative assistant would have an unfair advantage. It would violate the spirit of this section if a legislator or legislative assistant created or fostered a belief in a client that employment of the legislator or legislative assistant would provide a special advantage to the client as a result of the legislative status of the legislator or legislative assistant.

(c) Special Issues for Lawyers. In conjunction with the adoption of this chapter, AS 24.40.020 concerning continuance of a criminal proceeding and AS 24.40.031 concerning postponement of civil proceedings were amended to eliminate an automatic right of an attorney who is a legislator to delay legal proceedings during the legislative session. It was considered that this provision provided special advantages to clients of legislators that were not justified and that could be abused. A lawyer who could guarantee a postponement for up to four months could attract of counsel and full representational relationships that provide improper personal benefit to the legislator and undue advantage to the legislator's clients. In principle, a legislator or legislative assistant should not seek or accept special treatment, privileges, rights or concessions solely by reason of service in the legislator. The initial draft of this section also included the provision that the law firm of a legislator or legislative assistant who is disqualified from representation is also disqualified. This result may be required by the attorneys code of professional responsibility which requires disqualification of a law firm from actions in which any member of the firm is disqualified by a conflict of interest. But, whether or not the attorney's

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code is so construed, legislators and legislative assistants should be aware of the potential improprieties if their firm creates or fosters a belief in clients that association with the legislator or legislative assistant might provide the client with special advantages.

AS 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES.

(a) Gift Rules are Not Personal. Some public officials take personal offense at the implication that they would allow their integrity to be compromised by a gift or favor. This reaction unduly personalizes the ethical theory and sound public policy which seeks to insulate public officials from the corrupting influences of gratuities. The motives of the gift givers offers insight to the problems. Rarely do they expect any quid pro quo; they do not think a public official will consciously change an action because of a gift. Gifts work more subtly to undermine objectivity. Receiving a gift often generates unconscious feelings of gratitude and appreciation which evoke a natural tendency to give something in return, whether out of natural gratitude or the desire to encourage further gifts. Gifts given freely out of affection by persons who want nothing in return create few problems, but most gratuities given to legislators or legislative employees are provided by persons or entities that do want something because they have a substantial interest in the legislative, administrative or political action of the recipient. In spite of the confidence of those who accept gratuities that their judgment remains unimpeded, the people who provide gratuities seem to believe that it is to their advantage to do so and the public perception is that the gift givers are right, at least some of the time. A legislator or legislative employee who is considering accepting even a lawful gratuity should carefully, realistically and objectively evaluate the likely motive of the person offering it: Why am I being offered this gift or

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favor? Would I be offered the benefit if I did not wield public influence? Who is paying for it? Is it likely to be written off as a business expense? If I accept the benefit will reasonable outsiders think that the donor has some hold on me or that I owe something in return? Since there is no offsetting public good to justify the appearance of impropriety created by the acceptance of gratuities, all close cases should be resolved against any action which raises reasonable suspicions regarding the integrity of the legislator or legislative employee or government in general.

(b) The Source of the Gift is Important. These rules discourage the acceptance of all gratuitous benefits that could raise the slightest appearance of impropriety but they permit wide personal discretion in all but the clearest cases of improper appearances. While legislators and legislative employees need not be so sensitive to the adverse appearances that they are unable to have close and cordial relationships lubricated by hospitality, gratuities accepted should be moderate, infrequent and given under circumstances that do not create the impression that the giver seeks undue influence or that the receiver seeks undue personal benefit. Thus, the most stringent rules concern gratuities offered by those who have a substantial interest in the legislative, administrative or political actions of a legislator or legislative employee.

(c) Requirement to Aggregate Gifts From Single Sources. The rules follow the modern trend to require that gifts under the legal limit be aggregated annually to limit the overall giving power of any individual and to prevent avoidance of the limits by making frequent periodic gifts or by deliberately breaking down gifts into smaller parts.

(d) Permissible Gifts. This section exempts a substantial number of gratuities because they do not present sufficient conflicts of interest to warrant prohibition. There is no specific exemption for discounts that are provided to the general public or any large group since these are not things

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of value under the definitions of this Act. However, if the basis of the discount relates to government status (for example, airline discounts for legislators and other public officials) it is a gift unless the commission approves the discount program as one that presents no conflict of interest.

(e) Forgiven Loans. The amount of a forgiven loan from persons other than family members are to be treated as a gratuity in the year it is forgiven.

AS 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOYMENT AND HONORARIA.

(a) Employment Conflicts. Assuring that a legislator or legislative employee's sources of outside earned income are consistent with the ethical obligations of imposed by public office is a major and continuous challenge for the conscientious citizen-public servants. The major employers in Alaska tend to be very active in the political process, employing lobbyists and engaging in other activities to assure that their interests are protected and advanced in the legislature. It would be unreasonable to ban all employment with these employers but any such employment must be subjected to the most rigorous scrutiny to assure that the legislator or legislative employee is acting in the public's interest rather than in the interest of the sources of outside income. The provisions of this Act do not and cannot exhaust all the possible ways in which outside employment with a firm that has a substantial interest in legislative, administrative or political actions can create conflicts. The principles of good faith, public interest, independent judgment and public trust are especially important, therefore, in helping individual legislators, legislative employees and the commission interpret and apply these provisions.

(b) Other State Employment. Employment by other state agencies is prohibited because of the appearance that a legislator or legislative employee has an undue advantage

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and may have exercised undue influence in obtaining the position. Compensation from the state ought to be strictly limited to official legislative pay and allowances unless special circumstances justify an exemption.

(c) Honoraria. Generally, legislators and legislative employees should not accept payments for giving speeches or writing about matters concerning their public duties. Such payments, often called honoraria, may be proper in exceptional cases where the source has no significant interest in the public servant's governmental decisions and where the nature and amount of the payment is clearly reasonable and proportional to the effort required to earn it. A public official should not accept compensation for merely appearing at a function or attending a breakfast, lunch or dinner meeting and discussing a matter of interest to other participants.

AS 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS.

(a) Intervening on Behalf of Constituents and Friends. Legislators and legislative employees should be extremely cautious about directly or indirectly intervening with normal decision making, investigatory or adjudicative processes of governmental bodies on behalf of constituents or friends since such intervention can threaten the ability of government administrators to exercise independent objective judgment on the merits. Generally, intervention on behalf of constituents or friends is proper only if it is strictly limited to assuring fairness of the procedures or to helping a constituent get a benefit or service he or she is clearly entitled to as a matter of right. The legislator must be especially cautious when the constituent is also a contributor, particularly a major contributor. A politician should not be required to do any less for a contributor/constituent than the legislator would do for any other constituent, but the legislator should also do no more. Since actions on

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behalf of campaign contributors will usually receive much greater scrutiny and therefore the legislator's motives should be clear.

(b) Legitimate Casework vs. Improper Interference. Elected politicians are frequently asked by constituents and other supporters to intervene with other government agencies or departments. In fact, "case work" comprises a major part of the service provided by elected officials at all levels of government. Constituents bidding on government contracts often seek the help of "their" representatives; those who are subjected to investigations may expect their legislator to provide protection from what they view to be unfair procedures, and persons seeking government approvals or licenses sometimes ask politicians to facilitate the process. In the ombudsman function, seeking to remedy clear injustices or otherwise assure fair determination of rights is appropriate. Still, efforts to intervene on behalf of constituents are fraught with potential appearances of impropriety and the possibility that the intervention will prevent other public officials from exercising independent objective judgment on the merits. Legislators should consider a much heavier reliance on the ombudsman's office to avoid conflicts and assist constituents.

(c) Is Intervention in the Public Interest? An initial problem with intervention is that the interests of a particular constituent are not necessarily parallel with the interests of other constituents or the public as a whole. The primary obligation to advance the overall public good may require public servants to refuse requests for assistance in some cases. Another problem associated with intervention is that the public official may not know or understand all the facts that are relevant to a fair regulatory determination or a wise contracting decision.

(d) Perception of Pressure. Even where the intervening politician has no intent to influence improperly the normal process of decision making, it is not unlikely that the

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public servants involved think otherwise. Unless the intervening politicians are explicit and credible in stating the limited purposes of their involvement, administrators whose budgets are controlled by legislators are likely to feel pressure to make decisions differently than they otherwise would. Sometimes, regardless of the intervener's intent, administrators see the intervention as an opportunity to do a favor for the politician. To avoid creating the appearance of improper pressure, a legislator or legislative assistant is required under AS 24.61.060 to explicitly convey to the administrators involved in any intervention that no undue influence is intended and that the administrator is expected to make an independent judgment and that no advantages or disadvantages to the administrator or the agency will result from a favorable or unfavorable disposition.

AS 24.61.390. CONFLICT OF INTEREST DISCLOSURE: STATEMENT OF PURPOSE. Financial disclosure is a less restrictive means of assuring that legislators and legislative assistants make decisions and take legislative action objectively. In lieu of a full ban, disclosure allows some sources of outside income but requires them to be disclosed, so that a vigilant public can make informed judgments. To serve its "watchdog" function, financial disclosure must be as comprehensive as possible to reveal effectively any potential conflicts of interest to the public. The disclosure requirements in this chapter relate only to relationship conflicts and sources of income and they are not intended to replace disclosure obligations under APOC or any other law. The commission should design forms that are compatible with other disclosure forms.

AS 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS AND LEGISLATIVE ASSISTANTS.

(a) General Structure. Disclosure requirements must balance the privacy interests of the legislator or legislative assistant against the public disclosure necessary to guard against conflicts of interest. They

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should not be so intrusive of individual's privacy that qualified and interested individuals decline public service because of them. The purpose of the category A - category B two-tier reporting requirement of this provision is to prevent unnecessary invasions of the personal domain and, where that is not possible, to restrict the availability of disclosed information when it is reasonable to do so. Income earned from persons or entities which have a substantial interest in legislative, administrative or political actions of the recipient involves such significant potential conflicts that all amounts of income from those sources must be reported. On the other hand, income from a category B sources amounting to less than \$1,000 need not be reported. And, since category B income is inherently less problematical, even if it is over \$1000, the reports will usually be kept confidential. Only if the commission determines affirmatively that the public interest in the disclosure outweighs the individual's right to privacy will the information be made public.

(b) Income of Spouses and Dependent Children. In an effort to balance the legitimate privacy rights of the spouses and dependent children of legislators and legislative assistants, spouses and dependent children are not required to disclose the amount earned even from persons with a substantial interest in legislative, administrative and political actions. The danger that benefits to a legislator or legislative assistant might be disguised as payments to a spouse or dependent child, however, is deemed sufficiently great to require the legislator or legislative assistant to examine the amounts, nature and sources of spousal and dependent child income so that a statement can be made to the commission indicating that the funds paid were commensurate with the value of actual services rendered and that the employment of the spouse or child was not related to an attempt to confer a benefit on or influence the legislator or legislative assistant.

AS 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS AND OTHERS
PAYING COMPENSATION TO LEGISLATORS AND LEGISLATIVE ASSISTANTS.

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(a) Purpose. A legislator or legislative assistant who receives nonlegislative compensation may not know whether the source properly qualifies as a category A or category B source or who controls the source if it is a corporation. The requirement that person's paying compensation report facts concerning the details of the financial relationship assures that the legislator or legislative employee and the commission have necessary knowledge and that the source of the compensation is aware of its responsibilities when employing a legislator or legislative employee. The legislator or legislative assistant must submit the appropriate forms to the person paying compensation which forms shall state clearly the definition of persons who have a substantial interest in legislative, administrative or political action (category A sources). The person paying the compensation determines whether they qualify. If, in good faith, they conclude they do not qualify they need not file the form with the commission. If the legislator or legislative assistant believes in good faith that the person paying the compensation does qualify, the legislator or legislative assistant should so inform the person and, if the person still does not file the required form, the legislator or legislative assistant shall inform the commission that the person paying the compensation was so informed.

(b) Contents of the Employer Form. The form should be made as simple and clear as possible and shall require sufficient information to determine the nature of the relationship, including the names of other persons or firms that have a substantial equity interest in the person paying the compensation, the terms of compensation and the amount paid.

24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT.

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(a) Open Meetings Law. This ethical principle has been essentially incorporated into Alaska's "Open meetings of Governmental Bodies" law (AS 44.62.310). Secret or closed meetings and back room deals which conceal from the public facts that bear on its ability to exercise responsible citizenship are improper, even when made by well intentioned public servants who simply seek to conduct government business efficiently without undue intrusiveness or embarrassment. Conscientious legislators and legislative employees should avoid the temptation to short cut open meeting requirements by devising legalistic theories which effectively remove the public business from the public eye. They should be especially scrupulous about maintaining maximum openness in dealing with issues of compensation, benefits and all other actions which affect their own rights and obligations. Although secrecy or confidentiality occasionally is in the public interest, exceptions to the general rule of openness should be rare and the principles and procedures for determining those exceptions should be subject to scrutiny, debate and oversight.

(b) Evasion of Openness Rules. Legislators and legislative employees should honor the spirit and intent of open government rules and not engage in subterfuges or legalistic schemes to avoid them. While public servants should abide by the letter and spirit of all rules, open meeting, freedom of information, and "sunshine" laws are especially important because they reinforce accountability by requiring public business to be conducted in a way that assures citizen access to political processes. Although these rules tend to be unpopular with many public servants who believe they unreasonably invade privacy and encumber government operations, it is improper to engage in tactics which improperly evade their spirit.

(c) Oversight Responsibilities. It is the duty of public servants with agency oversight responsibilities to develop effective auditing and reporting procedures which permit the

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exercise of vigilant oversight. In addition, persons in supervisory authority should assure that their staff know and understand the legal and ethical obligations applicable to their duties.

24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING AND PROTECTION OF WHISTLE BLOWERS.

(a) Protection of Whistle Blowers. Without the risk that conscientious public servants will, when necessary, disclose unlawful or improper governmental activities, the likelihood of illegal secret policies, corrupt practices, waste and mismanagement and unaccountable and arrogant decision making increases. Hence, persons who whistle blow in good faith act in the public interest. It is, therefore, improper to harass, punish or seek other reprisals against public servants who seek to hold government accountable. Whistle blowing is most often justified when it is the only practical way to reveal illegal conduct or major abuses of public authority. The decision to whistle blow, however, must be regarded with the utmost seriousness. Although whistle blowing can represent the highest form of loyalty to an institution and to democratic processes, it often requires breaching traditional notions of loyalty to colleagues and organization. In addition, it may involve the violation of professional obligations of confidentiality. Thus, the act of whistle blowing invariably incurs hostility and resentment and tends to undermine trust and create an atmosphere of suspicion. Yet, in spite of the personal and institutional costs, whistle blowing is sometimes essential to the public interest and morally justified as a means of preventing or correcting serious wrongs.

(b) Difference Between Leaking and Whistle Blowing. While both leaking and whistle blowing may be acts of conscience, whistle blowers act overtly and hence take greater risks and subject themselves to significant personal abuse including

reprisals. In contrast, leakers act covertly and are essentially unaccountable for the consequences of their actions. Since it is fairer that criticisms and charges be made on the record, whistle blowing is preferable to leaking. In fact, in most cases, leaking is an improper violation of confidentiality and fairness. Although leaking is presumptively improper, there are rare circumstances where it is justified as a means of holding the government accountable for improper covert actions. Many issues of great public importance (for example, Watergate, Pentagon Papers, CIA assassination policies) came to light only because of leakers who acted in the public interest but sought to protect themselves and their families from the ramifications of their revelations. Because of general principles of trust, honor and professional discretion, however, disclosure of confidential information or documents through secret leaking is justified only to advance a compelling public interest. In the absence of a clear and compelling interest in disclosure, public servants should honor their confidences and legal obligations to maintain the secrecy of specified information (for example, classified documents, grand jury testimony, medical or psychiatric records, reports about juvenile abuse, etc.). It is not proper, for example, to leak information simply to give one news organization a competitive advantage over another about matters that will be made public in due time (for example, revealing the contents of a report a few days before it is to be formally issued). Nor is it proper to leak information simply as a means of affording the leaker some personal or political advantage.

(c) Leaks Concerning the Rights of Others. An especially troublesome category of leaks concerns information that could unjustifiably damage reputations, improperly prejudice court proceedings, unfairly affect elections, or unreasonably endanger the safety of others. It is almost always improper, for example, to leak information about undercover

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operations, criminal investigations, unsubstantiated charges or secret grand jury testimony. Supervisors in departments which possess potentially damaging information should take steps to protect the rights of those who would be injured by leaks and to hold leakers accountable for their actions.

AS 24.61.450. DUTY TO TOWARD COLLEAGUES AND SUBORDINATES. This section simply makes it clear that improper or illegal conduct with regard to subordinates or colleagues is a legitimate matter for the commission. Only egregious cases ought to be brought to the level of a complaint but the presiding officer of each house should seek to assure that civility and decency prevail. When necessary, the presiding officer should use this provision to counsel and, occasionally, reprimand members who violate it.

ARTICLE 3. Legislative Ethics Commission

AS 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. The composition of the commission responds to the need for an independent, highly qualified and respectable agency to implement the provisions of the Alaska Legislative Ethics Act. It includes two representatives selected by each branch of government, a representative selected by the commission most involved with the enforcement of general campaign and disclosure laws (APOC), and two additional persons selected by the combined special appointees. In making their appointments, the Supreme Court and the Alaska Public Officials Commission shall develop their own procedures. It is expected that this Commission will take a broad public view of legislative ethics and enable major stakeholders in the legislative process to participate in administering the Act. In making appointments to the commission, the appointing authorities should seek a representative group, diverse in terms of ethnic background, sex, region, and political orientation (including registered independents).

AS 24.61.502. CERTIFICATION; LEGISLATIVE DECERTIFICATION OR

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REMOVAL FROM OFFICE. The decertification process, in effect, gives the legislature veto power over individual nominations. It is a power that should not be exercised lightly or used for political purposes. Other provisions of the Act establish the ethical responsibility of legislators to rise above partisan politics especially when dealing with the commission. Still, the legislature should be comfortable with the integrity, character and capacity of each commissioner and, for good cause, they may decertify a newly appointed commissioner.

AS 24.61.508. APPLICABILITY OF CHAPTER TO COMMISSIONERS AND EMPLOYEES; OTHER RESTRICTIONS. Commissioners and commission staff must not be involved with any political activities with respect to the legislature or individuals over whom they have adjudicatory responsibility in any way that casts reasonable doubt on their impartiality, objectivity or lack of partisanship. Similarly, it is improper to engage in any form of inappropriate conduct which casts reasonable doubt on their ability to serve. For example, the public expression of prejudices or opinions about a legislator or a matter which might come before the commission is inconsistent with the neutral objective temperament demanded by the position.

AS 24.61.520. INFORMAL NONBINDING ADVICE. Ethical behavior is encouraged when legislators and staff are able to raise ethical issues freely and receive informed advice, both formally and informally. Individuals seeking to conform their actions to ethical principles deserve the guidance which informal letters and telephone conversations may give them. Often, unethical conduct can be avoided, and ethical principles maintained, by a simple recitation of the code as applied to any given circumstance. Advice given personally, over the telephone or by informal letter can provide valuable guidance relating to decisions which must be made rapidly or immediately and, thereby, advance behavior consistent with this Act. However, the duties of the Commission to interpret and implement the Act cannot be delegated to staff nor

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can one seeking informal advice expect it to be preceded by the thorough discussion and research associated with a formal advisory opinion. Therefore, the person seeking advice must be explicitly informed that the opinions given are in no way binding on the commission. If the person is unwilling to take the risk, he or she may request a formal advisory opinion which is binding, seek the nonbinding opinion of the committee of the legislature charged with ethics matters, or hire outside personal counsel to get additional guidance.

AS 24.61.525. FORMAL BINDING ADVISORY OPINIONS.

(a) Requests for Opinions. Undertaking to research, discuss and prepare a formal written advisory opinion involves a substantial commitment of time and resources. Therefore, a formal written request is important. The commission has the discretion to refuse or grant the request for a written advisory opinion since not all issues justify the commitment of public resources, either because they relate to minor or moot points or because it is clear from the provisions of the Act or from previous opinions how the questions should be answered.

(b) Confidentiality. Confidentiality is important to enable individuals to seek advice without fear of reprisal or self-incrimination.

AS 24.61.527. USE OF INFORMATION SUBMITTED WITH REQUEST FOR ADVICE.

It is the policy of this act to encourage those regulated by it to freely seek advice. Thus, a person who in good faith, and not gain some procedural advantage or pre-empt an impending complaint, voluntarily reveals information to the commission in an effort to obtain advice should be assured that the information revealed will not be used by the commission to initiate a complaint. If, however, after revealing the information and seeking advice, the person acts in a way inconsistent with that advice, a complaint may be initiated by the commission based on conduct occurring after the advice was given. In addition, if the commission is given information about a violation from a source other than

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the person seeking advice, it may use that information as the basis of a complaint notwithstanding the fact that the same or similar information had been conveyed to the commission as part of a request for advice.

AS 24.61.530. EXEMPTIONS PROCESS. This subsection was created to address occasional cases where strict application of the provisions of the Act would be contrary to the purposes of the Act. Exemptions should be granted only in rare and exceptional circumstances. The burden of proof is on the applicant to prove the three criteria necessary for exemption.

AS 24.61.550. ADJUDICATORY HEARING. Ethics complaints against public officials should be resolved as quickly as possible consistent with fundamental rules of fairness and the needs of both the respondent and the investigators to prepare. Ethics complaints put a cloud of suspicion over those charged and inevitably hinder their ability to fully and effectively perform their public duties until they are resolved. Thus, the adjudicatory process has been designed to allow for maximum speed and efficiency. Commissioners who have active business and personal lives will not always be available on short notice to alter their schedules to meet the intense time demands that an adjudicatory ethics hearing may require. By having nine confirmed commissioners, any five whom may sit on the hearing board, the commission is more likely to be able to impanel a tribunal quickly. In selecting the hearing board the chair should assume all commissioners are qualified and shall select a board that can perform the adjudicatory function as efficiently as possible. The selection of a hearing board is to be made on a rotating basis that assures that no discretion is exercised in the selection of commissioners. If a commissioner in line for appointment is unable to serve at the times required, the next name will be selected. For subsequent hearing board selections, the names of commissioners who did not serve on the immediately previous hearing shall go to the top of the list.

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AS 24.61.555. FINDINGS AND RECOMMENDATIONS.

(a) Exoneration. Since the commission had previously found probable cause to believe that a violation had occurred, it should be very rare that, after a full hearing, it finds that the respondent has been exonerated. If, however, the evidence produced at the hearing clearly establish the falsity or unfairness of the charges, the respondent should have the opportunity to recoup legal fees. Without such a determination, however, the mere acquittal of the respondent should not be construed as a vindication warranting the state to pay for the defense.

ARTICLE 4. Legislative Ethics Education Program

24.61.700. ETHICS EDUCATION PROGRAM. In order for ethics rules to be sufficiently specific to provide meaningful guidance and enforceable standards, they must be detailed. If they are to reach the subtleties of the choices that must be made, they sometimes must be complex. In many cases, they dictate results that are not intuitively obvious. It is unrealistic to expect that, without any special effort, that most legislators and legislative employees will read, let alone understand them. Ethics education will serve to explain the rules and regulations that legislators and their staffs must follow. But effective education goes far beyond reading the rules or getting instruction on the filing of disclosure forms. If public servants are to live lives consistent with these standards, they must internalize and remain sensitive to the norms of expected behavior. They need to understand the difference between what is legal and what is ethical, and they must know what procedures can and should be followed if they are to adhere to the highest aspirations of the Act. The ethics education program prescribed should help individuals develop the ability to apply rules, standards, values and ethics codes to specific situations. Public officials are constantly faced not only with hard decisions as to right and wrong, but even harder choices requiring them to choose among conflicting goods or the

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lesser of evils. Ethics education courses help public servants sort through and deal with the enormously complex ethical issues they are bound to face and emphasize the vital importance of the notion that public office is a public trust.

24.61.710. ETHICS EDUCATION MANUAL. All that can be done should be done to educate public servants on their legal and ethical obligations. One of the overarching principles of this Act is that it must be strictly enforced and that ignorance of the rules or their meanings will not be an acceptable excuse. The commission should thoroughly distribute this Manual at each time of issuance and develop procedures, in cooperation with the Personnel Office of the Legislative Affairs Agency, to assure that the Manual reaches all new legislators, legislative employees, and lobbyists.

AS 24.61.730. LEGISLATIVE ORIENTATION TRAINING COURSE. An Orientation Training Course covering both the "letter" and "spirit" of all ethics laws should be a minimum of six hours. The material is both extensive and in depth, involving many laws and complex issues surrounding those laws. The commission should remember that the public's trust and confidence in government is based on the highest ethical standards which can, in fact, be taught. Legislators should attend Orientation Courses and Workshops separately from legislative employees in order to allow the Courses to focus on issues which only affect one or the other group of people. Legislative employees have many different ethical issues to deal with from those of legislators, and as well, will benefit from the more confidential atmosphere achieved by the absence of their superiors. Limiting attendance to fifty people will afford every attendee ample opportunity to ask questions and fully participate in discussions, case studies, and other educational activities. Effective ethics education deals with complex issues of both a professional and personal nature, and therefore depends on the active participation of all attendees

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and should avoid the development of a passive learning environment.

AS 24.61.750. LOBBYIST TRAINING COURSE. Lobbyists play an integral role in the political process and substantially influence public policy formation. Therefore, it is essential that lobbyists know and understand the specific legal requirements which regulate the lobbying profession. Furthermore, and more importantly, lobbyists share the ethical obligation to not act in ways which will impede the legislature's ability to perform its duties according to the highest standards of public service ethics. The commission should cooperate, and coordinate, with the Alaska Public Offices Commission in order to most effectively implement and enforce lobbying regulations.

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Chapter 60.
Standards of Conduct.

Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE.

The legislature finds that it is essential in the conduct of public business that legislators hold the respect and confidence of the people. Legislators must avoid conduct that even appears to violate the trust the people have placed in them. To ensure and preserve public confidence, legislators should have the benefit of specific standards to guide their conduct. Article II, sec. 12, Constitution of the State of Alaska grants to each house of the legislature the power to judge the qualifications of its members. It is the purpose of this act to establish standards of conduct for state legislators and legislative employees and to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter.

(Sec. 1 ch 36 SLA 1984)

Sec. 24.60.020. APPLICABILITY.

(a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature and to a person employed by the legislative branch of government. This chapter does not apply to

(1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless the provision specifically states that it so applies;

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

(3) a person employed by the legislative branch of government whose position is established below Range 18 of the state salary schedule established in AS 39.27.011(a).

(b) The provisions of this chapter specifically supersede the provisions of the common law relating to legislative conflict of interest that may apply to a member of the legislature or a person employed by the legislative branch of government. They do not supersede or repeal provisions of the criminal laws of the state.

(Sec. 1 ch 36 SLA 1984; secs. 2, 3 ch 113 SLA 1986; am sec. 1 ch 67 SLA 1988)

Sec. 24.60.030. CONFLICTS OF INTEREST.

(a) A person to whom this chapter applies may not use public office for private advancement or gain.

(b) A conflict of interest exists when a person to whom this chapter applies takes or withholds official action or exerts official influence that could

substantially benefit or harm a financial matter in which the person has a direct or indirect private interest.

(c) Conflicts of interest are prohibited but there is not a conflict of interest if, as to a specific matter, there is no

(1) the person's interest is relatively insignificant; or

(2) the person's authority is relatively far removed from any official action that could reasonably be affected by the potential conflict of interest, provided that no attempt has been made to remove the appearance of impropriety by delegating responsibility for official action.

(d) A conflict exists if benefits accrue to a person to whom this chapter applies beyond that which may accrue uniformly to members of the profession, occupation or group to which the person belongs, or to the public at large.

(e) [Repealed, sec. 8 ch 167 SLA 1988.]

(f) It is a conflict of interest for a member of the legislature to accept money from an event held within the capital city during the session if a substantial purpose of the event is to raise money on behalf of the member for state legislative campaign purposes or for other state legislative political purposes.

(g) Members of the legislature elected to represent the capital city are exempt from the requirements of (f) of this section.

(Sec. 1 ch 36 SLA 1984; am sec. 27 ch 85 SLA 1988; am sec. 8 ch 167 SLA 1988)

Sec. 24.60.040. CONTRACTS OR LEASES.

(a) A person to whom this chapter applies may not be a party to or have an interest in a state contract or lease unless the contract or lease is let through competitive sealed bidding under AS 36.30 (State Procurement Code) or the total annual amount of the state contract or lease is \$1,000 or less, or is a standardized contract or lease which was developed under publicly established guidelines and is generally available to the public at large, members of a profession, occupation or group. A person has an interest in a state contract or lease under this section if the person receives direct or indirect financial benefits.

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

(Sec. 1 ch 36 SLA 1984; am sec. 24 ch 106 SLA 1986; am sec. 4 ch 113 SLA 1986)

Sec. 24.60.045. HAZARDOUS WASTE CONTRACTS.

A legislative staff member may not solicit or receive a contract concerning hazardous waste from a state agency or department other than the legislature

during the interim following a session in which the person worked. This section applies to legislative staff members Range 18 or higher. In this section "hazardous waste" has the meaning given in AS 46.03.900.

(Sec. 10 ch 77 SLA 1984)

Sec. 24.60.050. STATE PROGRAMS AND LOANS.

(a) It is not a conflict of interest for a person to whom this chapter applies to participate in a state program or to receive a loan from the state if the program or loan

- (1) is generally available to members of the public;
- (2) is subject to fixed eligibility standards; and
- (3) requires minimal discretion in determining qualification.

(b) The committee shall annually review state programs and state loans and publish a list of programs and loans that, in the view of the committee,

- (1) meet the standards of (a) of this section;
- (2) do not meet the standards of (a) of this section.

(c) Each February 1, each person to whom this chapter applies shall deliver to the division of legislative audit a report of each participation by the person in a state program or receipt of a state loan as of January 15 of that year for a program or loan listed in (b)(2) of this section. The division of legislative audit shall prepare an appropriate report for the presiding officer of each house that lists the name of the person and kind of program participation or loan. The lists shall be published in the supplemental journals before February 15.

(d) Each person to whom this chapter applies who begins participation in a state program or who receives a loan listed under (b)(2) of this section after January 15 of each year shall deliver a report of the program or loan to the committee within 30 days after the participation in the state program or receipt of a state loan begins. The report shall be published in the appropriate supplemental journal if received by the committee during the regular session of the legislature. Each report filed with the committee under this subsection is open to the public.

(e) Each record of a state agency relating to participation in a state program or receipt of a state loan by a person to whom this chapter applies may be disclosed to the committee and to the division of legislative audit.

(f) The committee shall annually identify the program and loans to be audited by the division of legislative audit during the following year, including the scope of the audit. The division of legislative audit shall prepare a report to the committee on the audit of the participation in state programs and the receipt of loans from the state by persons to whom this chapter applies. The report to the committee is confidential until it is released by the committee.

(g) In this section "state program" means a program in which tangible assets of the state or a right to use tangible assets of the state are transferred from the state to a person to whom this chapter applies.

(Sec. 1 ch 36 SLA 1984; am sec. 5 ch 113 SLA 1986; am sec. 2 ch 167 SLA 1988)

Sec. 24.60.060. CONFIDENTIAL INFORMATION.

It is a conflict of interest if a person to whom this chapter applies willfully discloses, or knowingly uses, for personal gain or for the personal gain of another, information that by law is not available to the public and that the person acquired in the course of official duties.

(Sec. 1 ch 36 SLA 1984)

Sec. 24.60.070. INTERESTS BETWEEN PUBLIC OFFICIALS.

A person to whom this chapter applies shall disclose in the journal of the appropriate body or if the legislature is not in session to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by the fifth day of the session, the formation or maintenance of a close economic association involving a substantial financial matter with

- (1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions;
- (2) legislators;
- (3) a public official who is required to file a financial disclosure statement under AS 39.50 and is not an appointed municipal officer;
- (4) a registered lobbyist;
- (5) a person to whom this chapter applies who is employed by the legislative branch of government if the close economic association is with a legislator.

(Sec. 1 ch 36 SLA 1984; sec. 6 ch 113 SLA 1986)

Sec. 24.60.080. GIFTS.

(a) A person to whom this chapter applies may not solicit, accept, or receive, directly or indirectly, a gift in any amount, whether in the form of money, services, a loan, travel, entertainment, hospitality, promise, or other form under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment.

(b) Except as provided in (c) of this section, the receipt of a gift worth \$50 or more by a person to whom this chapter applies is prohibited.

(c) Notwithstanding (b) of this section, it is not a violation of this section for a person to whom this chapter applies to accept

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

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

(B) at a social event or meal;

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

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

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

(5) gifts from the family of the person.

(d) A person to whom this chapter applies who accepts a gift of travel and hospitality primarily for the purpose of obtaining information on matters of legislative concern shall disclose the gift if it has a value of \$100 or more. The disclosure must include the name and occupation of the person making the gift and the approximate value of the gift. Each gift required to be disclosed under this subsection shall be disclosed within 30 days of the receipt of the gift in the journal of the appropriate body or, if the legislature is not in session, to the committee. The committee shall maintain a public record of the disclosure it receives and shall forward the disclosure to the appropriate house for inclusion in the journal by the fifth day of the next regular session.

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

(Sec. 1 ch 36 SLA 1984; am sec. 3 ch 167 SLA 1988)

Sec. 24.60.090. NEPOTISM.

(a) A spouse or an individual other than a spouse who is related to a member of the legislature may not be employed in the house in which the legislator is a member, by an agency of the legislature established under AS 24.20, or in either house during the interim between sessions. An individual who is related to an employee of the legislature may not be employed in a position over which the employee has supervisory authority. In this subsection, "an individual who is related to" means a child, stepchild, husband, wife, mother, father, sister, or brother.

(b) For purposes of this section an individual is not employed if no compensation is received from the state for the services provided.

(c) For purposes of this section, a legislator is not an employee of the legislature.

(Sec. 1 ch 36 SLA 1984)

Sec. 24.60.100. REPRESENTATION.

A person to whom this chapter applies who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in the journal of the appropriate body or if the legislature is not in session to the committee. The committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by the fifth day of the session.

(Sec. 1 ch 36 SLA 1984; sec. 7 ch 113 SLA 1986)

Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST.

A legislator who knowingly has a conflict of interest or has been notified of a conflict of interest shall immediately

- (1) resign the conflicting position;
- (2) divest the interest that has resulted in the conflict or potential conflict; or
- (3) disclose the conflict of interest in the journal of the appropriate body or if the legislature is not in session to the committee; the committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by the fifth day of the session but disclosure does not remove the conflict of interest.

(Sec. 1 ch 36 SLA 1984; am sec. 8 ch 113 SLA 1986)

Sec. 24.60.120. STATE PROPERTY AND FUNDS.

A person to whom this chapter applies may not use state property, except property under lease from the state, or state funds for private gain.

(Sec. 1 ch 36 SLA 1984)

Sec. 24.60.130. SELECT COMMITTEE ON LEGISLATIVE ETHICS.

(a) There is established 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 consists of three members of the senate, 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

(2) the house subcommittee consists of three members of the house, 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

(3) three 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, shall serve on both the full committee and each subcommittee.

(c) No more than two legislative members of each subcommittee may be members of the same political party or the same organizational caucus.

(d) The members of each subcommittee shall elect a chair who must be a member of the legislature. 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 without concurrence or ratification through the convening of the first regular session of the next legislature.

(f) The committee or a subcommittee may contract for professional services and may employ staff as it considers necessary.

(g) Each member serves for the duration of the legislature during which the member is appointed.

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an advisory opinion requested by the member. If the legislature is in session when a legislative member is disqualified under this subsection, the presiding officer of that member's house shall, with the concurrence by roll call vote of two-thirds of the full membership of that house, appoint another member from that house to act as a member of the committee in the proceeding. If the legislature is not in session when a legislative member is disqualified, the presiding officer of the house of which the disqualified legislator is a member shall appoint another member from that house, with a recorded concurrence of a majority vote of the subcommittee of that house, to act as a member of the committee in the proceeding.

(i) A quorum of a committee established under this section consists of a majority of the members of the committee. A quorum of a subcommittee established under this section consists of a majority of the members of the subcommittee. Notwithstanding the provisions of this subsection, a committee does not have a quorum unless three legislative members are present and a subcommittee does not have a quorum unless two legislative members are present.

(Sec. 1 ch 36 SLA 1984; am secs. 9, 10 ch 113 SLA 1986; am secs. 4 - 6 ch 167 SLA 1988)

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. 1 ch 36 SLA 1984)

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. 1 ch 36 SLA 1984; am sec. 11 ch 113 SLA 1986)

Sec. 24.60.160. ADVISORY OPINIONS.

The committee shall issue an advisory opinion within 30 days on the request of a person to whom the chapter applies or a person elected to the legislature who at the time of election is not a member of the legislature as to whether the facts and circumstances of a particular case constitute a violation of ethical standards. The 30-day period for issuing an opinion may be extended by the committee for not more than an additional 10 days if the person requesting the opinion consents. The opinion issued 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 may be made public if a written request by the person who requested the opinion is filed with the committee.

(Sec. 1 ch 36 SLA 1984; am sec. 12 ch 113 SLA 1986)

Sec. 24.60.170. PROCEEDINGS BEFORE THE COMMITTEE.

(a) The committee may initiate, receive and consider complaints

alleging a violation of this chapter.

(b) The committee may investigate a violation of this chapter in a proceeding begun within two years after the alleged violation occurs and within one year after termination of state service. Nothing in this subsection bars proceedings against a person who intentionally prevents discovery of a violation of this chapter.

(c) Before the committee may exercise power authorized in this section, the committee shall by resolution supported by a majority vote of the full membership of the committee, define the nature and scope of the inquiry. The committee shall investigate all complaints on a confidential basis.

(d) A proceeding is commenced by the filing of a complaint with the committee. A complaint may be initiated by any person.

A complaint shall be in writing and signed under oath by the person making the complaint. A complaint, other than a complaint initiated by at least two-thirds of the members of the committee, may not be filed within a period of 60 days preceding a state primary or general election. Each proceeding pending before the committee on the 60th day preceding a state primary or general election is stayed until certification of the election unless the proceeding is based on a complaint initiated by at least two-thirds of the members of the committee or, on a complaint initiated by a person who is not a member of the committee, if two-thirds of the members of the committee direct the continuation of the proceeding. The committee shall notify in writing a person against whom a complaint has been filed of a stay of the proceeding. If the person objects in writing to the stay the proceedings shall continue.

(e) The committee shall notify in writing each person against whom a complaint is received and afford the person an opportunity to explain the conduct alleged to be a violation of this chapter. If the committee determines that a complaint does not contain allegations of facts sufficient, if the alleged facts are treated as true, to constitute a violation of this chapter, the committee may summarily dismiss the complaint.

(f) The committee shall investigate the charges filed under this section and issue an opinion to the person alleged to have violated a provision of this chapter.

(g) If the committee determines that a probable violation exists that may be corrected by action of the person and that does not warrant sanctions other than correction, the opinion shall recommend corrective action. The person against whom the complaint was made may comply with the opinion or may request a hearing before the committee. After the hearing the committee may amend or affirm the opinion.

(h) If the person fails to comply with the opinion or if a majority of the members of the committee determine that there is probable cause for belief that a violation of this chapter that may not be corrected under (g) of this section has occurred, the committee shall formally charge the person. The charge and statement of the alleged violation shall be personally served on the person charged. The alleged violator has 20 days after service of the charge and statement to respond in writing to the committee.

(i) The committee may set a time and place for a hearing before the committee with a minimum of 10 days notice to the complainant, if any, and to the person charged with a violation of this chapter. A representative of the

committee and the person charged with a violation of this chapter shall have an opportunity to be heard, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to have the right of cross-examination. Each witness shall testify under oath. Hearings are closed to the public unless the person charged with a violation of this chapter requests an open hearing. The committee is not bound by the rules of evidence but the committee's findings must be based upon competent and substantial evidence. Testimony taken at the hearing shall be recorded and evidence shall be maintained. The testimony and evidence are available only to the committee and its staff and to the person charged with a violation of this chapter. If the person charged with the violation of a provision of this chapter requests a copy of the transcript of testimony, the copy shall be furnished by the committee without charge.

(j) A decision of the committee shall be in writing and signed by the majority of the members of the committee. Each decision of the committee must be accompanied by a written order of the committee determining that a violation of this chapter exists or does not exist. The order is confined to this determination. This order is a public record.

(k) If the committee issues a decision finding that a member of the legislature has violated a provision of this chapter or that a legislator has declined or failed to cooperate with the committee, it shall refer the decision to the presiding officers of the legislature. The decision shall contain a statement of the facts determined to constitute the violation or the failure to cooperate and may contain recommendations concerning any penalties the legislature may lawfully impose. The committee shall make the decision public 30 days after the referral. The legislature shall act on the decision as it considers appropriate.

(l) If the majority of the members of the committee agree to a decision that a former member of the legislature or an employee or a former employee of the legislative branch of government has violated a provision of this chapter, the committee shall issue a public statement of its decision 30 days after the date of the decision. The legislature shall act on the decision as it considers appropriate. In the case of an employee the action may include suspension, demotion, or dismissal. The employee is entitled to a hearing before final action is taken.

(m) A committee member or member of the committee staff who divulges information concerning a proceeding, except as permitted by this chapter, is guilty of a class A misdemeanor.

(Sec. 1 ch 36 SLA 1984; am sec. 13 ch 113 SLA 1986; am sec. 7 ch 167 SLA 1988)

Sec. 24.60.180. 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. 1 ch 36 SLA 1984)

Sec. 24.60.190. DEFINITIONS.

In this chapter

(1) "committee" means the Select Committee on Legislative Ethics or where appropriate, the applicable subcommittee;

(2) "person employed by the legislative branch of government" means a person who is employed by

(A) an individual legislator;

(B) a legislative body, including a legislative committee; or

(C) an agency of the legislature established under AS 24.20 and AS 24.55.

(Sec. 1 ch 36 SLA 1984; am sec. 14 ch 113 SLA 1986)

M E M O R A N D U M

DATE: MAY 2, 1990
TO: SENATOR FRED F. ZHAROFF
FROM: PENNELOPE GOFORTH
RE: CSSB 415

COMMENTS ON SELECT SECTIONS OF
CS FOR SENATE BILL 415
LEGISLATIVE ETHICS ACT OF 1990

ARTICLE 1. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES

This section is the rhetorical "front section" of the bill that provides the "comprehensive and unified statement of the ethical principles, considerations and obligations" that govern the rest of the bill. It contains numerous provisions that legislators and staff "shall" do, but carries no penalties for failure to do so.

ARTICLE 2. STANDARDS OF CONDUCT

This section substantively addresses a variety of actions by legislators, legislative employees and assistants, and their spouses and dependents as well as lobbyists and spells out the punitive measures (civil sanctions and criminal penalties) for violations of these sections. Note that in most cases, the penalties are: criminal, class A misdemeanor, with up to year in jail. Civil penalties can include the greater of a fine up to \$5000 or twice the damages, dismissal, scolding, suspension with or without pay, probationary status, and the recommendation that a committee chair or co-chair be barred from chairing any committee for the duration of their term of office. For a section by section analysis of the sanctions see Attachment 1.

Legislative Counsel John Gaguine, has issued a memorandum (Attachment 2) wherein he concludes that for civil sanctions, legislators "are not precluded by the legislative immunity provision of the Alaska Constitution, Article II, Section 6". Staff face both civil sanctions and criminal penalties.

Sec. 24.61.130 Misuse of State Property and Resources for Private Gain

In this section, it becomes incumbent upon staff and legislators to prohibit lobbyists, friends and relatives from using the copy machine, computers, telephone and staff time to pursue their own interests as well as staff and legislators. (ie. it will not be permitted to use the computer, for example, to balance your personal checkbook or a campaign account (under 24.61.140 also). Also prohibited will be the use of the Macs to print campaign literature and other personal hardcopy.)

Sec. 24.61.130 Misuse of State Property and Resources for Political Gain

This section lays out what you may or may not say in your two allowable state-funded newsletters. Leg Council will determine which of your bills are "significant" and must be written about in these newsletters. Note that including this information is mandatory or else the Commission won't authorize paying for the newsletter. You must also disclose "significant campaign contributions received. You may not mail out your own political campaign material or supporting another's campaign during the period of 60 days before the primary in which you are a candidate and ending the day after a general or special election. You also can't mail out any mass mailings that might be construed as directly or indirectly trying to influence the outcome of an election. You may not accept any campaign contributions in your legislative office or post, circulate or communicate campaign literature in your office.

Sec. 24.61.150 Obligation of Subordinates to Refuse to Perform Improper Tasks

This section mandates that your staff must report any violations of this Ethics Act they observe you doing to the Commission, upon pain of sanctions which can include fines up to \$5000 and dismissal from the job. You may not request your staff to perform any tasks that may be a violation of this Act and should you persist your staff is required to file a complaint with the Commission. (ie. to regularly do personal errands, to do anything for your spouse or dependents or friends, to perform campaign functions, etc.)

Sec. 24.61.190 Post-Service Restrictions

You and your staff may not accept any position for one year after leaving legislative service that would require you to act as a lobbyist (excepting government positions and volunteer lobbyist positions).

Neither may you or your staff reveal non-public information to obtain a benefit. You may seek a waiver in this instance if you are unsure about a position you may want to consider. Note that "non-public" is not the same as confidential. It is defined in the bill as public information that is not readily accessible to the public.

Sec. 24.61 200-210 Use of Campaign Funds

These sections describe how campaign funds may and may not be used, ie. "only to advance the interests of the campaign". Among the prohibitions are accepting post-election contributions, contributing to another candidate's campaign, transferring more than \$1000 to your office account following the campaign. (These prohibitions were adopted in an effort to prevent incumbents from building up a "war chest" and intimidating challengers. The most that can carry over for next campaign is \$5000.) These sections take effect, conveniently on November 6, 1990.

Sec. 24.61.265, .270, .280, .290, .310 Definitions of Close Associations

These sections define the types of associations you may and may not indulge in and which you may disclose to the Commission if you think it may be a conflict of interest. Not sanctioned except .290 which states that neither your spouse or dependent may work in the same body during session (same as current law) or in either body during interim. Waiver provision added. You must disclose associations with lobbyists under pain of sanction.

Sec. 24.61.320 Restricted Financial Interests

You may not serve as the chair of a budget committee which affects a business in which you are engaged. (ie., commercial fisherman may not oversee Fish & Game budget, educator at the U OF A may not oversee the University budget, etc.) This section has civil sanctions but you may request a waiver.

Sec. 24.61.345 Participation in General Statewide Programs Permissible

You may participate, without disclosure, in a statewide benefit or loan program if it is available to the general public, subject to eligibility standards, and requires minimal discretion in determining qualifications. If the program or loan is not exempt, as determined by the Commission, you must disclose.

Sec. 24.61.350 Restricted Transactions: Gratuities

Of note in this section is the provision (c)4 that requires you to disclose overnights stays of more than \$100 in value. (ie., if you are on trip in your district and stay with friends or constituents and then get weathered in, or a mechanical prevents you from flying out on schedule, for several days making the value of your stay more \$100 you will have to report this.) Leg Council has been charged with determining provisions on spouse/dependent restrictions.

Sec. 24.61.380 Improper interference with the Independent Judgement of Others

When communicating with another state agency you "should explicitly convey to the administrators involved that the administrator is expected to make an independent judgement and that no advantages

or disadvantages to the administrator or the agency will result from a favorable or unfavorable disposition". (The so-called Miranda Clause.) Sanctions have been removed from this provision.

Sec. 24.61.415 Reporting obligations of Employers of Legislators/Assistants

Private sector employers will be required under this section to report "Category A" income sources (that is income from those persons who have a substantial interest in legislative administrative or political actions) to the Commission. (This is highly doubtful that it is enforceable. ie., the Commission only has jurisdiction over the legislature.) Your spouse and dependents will be required to disclose their sources of income also. (The so-called "Jim Wright Case-where his wife received substantial funds from a questionable source and they were funneled to her husband. Those sneaky Texans!)

ARTICLE 3 LEGISLATIVE ETHICS COMMISSION

This sections contains the provisions that set up the 9 member Ethics Commission and sets out their duties and responsibilities. The fiscal note will address the costs of hiring an executive director, staff and provisions for an educational program to be presented in January of 1991. The effective date of this section is July 1, 1990. Significant oversight of this section is delegated to Legislative Council. See Attachment 4 for references to Leg Council mandates in the bill.

Sec. 24.61.570 Recommendations and Order Where Violator is an Employee

Under this section the Commission shall order you to impose sanctions in accordance with the Commission's order on your staff. Civil sanctions apply to you if you do not. No appeal process is instituted. (ie, if one of your staff members has done something to violate this Act, whether trivial or major, and the Commission determines that the sanction should be termination of employment, you have to do it. No mitigating circumstances will be considered.)

ARTICLE 5 GENERAL PROVISIONS

Sec. 24.10.100, .105, .110 Salary, Per Diem, Office Expense of Legislators

Your salary will be increased to \$40,000 annually, per diem will be restricted to short-term while in session only (long term if Juneauite), and all office expenses will be on a voucher system. Office expense will be calibrated on a \$7-8-9,000 scale depending on the district you represent. You may be reimbursed for up to two trips to your district for family, personal or constituent business.

SB 415

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 30, 1990

SUBJECT: Conflict-of-interest provisions
of CSSB 415 () (4/30 version)

TO: Senator Pat Pourchot, Chair
Joint Committee on the Legislative Ethics Act

FROM: John B. Gaguine *JBG*
Legislative Counsel

You have asked for an analysis of the penalties for violation of the standard-of-conduct provisions in the proposed Legislative Ethics Act of 1990 (CSSB 415 ()). With a few exceptions, violation of all of those provisions carry possible "civil" penalties (for legislators, recommended by the ethics commission but imposable only by the legislature; for staff imposable by the commission) listed in AS 24.61.560(a), and ranging from minor sanctions such as disclosure orders or written reprimands to major ones such as heavy fines, expulsion, and the repeal of "tainted" legislation. In addition, many violations are also made punishable criminally as class A misdemeanors.

"Civil" sanctions, despite the misleading name, are imposed by the legislative or legislative body (the ethics commission). They are hence not precluded by the legislative immunity provision of the Alaska Constitution, Article II, section 6. Criminal sanctions can only be imposed by a court, after the person has been found guilty of a charge brought by the Department of Law. The legislative immunity provision would preclude prosecution of legislators (but not staff) for many (but not all) of the criminal violations in the bill.

The following is a list of the conflict-of-interest provisions that carry the possible "civil" sanctions listed in AS 24.61.560(a). When a provision is preceded by an asterisk, that provision also carries the criminal penalty under their bill. Other provisions, preceded by "#", concern conduct that is already criminal under Title 11, in these

cases, the bill generally refers either to a Title 11 statute or to the criminal law in general. When both an asterisk and # appears, some subsections make conduct criminal, and others refer to existing criminal laws.

24.61.110. Improper benefit from performance of public duties.

24.61.120. Duty to report improper offers.

24.61.130. Misuse of state property and resources for private gain or personal advantage.

* # 24.61.140. Misuse of state property and resources for political purposes.

24.61.150. Obligation of subordinates to refuse to perform improper tasks.

24.61.170. Use of nonpublic and confidential information for private gain.

24.61.180. Misuse of title or prestige of office for private gain or personal advantage.

* 24.61.190. Post-service restrictions to prevent misuse of public office by former legislators and legislative employees.

* 24.61.205. Prohibited use of campaign funds.

* 24.61.210. Disbursement of surplus campaign funds.

* 24.61.220. Payment of legal expenses; special expense funds.

* # 24.61.230. Improper coercion.

* 24.61.240. Fund raising limitations.

24.61.290. Nepotism.

24.61.300. Restricted relationships: lobbyists, legislators, and legislative employees. (Violators are also subject to penalties of AS 24.45.)

Senator Pat Pouchot
Page 3
April 30, 1990

24.61.310. Restricted relationships: board memberships.

24.61.320. Restricted financial interests.

24.61.330. Restricted activities as an attorney or representative.

24.61.340. Restricted transactions: interest in state contracts or leases.

24.61.345. Participation in general statewide programs permissible.

24.61.350. Restricted transactions: gratuities.

24.61.360. Restrictions on earned income: outside employment and honoraria.

24.61.380. Improper influence with the independent judgment of others on behalf of constituents.

* 24.61.420. Prohibited conduct relating to disclosures.

24.61.440. Accountability: self-policing, whistle blowing, and protection of whistle blowers.

There are two provisions that carry only "administrative" sanctions under AS 24.61.560(b). Those sanctions are any sanction that could be imposed under section 560(a), except for fines and expulsion of a legislator or dismissal of an employee. These two provisions are:

24.61.430. Accountability: openness and oversight.

24.61.450. Duty toward colleagues and subordinates.

If I may be of further assistance, please advise.

JG:mi
wkmi6/085

STATE OF ALASKA
THE LEGISLATURE

COPY

LEGISLATIVE AFFAIRS AGENCY

5/3/90
E
FOUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465-3800

MEMORANDUM

April 26, 1990

SUBJECT: Appointment of the Legislative Ethics
Commission (CSSB 415())

TO: Senator Pat Pourchot

FROM: Tamara Brandt Cook
Director
Division of Legal Services

Under Sec. 24.61.500 of the draft CSSB 415() dated 4/18/90 the Legislative Ethics Commission is established composed of members appointed by officials of the legislative, executive, and judicial branches, a member appointed by the Alaska Public Officer Commission, and two members selected by the other members. You have asked whether this violates Article III, sec. 26 of the State Constitution with respect to the power of the governor to make appointments. That section provides in part

When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law.

There is no doubt that the Legislative Ethics Commission qualifies as a quasi-judicial agency. It has the power to hold disciplinary hearings and impose sanctions. Therefore, a question is presented regarding application of Art. III, sec. 26 to the commission.

While the outcome of a challenge to the appointment scheme contained in the bill cannot be determined with certainty, the scheme could be defended on the theory that Art. III, sec. 26 applies only to executive branch boards and commissions, not to commissions in the legislative branch. There is support for this point of view in the Alaska Constitutional Convention Proceedings. The discussion of this

Uehling
5/4/90

5.4.90
News

Ready or not, ethics bill comes to vote today

By DAVID POSTMAN
Daily News reporter

JUNEAU — It took some strong-arm tactics by Senate President Tim Kelly, but the 1990 Legislative Ethics Act is set for a vote on the Senate floor today.

Kelly has said the Senate Finance Committee must finish its review of the bill by this morning, and the committee was meeting late Thursday to meet that deadline. Thursday morning, Finance Committee members had apparently begun to lay the groundwork to stop the bill, some said they were concerned not enough time had been put into the proposal, that it was unconstitutional and would be too expensive to enforce.

The proposal drafted by a Senate ethics consultant makes sweeping changes in what legislators and their staff can do, places new restrictions on campaign fundraising, and gives legislators a salary increase that more than makes up for miscellaneous payments that would end under the bill.

Committee co-chairman



Sen. Rick Uehling, R-Anchorage, and Sens. Fred Zharoff, D-Kodiak, and Paul Fischer, R-Soldotna, led the charge in asking witnesses pointed questions and making it clear they were not convinced the bill was ready for a floor vote.

The committee also heard from officials of legislative ethics commissions in New York and California. The senators primarily wanted to know how much work had gone into the other

states' ethics acts -- quite a bit more than the three months put into the Alaska proposal -- and how legislative staff are treated in the law.

The committee was about to recess for the Thursday morning Senate session when Kelly sent word that there would be no session until the committee passed the bill, committee member Sen. Steve Frank, R-Fairbanks, said later.

"We have an unethical situation here," Uehling said, as members huddled quickly before heading to Kelly's office. After a brief meeting between the Senate president and key committee members, it was decided the committee could hold a second hearing Thursday but would have to finish their work by this morning.

Sen. Pat Pourchet, chairman of the special ethics committee that spent 40 hours reworking the bill, said the finance committee was on its way to either killing the bill or weakening it.

"They hate it. They set us

up but they will pass it," he said.

Thursday night, the committee reviewed the 93-page bill, made corrections and grilled Pourchet about what the proposed ethics code means.

At 11 p.m., Uehling said the committee would adjourn until 8 a.m. today and Kelly said the Senate would not meet today until the committee was done. Uehling and other committee members said they resented Kelly's attempt to rush the bill.

LUST ... The Senate Finance Committee also approved a bill Thursday dealing with leaking underground storage tanks -- a far different animal from the one that first surfaced last year.

When the House first looked at the so-called LUST bill, it called for a 2-cent-per-gallon tax on all fuel tanks to pay for repairs and replacement of leaky tanks. The industry tax didn't fly

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CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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THE LEGISLATURE

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Senator Pat Pourchot
Page 2
May 3, 1990

the legislature cannot use its investigative powers simply to try a person before the legislature. Second, assuming that this first requirement is met, it is not clear to me that the Legislative Ethics Commission, with no legislators as members, could exercise these legislative investigatory powers. All the cases have involved traditional legislative committees consisting of legislators, such as the House Un-American Activities Committee.

3. Power of legislature to impose sanctions less than expulsion. Ms. Burke suggested that the fact that Article II, Section 12 of the Alaska constitution speaks only of expelling a member means that lesser sanctions, such as censure (and those listed in AS 24.61.560(a) of the ethics bill) might not be allowed. Case law from other states makes it clear that the constitutional power to expel a member includes the power to impose lesser sanctions.

4. The legislative immunities clause. Again, I agree with Ms. Burke that the legislative immunities clause of the constitution (Article II, Section 6) would in many instances preclude criminal or civil prosecution of legislators by the Department of Law. However, Section 6 in no way limits action that can be taken against a legislative employee, and it does not limit the legislature, through the Legislative Ethics Commission, from acting against a member (because of Section 6's language that legislators "may not be held to answer before any other tribunal").

If I may be of further assistance, please advise.

JBG:gc
G14/063

Enclosure

Uehling
5/4/90

5.4.90
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Please see Back Page. CAPITOL

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CAPITOL COUNTDOWN: Ethics bill vote is today

Continued from Page A-1

and the House changed it to a consumer tax. Above-ground tanks were also taken out of the law.

Now, though, the Senate Finance Committee plan calls for the state to pay the cost of fixing the faulty tanks out of the general fund.

And the regulations governing what would have to be done would be written not by the state, but by a board dominated by industry. The commissioners of transportation and environmental conservation would serve on the board along with an engineer and a general contractor familiar with underground tanks, two people who own or operate tanks and a member of the insurance industry.

OIL-SPILL BILL . . . The oil industry lost one Thursday when the Senate Judiciary Committee unanimously approved a bill that would



Sen. Tim Kelly

allow judges to impose higher fines against corporations convicted of criminal negligence in oil spills and other crimes

The committee increased most of the allowable fines above what was approved by the state House and made the bill tougher, according to

an assistant attorney general.

BARGAINING CHIPS . . . Bills Held Hostage Day 116. In the final days of the legislature, bills are often held by committee chairmen and chairwoman as bargaining stock.

Some may never see the light of day. Others are just being held until the time is right, or the captor gets what he needs.

"We have to make sure everything is in the right place so neither body can all of a sudden pick up and move out," said Rep. Ben Grussendorf, D-Sitka, chairman of the House Rules Committee which schedules bills for floor votes.

According to several legislators, current hostage bills include:

• A proposed ban on fish farming — sponsored by Grussendorf and Sen. Dick Eliason, R-Sitka — that Sen. Bettye Fahrenkamp, D-Fairbanks, is holding in her Senate Resources Committee.

• A bill that would authorize construction of a coal-fired power plant near Healy, supported by Fahrenkamp, that is parked in Eliason's Senate Labor and Commerce Committee.

• A bill that would give hunting and fishing guides exclusive use of prime areas — in the House Finance Committee. Committee Co-chairman Lyman Hoffman, D-Bethel, has been telling lawmakers the bill may not move unless there is action on his proposed constitutional amendment for subsistence.

• A bill that would exempt the Alaska Railroad from certain state purchasing codes is being held by Grussendorf. He said he is watching the Senate to see if it does anything on a House bill that would require the railroad to take measures to reduce moose kills.

Grussendorf said he made a commitment to the sponsors of the House moose bill that he would "give them a lever" to get the bill passed.

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ATTACHMENT I

**U.S. Federal Legislative Branch
Post-Employment Restrictions**

TABLE 20
SUBSTANTIVE RESTRAINTS ON ACTIVITIES OF GOVERNMENT OFFICIALS/EMPLOYEES
 (As of January 1, 1988)

Sources of Substantive Restraints on State/Provincial Government Officials/Employees Concerning:

Jurisdiction	Use of Public Position to Obtain Personal Benefits	Preventing Benefits to Influence Official Actions	Use of Confidential Government Information	Post-governmental Employment	Receipt of Gifts by Officials or Employees	Representation of Private Clients by Public Officials before Public Entities		Receipt of Fees or Honoraria by Public Officials or Employees	Negotiation	Competitive Bidding	Outside Employment or Business Activities of Public Officials or Employees
						Public Officials	Employees				
Alabama	S	S	S	S	S	S	S	S	S	S	S
Alaska	S	S	S	S	S	S	S	S	S	S	S
Arizona	S	S	S	S	S	S	S	S	S	S	S
Arkansas	S	S	S	S	S	S	S	S	S	S	S
Oklahoma	S	S	S	S	S	S	S	S	S	S	S
California	S	S	S	S	S	S	S	S	S	S	S
Connecticut	S	S	S	S	S	S	S	S	S	S	S
Delaware	S	S	S	S	S	S	S	S	S	S	S
Florida	S	S	S	S	S	S	S	S	S	S	S
Georgia	S	S	S	S	S	S	S	S	S	S	S
Hawaii	S	S	S	S	S	S	S	S	S	S	S
Idaho	S	S	S	S	S	S	S	S	S	S	S
Illinois	S	S	S	S	S	S	S	S	S	S	S
Indiana	S	S	S	S	S	S	S	S	S	S	S
Iowa	S	S	S	S	S	S	S	S	S	S	S
Kansas	S	S	S	S	S	S	S	S	S	S	S
Kentucky	S	S	S	S	S	S	S	S	S	S	S
Louisiana	S	S	S	S	S	S	S	S	S	S	S
Maine	S	S	S	S	S	S	S	S	S	S	S
Maryland	S	S	S	S	S	S	S	S	S	S	S
Massachusetts	S	S	S	S	S	S	S	S	S	S	S
Michigan	S	S	S	S	S	S	S	S	S	S	S
Minnesota	S	S	S	S	S	S	S	S	S	S	S
Mississippi	S	S	S	S	S	S	S	S	S	S	S
Missouri	S	S	S	S	S	S	S	S	S	S	S
Montana	S	S	S	S	S	S	S	S	S	S	S
Nebraska	S	S	S	S	S	S	S	S	S	S	S
Nevada	S	S	S	S	S	S	S	S	S	S	S
New Hampshire	S	S	S	S	S	S	S	S	S	S	S
New Jersey	S	S	S	S	S	S	S	S	S	S	S

**TABLE 29 (continued)
SUBSTANTIVE RESTRAINTS ON ACTIVITIES OF GOVERNMENT OFFICIALS/EMPLOYEES
(As of January 1, 1988)**

- Key:**
- No restraints/Not applicable
 - A Administrative regulation
 - C Constitutional
 - E Executive order
 - L Case law
 - R Agency ruling
 - S Statutory
 - o Restricted activity; source of restriction unavailable.
- (a) The majority of the several hundred citations in the Illinois Revised Statutes which might be described as "conflict of interest" in character apply to specific agencies, officers or programs and are sometimes further implemented by agency rule or administrative regulation. A number carry civil penalties for violation, although a number encompass criminal sanctions. There are also a number of criminal statutes pertaining to bribery and official misconduct which are of generic application to officers and employees in state and local government. However, there is no separate statutory code of conduct applying evenly throughout Illinois state government.
- (b) House and senate rules.
- (c) No substantive restraints fall within the jurisdiction of the Ethical Practices Board.
- (d) Judges only.
- (e) Agency opinions.
- (f) Not encompassed within the State Ethics Act.
- (g) State employee contract also prohibits it.
- (h) Statutory restraints for a few.

Rigid Ethics Code Urged for Los Angeles Government

By ROBERT B. REYNOLDS

LOS ANGELES, Nov. 20 — In a move that supporters hope will be a national model for cleaning up corruption, a special commission proposed a new ethics code for Los Angeles's city government, calling it the toughest such measure in the country.

The code's backers see it as a beacon as well as a broom.

Change in government forms has caused some extraordinary abuses of power in Los Angeles, the commission says. The code would require all elected officials to disclose their assets and liabilities, and to file annual reports on their financial interests. It would also require officials to disclose their sources of income, and to file annual reports on their financial interests. The code would also require officials to disclose their sources of income, and to file annual reports on their financial interests.

Should be City?

"It has been suggested to banish the city from the ranks of cities that have been successful in cleaning up their government," says a spokesman for the commission. "The code would require all elected officials to disclose their assets and liabilities, and to file annual reports on their financial interests. It would also require officials to disclose their sources of income, and to file annual reports on their financial interests."

Backing the Code

The code's backers see it as a beacon as well as a broom. The code would require all elected officials to disclose their assets and liabilities, and to file annual reports on their financial interests. It would also require officials to disclose their sources of income, and to file annual reports on their financial interests.

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Backing the Code

SMOKING KILLS...OVER A THOUSAND PEOPLE A DAY. Last in time you stopped. The Martin Himmel Health Foundation, 490 Park Avenue N.Y. 10022. ADVT

Article, page A11.

Ethics Code Proposed By Los Angeles Panel

In a move that supporters hope will be a national model for cleaning up corruption, a special commission proposed a new ethics code for Los Angeles's city government, calling it the toughest such measure in the country.

The proposal comes against the backdrop of growing public outrage over ethical lapses by public officials.

The code's backers see it as a beacon as well as a broom. The code would require all elected officials to disclose their assets and liabilities, and to file annual reports on their financial interests. It would also require officials to disclose their sources of income, and to file annual reports on their financial interests.

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FISCAL NOTE

REQUEST:

Revision Date: _____ Affected Agency: Legislative Affairs Agency
 Title: "An Act establishing a legislative ethics commission & standards of conduct..." BRU: Legislative Council
 Sponsor: Jt. Comm. on Leg. Ethics Components: Salaries & Allowances
 Requestor: Jt. Comm. on Leg. Ethics Council & Subcommittees

EXPENDITURES, REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
Personal Services	865.6	1480.1	1480.1	1480.1	1480.1	1480.1
Travel	-28.2	-28.2	-28.2	-28.2	-28.2	-28.2
Contractual	704.0	1015.3	1015.3	1015.3	1015.3	1015.3
Supplies	3.0	3.0	3.0	3.0	3.0	3.0
Equipment	20.5	2.0	2.0	2.0	2.0	2.0
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	1564.9	2472.2	2472.2	2472.2	2472.2	2472.2

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	1564.9	2472.2	2472.2	2472.2	2472.2	2472.2
Federal Fund	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	1564.9	2472.2	2472.2	2472.2	2472.2	2472.2

POSITIONS:

Full-Time	3	3	3	3	3	3
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

CSHB 415(JLE) establishes a Legislative Ethics Commission and standards of conduct for legislators and legislative employees, former legislators and employees, and lobbyists. The bill also amends legislators' compensation and allowances. The following is requested to adequately support the Legislative Ethics Commission and the changes in legislators' compensation & allowances.

Prepared By: Pamela A. Stoops, Director Phone: 465-3850
 Division: Administrative Services Date: 5/2/90

Approved By: Warren Endicott, Executive Director
 Agency: Legislative Affairs Agency Date: 5/2/90

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT & BUDGET
AGENCY (IES)

CONTINUATION OF FISCAL NOTE: CSSB 415(JLE)

This fiscal note reflects changes in requested funding for Legislators' Salaries & Allowances component and Ethics funding in the Council & Subcommittees component. FY 91 budget request of \$3,150,500 for Legislators' Salaries & Allowances and \$50,000 for House & Senate Ethics Committee is in addition to the requested figures in this fiscal note.

PERSONAL SERVICES

1. Staff is requested as follows to assist the Legislative Ethics Commission.

Executive Director - Range 24A

\$4,687 x 12 months =	\$56,244	
\$56,244 x 36% benefits =	\$20,247	
	<u>\$76,491</u>	76.5

Administrative Assistant - Range 19A

\$3,353 x 12 months =	\$40,236	
\$40,236 x 36% benefits =	\$14,485	
	<u>\$54,721</u>	54.7

Executive Secretary - Range 15A

\$2,531 x 12 months =	\$30,372	
\$30,372 x 36% benefits =	\$10,933	
	<u>\$41,305</u>	41.3

<u>41.3</u>
172.5

2. Compensation of legislators.

Effective January 21, 1991, legislators' annual salaries will change from \$22,140 to \$40,000. The below figures show the FY 91 cost including benefits for 6 months at the new rate and the estimated FY 92 cost including benefits for 12 months.

CURRENT FY 91 BUDGET REQUEST
LEGISLATORS' SALARIES
\$1,865,189

CSSB 415(JLE) FY 91 COST
LEGISLATORS' SALARIES
\$2,558,304

FY 91 increased personal services cost under Salaries & Allowances would be \$693,115.

693.1

FY 92 estimated increase in personal services cost under Salaries & Allowances is \$1,307,577.

TRAVEL

3. It is anticipated there will be 6 meetings of the Legislative Ethics Commission.

6 meetings x 9 members at 3 days each airfare - 6 meetings x 9 members = 54 airfares		
54 airfares x \$390 =	\$21,060	
compensation - 6 meetings x 9 members = 54 54 x 3 days compensation = 162		
162 x \$175 =	\$28,350	
per diem - 6 meetings x 9 members = 54 54 x 3 days per diem = 162		
162 x \$80 =	\$12,960	
	<u>\$62,370</u>	62.4

62.4

CONTINUATION OF FISCAL NOTE: CSSB 415(JLE)

- 4. Additional stipend for the Chair of the Commission.
Stipend is an annual amount - \$500. 0.5
- 5. Legislative Ethics Commission staff travel - travel for Executive Director and staff to Legislative Ethics Commission meetings and other related travel - \$10,000. 10.0
- 6. Eliminates long-term per diem for legislators. Amount budgeted in FY 91 Legislative Affairs budget is \$180,500. -180.5
- 7. A new subsection is added to reimburse a member of the Legislature for up to two round trip tickets from Juneau to a city in the district from which the legislator was elected during each regular session of the Legislature.

2 trips each session		
Coach travel for 57 legislators		
\$26,000 x 2 trips = \$52,000	52.0	
Per Diem - 3 days x 57 legislators x \$80/day = \$13,680/trip		
2 trips x \$13,680 = \$27,360	27.4	
	79.4	

79.4

CONTRACTUAL

- 8. Legislators allowances are being changed from \$4,000 annually to 14 representatives @ \$6,000 for 1 district, 26 representatives @ \$7,000 for 2 districts, 8 senators @ \$7,000 for a single-senator district & 12 senators @ \$9,000 for a two-senator district.

14 reps x \$6,000 =	\$84,000		
26 reps x \$7,000 =	\$182,000		
8 senators x \$7,000 =	\$56,000	\$430,000 proposed	
12 senators x \$9,000 =	\$108,000	\$240,000 current	
	\$430,000	\$190,000 increase	190.0
- 9. Professional services for contracts to investigate compliance with the Legislative Ethics Act of 1990 with outside investigators, attorneys, additional staff, etc. Training services for orientation education courses, etc. - \$75,000. 75.0
- 10. Lease office space funding
2,000 sq. ft x \$2.00 sq. ft = \$4,000 \$4,000 x 12 months = \$48,000 48.0
- 11. Preparation & publication of the Legislative Ethics Manual; development and dissemination of training materials - \$50,000. 50.0
- 12. Phones and postage - \$800 a month x 12 months = \$9,600. 9.6
- 13. Estimated cost of newsletters for all 60 legislators. Assumption: Mailing of newsletter to all registered voters in the State (285,000+). Newsletters printed on newsprint through one vendor (8 pages). 14 House members would send 7,125 newsletters, 26 House members would send 14,250 newsletters, 8 senators would send 14,250 newsletters and 12 senators would send 28,500 newsletters. Typesetting, printing, labels, bulk permit & mailing for two newsletters estimated cost per year is \$642,712. 642.7

CONTINUATION OF FISCAL NOTE: CSSB 415(JLE)

SUPPLIES

13. Office Supplies - paper, stationery, etc. - \$3,000. 3.0

EQUIPMENT

14. 3 desks, 2 filing cabinets, bookcases, 3 chairs, 3 computers, 1 laser printer, phone system, etc. Misc. equipment to furnish Legislative Ethics Commission staff office - \$20,500. 20.5

A/B

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act establishing a legislative ethics commission & standards of conduct..."
Sponsor: S. Judiciary
Requestor: S. Judiciary

Affected Agency: Legislative Affairs Agency
BRU: Legislative Council
Components: Salaries & Allowances Council & Subcommittees

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
Personal Services	865.6	1480.1	1480.1	1480.1	1480.1	1480.1
Travel	-27.7	-27.7	-27.7	-27.7	-27.7	-27.7
Contractual	382.6	382.6	382.6	382.6	382.6	382.6
Supplies	3.0	3.0	3.0	3.0	3.0	3.0
Equipment	20.5	2.0	2.0	2.0	2.0	2.0
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	1244.0	1840.0	1840.0	1840.0	1840.0	1840.0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	1244.0	1840.0	1840.0	1840.0	1840.0	1840.0
Federal Fund	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	1244.0	1840.0	1840.0	1840.0	1840.0	1840.0

POSITIONS:

Full-Time	3	3	3	3	3	3
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

CSHB 415(Jud) establishes a Legislative Ethics Commission and standards of conduct for legislators and legislative employees, former legislators and employees, and lobbyists. The bill also amends legislators' compensation and allowances. The following is requested to adequately support the Legislative Ethics Commission and the changes in legislators' compensation & allowances.

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

Pamela A. Stoops

Phone: 465-3850
Date: 4/10/90

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

Warren Endicott

Date: 4/10/90

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT & BUDGET
AGENCY (IES)

CONTINUATION OF FISCAL NOTE: CSSB 415(Jud)

PERSONAL SERVICES

1. Staff is requested as follows to assist the Legislative Ethics Commission.

Executive Director - Range 24A			
	\$4,687 x 12 months =	\$56,244	
	\$56,244 x 36% benefits =	\$20,247	
		<u>\$76,491</u>	76.5
Administrative Assistant - Range 19A			
	\$3,353 X 12 months =	\$40,236	
	\$40,236 X 36% benefits =	\$14,485	
		<u>\$54,721</u>	54.7
Executive Secretary - Range 15A			
	\$2,531 x 12 months =	\$30,372	
	\$30,372 x 36% benefits =	\$10,933	
		<u>\$41,305</u>	41.3
			<u>172.5</u>

2. Compensation of legislators.

Effective January 21, 1991, legislators' annual salaries will change from \$22,140 to \$40,000. The below figures show the FY 91 cost including benefits for 6 months at the new rate and the estimated FY 92 cost including benefits for 12 months.

CURRENT FY 91 BUDGET REQUEST	CSSB 415(Jud) FY 91 COST
LEGISLATORS' SALARIES	LEGISLATORS' SALARIES
\$1,865,189	\$2,558,304

FY 91 increased personal services cost under Salaries & Allowances would be \$693,115. 693.1

FY 92 estimated increase in personal services cost under Salaries & Allowances is \$1,307,577.

TRAVEL

3. It is anticipated there will be 6 meetings of the Legislative Ethics Commission.

6 meetings x 9 members at 3 days each			
airfare - 6 meetings x 9 members = 54 airfares			
	54 airfares x \$390 =	\$21,060	
compensation - 6 meetings x 9 members = 54			
	54 x 3 days compensation = 162		
	162 x \$175 =	\$28,350	
per diem - 6 meetings x 9 members = 54			
	54 x 3 days per diem = 162		
	162 x \$80 =	\$12,960	
		<u>\$62,370</u>	62.4

CONTINUATION OF FISCAL NOTE: CSSB 415(Jud)

4. Additional stipend for Chair and Vice-Chair of the Commission. Stipend is an annual amount. 2 x \$500 each = \$1,000	1.0
5. Legislative Ethics Commission staff travel - travel for Executive Director and staff to Legislative Ethics Commission meetings and other related travel - \$10,000.	10.0
6. Eliminates long-term per diem for legislators. Amount budgeted in FY 91 Legislative Affairs budget is \$180,500.	-180.5
7. A new subsection is added to reimburse a member of the Legislature for up to two round trip tickets from Juneau to a city in the district from which the legislator was elected during each regular session of the Legislature.	
2 trips each session Coach travel for 57 legislators \$26,000 x 2 trips = \$52,000	52.0
Per Diem - 3 days x 57 legislators x \$80/day = \$13,680/trip 2 trips x \$13,680 = \$27,360	27.4
	79.4

CONTRACTUAL

8. Legislators allowances are being changed from \$4,000 annually to \$6,000 for representatives and \$10,000 for senators.			
20 senators x \$10,000 = \$200,000	\$440,000 proposed		
40 reps x \$6,000 = \$240,000	\$240,000 current		
	\$200,000 increase		200.0
9. Professional services for contracts to investigate compliance with the Legislative Ethics Act of 1990 with outside investigators, attorneys, additional staff, etc. Training services for orientation education courses, etc. - \$75.0.			75.0
10. Lease office space funding 2,000 sq. ft x \$2.00 sq. ft = \$4,000 \$4,000 x 12 months = \$48,000			48.0
11. Preparation & publication of the Legislative Ethics Manual; development and dissemination of training materials - \$50,000.			50.0
12. Phones and postage - \$800 a month x 12 months = \$9,600			9.6

SUPPLIES

13. Office Supplies - paper, stationery, etc. - \$3,000	3.0
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EQUIPMENT

14. 3 desks, 2 filing cabinets, bookcases, 3 chairs, 3 computers, 1 laser printer, phone system, etc. Misc. equipment to furnish Legislative Ethics Commission staff office - \$20,500	20.5
--	------

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act establishing a legislative ethics commission & standards of conduct..."
Sponsor: S. Judiciary
Requestor: S. Judiciary

Affected Agency: Legislative Affairs Agency
BRU: Legislative Council
Components: Salaries & Allowances Council & Subcommittees

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
Personal Services	824.3	1438.8	1438.8	1438.8	1438.8	1438.8
Travel	-27.7	-27.7	-27.7	-27.7	-27.7	-27.7
Contractual	382.6	382.6	382.6	382.6	382.6	382.6
Supplies	3.0	3.0	3.0	3.0	3.0	3.0
Equipment	20.5	20.5	20.5	20.5	20.5	20.5
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	1202.7	1817.2	1817.2	1817.2	1817.2	1817.2

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	1202.7	1817.2	1817.2	1817.2	1817.2	1817.2
Federal Fund	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	1202.7	1817.2	1817.2	1817.2	1817.2	1817.2

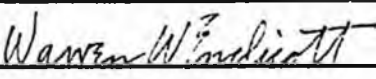
POSITIONS:

Full-Time	3	3	3	3	3	3
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

CSHB 415(Jud) establishes a Legislative Ethics Commission and standards of conduct for legislators and legislative employees, former legislators and employees, and lobbyists. The bill also amends legislators' compensation and allowances. The following is requested to adequately support the Legislative Ethics Commission and the changes in legislators' compensation & allowances.

Prepared By: Pamela A. Stoops, Director  Phone: 465-3850
Division: Administrative Services Date: 4/10/90

Approved By: Warren Endicott, Executive Director 
Agency: Legislative Affairs Agency Date: 4/10/90

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT & BUDGET
AGENCY (IES)

CONTINUATION OF FISCAL NOTE: CSSB 415(Jud)

PERSONAL SERVICES

1. Staff is requested as follows to assist the Legislative Ethics Commission.

Executive Director - Range 24A			
\$4,687 x 12 months =		\$56,244	
\$56,244 x 36% benefits =		\$20,247	
		<u>\$76,491</u>	76.5
 Administrative Assistant - Range 19A			
\$3,353 X 12 months =		\$40,236	
\$40,236 X 36% benefits =		\$14,485	
		<u>\$54,721</u>	54.7
 Executive Secretary - Range 15A			
\$2,531 x 12 months =		\$30,372	
\$30,372 x 36% benefits =		\$10,933	
		<u>\$41,305</u>	41.3
			<u>131.2</u>

2. Compensation of legislators.

Effective January 21, 1991, legislators' annual salaries will change from \$22,140 to \$40,000. The below figures show the FY 91 cost including benefits for 6 months at the new rate and the estimated FY 92 cost including benefits for 12 months.

CURRENT FY 91 BUDGET REQUEST	CSSB 415(Jud) FY 91 COST
LEGISLATORS' SALARIES	LEGISLATORS' SALARIES
\$1,865,189	\$2,558,304

FY 91 increased personal services cost under Salaries & Allowances would be \$693,115. 693.1

FY 92 estimated increase in personal services cost under Salaries & Allowances is \$1,307,577.

TRAVEL

3. It is anticipated there will be 6 meetings of the Legislative Ethics Commission.

6 meetings x 9 members at 3 days each			
airfare - 6 meetings x 9 members = 54 airfares			
54 airfares x \$390 =		\$21,060	
compensation - 6 meetings x 9 members = 54			
54 x 3 days compensation = 162			
162 x \$175 =		\$28,350	
per diem - 6 meetings x 9 members = 54			
54 x 3 days per diem = 162			
162 x \$80 =		\$12,960	
		<u>\$62,370</u>	62.4

CONTINUATION OF FISCAL NOTE: CSSB 415(Jud)

- 4. Additional stipend for Chair and Vice-Chair of the Commission.
Stipend is an annual amount.
2 x \$500 each = \$1,000
- 5. Legislative Ethics Commission staff travel - travel for Executive Director and staff to Legislative Ethics Commission meetings and other related travel - \$10,000. 10
- 6. Eliminates long-term per diem for legislators. Amount budgeted in FY 91 Legislative Affairs budget is \$180,500. -180
- 7. A new subsection is added to reimburse a member of the Legislature for up to two round trip tickets from Juneau to a city in the district from which the legislator was elected during each regular session of the Legislature.

2 trips each session		
Coach travel for 57 legislators		
\$26,000 x 2 trips = \$52,000	52.0	
Per Diem - 3 days x 57 legislators x \$80/day = \$13,680/trip		
2 trips x \$13,680 = \$27,360	27.4	
	79.4	79.4

CONTRACTUAL

- 8. Legislators allowances are being changed from \$4,000 annually to \$6,000 for representatives and \$10,000 for senators.

20 senators x \$10,000 =	\$200,000	\$440,000 proposed	
40 reps x \$6,000 =	\$240,000	\$240,000 current	
	\$440,000	\$200,000 increase	200.0
- 9. Professional services for contracts to investigate compliance with the Legislative Ethics Act of 1990 with outside investigators, attorneys, additional staff, etc. Training services for orientation education courses, etc. - \$75.0. 75.0
- 10. Lease office space funding
2,000 sq. ft x \$2.00 sq. ft = \$4,000 \$4,000 x 12 months = \$48,000 48.0
- 11. Preparation & publication of the Legislative Ethics Manual; development and dissemination of training materials - \$50,000. 50.0
- 12. Phones and postage - \$800 a month x 12 months = \$9,600 9.6

SUPPLIES

- 13. Office Supplies - paper, stationery, etc. - \$3,000 3.0

EQUIPMENT

- 14. 3 desks, 2 filing cabinets, bookcases, 3 chairs, 3 computers, 1 laser printer, phone system, etc. Misc. equipment to furnish Legislative Ethics Commission staff office - \$20,500 20.5

A/B

FISCAL NOTE

REQUEST:

Revision Date: _____ Affected Agency: Legislative Affairs Agency
 Title: "An Act relating to conduct
of legislators, legislative employees... BRU: Legislative Council
 Sponsor: Senator Pourchot Components Council and Subcommittees
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Other	0	0	0	0	0	0
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

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

NO FISCAL IMPACT

Prepared By: Pamela A. Stoops, Director Phone: 465-3850
 Division: Administrative Services Date: 4/17/90

Approved By: Warren Endicott, Executive Director
 Agency: Legislative Affairs Agency Date: 4/17/90

DISTRIBUTION (BY PREPARER)
 LEGISLATIVE FINANCE
 LEGISLATIVE SPONSOR

REQUESTOR
 OFFICE OF MANAGEMENT & BUDGET
 AGENCY (IES)

**STATE OF ALASKA
1990 LEGISLATIVE SESSION**

BILL VERSION: C888 415

PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act establishing a legislative ethics committee
 Sponsor: Sen. Pourschet
 Requestor: _____

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

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
PERSONAL SERVICES	86.0	88.7	91.3	93.6	96.7	99.7
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	1.8	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	89.8	88.7	91.3	93.6	96.7	99.7
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	89.8	88.7	91.3	93.6	96.7	99.7
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	89.8	88.7	91.3	93.6	96.7	99.7

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED NARRATIVE

Prepared by: Karla M. Forsythe, Executive Director

Division: Alaska Public Offices Commission 1101

Phone: 276-4176

Date: 5-1-90

Approved by Commissioner: Annie Laurie Howard, Chair

Agency: Alaska Public Offices Commission

Date: 5-1-90

Distribution (by preparer):

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

CSSB 415 NARRATIVE

This bill will create new prohibitions in Alaska's campaign finance law which will apply only to candidates for legislative office.

These include prohibitions on misuse of campaign contributions and on improper disbursement of surplus campaign funds, and restrictions on the time period during which funds may be raised.

Although the prohibitions are worded in a fairly straightforward manner, the commission anticipates ongoing requests for advice about interpretation of the law, including whether a planned campaign expenditure is permissible, and whether a loan is "bona fide" and therefore can be retired from surplus campaign funds. The commission also anticipates several new complaints each year alleging that a legislative candidate has violated one or more of these new prohibitions. Finally, because the bill applies only to legislative candidates, commission staff will be required to develop one set of policies, instruction manuals, forms and training services for legislative candidates, and another set for candidates for governor, lieutenant governor, and local office. Questions will also increase due to confusion over which set of rules apply to which type of candidate.

The commission anticipates adding one professional staff member (Range 18) to absorb the new workload. Because the one secretary/receptionist in the Anchorage office cannot absorb additional telephone, front counter, filing and typing tasks which will result from the increased workload, the commission also will need an additional Range 10 secretary/receptionist.

Actual Costs FY 91

Personnel: Range 18A \$37,548
 Range 10A \$22,140

Benefits Rate: .286

Insurance Rate: \$386.19

Equipment: Computer(1) \$3122
 Desk & Chair \$600

STATE OF ALASKA
1990 LEGISLATIVE SESSION

Bill Version: CSSB 415 (Leg Ethics)

Publish Date: _____

FISCAL NOTE

REQUEST:

Revision Date:	_____	Agency Affected:	<u>Alaska Court System</u>
Title:	<u>An Act establishing a legislative ethics committee</u>	BRU:	<u>Trial Courts</u>
Sponsor:	<u>Legislative Ethics</u>	Components:	_____
Requestor:	<u>Senate Finance</u>		

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services	-	-	-	-	-	-
Travel	-	-	-	-	-	-
Contractual	-	-	-	-	-	-
Supplies	-	-	-	-	-	-
Equipment	-	-	-	-	-	-
Land & Structures	-	-	-	-	-	-
Grants & Claims	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-

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

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

FUNDING: (Thousands of Dollars)

General Funds	-	-	-	-	-	-
Federal Funds						
Other						
TOTAL	-	-	-	-	-	-

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Unable to ascertain fiscal impact at this time.

Prepared by: Jan Strandberg, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 05/03/90

Approved by: Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 05/03/90

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

Fiscal Analysis

Many of the provisions of this bill carry penalties ranging from criminal to civil sanctions. This bill also provides that the Department of Law may independently bring criminal or civil enforcement actions. The court system does anticipate a fiscal impact given the bill's numerous penalty sections and the constitutional questions that have been raised in testimony. However, the court system cannot predict the additional resources that will be necessary to process these cases until the Department of Law's enforcement activity begins.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Legislative Ethics Law

Agency Affected: Public Safety
BRU: AST

Sponsor: Comm. on Legislative Ethics
Requestor: Senate Finance

Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
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

ANALYSIS: (Attach a separate page if necessary)

Although this bill contains numerous provisions which carry criminal penalties, the Department of Public Safety assumes that the Legislative Ethics Commission will investigate the majority of complaints or cases which arise. While the DPS may conduct some additional criminal investigations if this bill passes, it is impossible to estimate the extent of any fiscal impact.

Prepared by: Gayle A. Horetski, Deputy Commissioner
Division: _____

Phone: 465-4322
Date: 5/2/90

Approved by Commissioner: J.A.H. English
Agency: Department of Public Safety

Date: 5-2-90
Page 1 of 1

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

COGEL

**CAMPAIGN FINANCE,
ETHICS & LOBBY LAW**

SPECIAL EDITION

BLUE BOOK 1988-89

**The
Council of
State
Governments**



CAMPAIGN FINANCE, ETHICS & LOBBY LAW BLUE BOOK 1988-1989

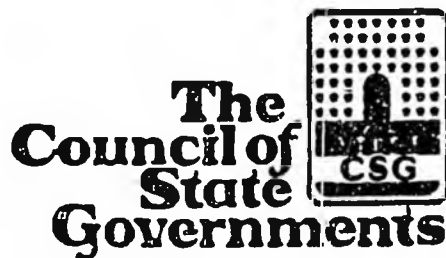
Special Edition

Campaign Finance, Ethics, Lobby Law Legislation and
Litigation Updates presented at the Ninth Annual Con-
ference of the Council on Governmental Ethics Laws
in September 1987

Dinker I. Patel
Policy Analyst

Joyce Bullock
Editor

Published by the Council on Governmental Ethics Laws
through The Council of State Governments
Lexington, Kentucky
1988



The logo for the Council on Governmental Ethics Laws (COGEL) features the letters "COGEL" in a large, bold, serif font. The letters are superimposed on a background of horizontal lines, resembling a musical staff or a stylized graphic element.

TABLE 1
AGENCIES' AREAS OF AUTHORITY

Jurisdictional Agency	Areas of Authority						Official/Employees Within Agency's Areas of Authority					
	Campaign Finance	Ethics	Personal Financial Disclosure	Lobbying	Elections	Other	State/Provincial		County		Municipal	
							Elected	Appointed	Elected	Appointed	Elected	Appointed
Alabama Alabama Ethics Commission Secretary of State's Office, Elections Division
Alaska Alaska Public Offices Commission
Arizona Secretary of State's Office Ethics and Rules Office
Arkansas Secretary of State's Office, Elections Division
California Fair Political Practices Commission Secretary of State's Office	*(a)	.	.	.	.	.
Colorado Department of State
Connecticut Connecticut State Elections Enforcement Commission Secretary of State's Office State Ethics Commission	*(b)
Delaware State Election Commissioner Legislative Council
Florida Commission on Ethics Joint Office on Lobby Registration House Committee on Ethics and Elections	*(c)

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TABLE 1 (continued)
AGENCIES' AREAS OF AUTHORITY

Jurisdiction/ Agency	Areas of Authority						Official/Employees Within Agency's Areas of Authority					
	Campaign Finance	Ethics	Personal Financial Disclosure	Lobbying	Elections	Other	State/Provincial		County		Municipal	
							Elected	Appointed	Elected	Appointed	Elected	Appointed
Georgia												
State Ethics Commission	*		*(f)				.		.		.	
Illinois												
Campaign Spending Commission	*		
State Ethics Commission	
Idaho												
Secretary of State's Office					
Illinois												
Illinois Board of Ethics		.	.						.			
Illinois State Board of Elections	
Secretary of State's Office, Index Department		
DuPage County Board of Election Commissioners					
Board of Ethics, City of Chicago
Indiana												
Indiana State Election Board	.				.	*(e)	.					
Secretary of State's Office	.			.	.	*(f)	.					
State Ethics Commission		.					.		.			
Iowa												
Iowa Campaign Finance Disclosure Commission	
Secretary of the Senate			.	.			.					
Kansas												
Kansas Public Disclosure Commission					
Kentucky												
Attorney General's Office		.	.									
Financial Disclosure Review Commission					
Kentucky Registry of Election Finance	

TABLE 1 (continued)
AGENCIES' AREAS OF AUTHORITY

Jurisdiction/ Agency	Area of Authority						Officials/Employees Within Agency's Area of Authority						
	Campaign Finance	Ethics	Personal Financial Disclosure	Lobbying	Elections	Other	Federal	State/Provincial		County		Municipal	
								Elected	Appointed	Elected	Appointed	Elected	Appointed
Louisiana													
LA Ethics Administration Program
Louisiana Senate				.				.					
Maine													
Commission on Governmental Ethics and Election Practices			
Secretary of State, Div. of Public Administration			.	.		(r)		.	.				
Maryland													
State Administrative Board of Election Laws	.							.		.			
State Ethics Commission		.				(h)		.	.				
Massachusetts													
Office of Campaign and Political Finance	.							.		.			
Secretary of State's Office, Division of Public Records	.			.		(i)	.	.	.				
MA State Ethics Commission		.				(i)		.	.	.	.	.	.
Michigan													
Department of State, Bureau of State Elections	.			.	.	(k)		.		*(j)		*(m)	
MI Board of Ethics		.							.				
Minnesota													
MIN Ethical Practices Board		(n)		.	.				
Mississippi													
Mississippi Ethics Commission		.	.			(o)		.	.	.	.	.	.
Secretary of State's Office
Missouri													
Campaign Finance Review Board
Secretary of State's Office, Campaign Reporting Division

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TABLE 1 (continued)
AGENCIES' AREAS OF AUTHORITY

Jurisdiction/ Agency	Areas of Authority						Official/Employees Within Agency's Areas of Authority					
	Campaign Finance	Ethics	Personal Financial Disclosure	Lobbying	Elections	Other	State/Provincial		County		Municipal	
							Elected	Appointed	Elected	Appointed	Elected	Appointed
Montana Commissioner of Political Practices
Nebraska Nebraska Accountability and Disclosure Commission
Nevada Nevada Commission on Ethics Secretary of State's Office Legislative Counsel Bureau	*(p)	.	.	.	.
New Hampshire Secretary of State's Office					
New Jersey Executive Commission on Ethical Standards		.	.						.			
New Jersey Election Law Enforcement Commission	.		.	.		(k)	.		.		.	
Joint Legislative Committee on Ethical Standards		.	.				(c)	(c)				
New Mexico Secretary of State's Office	.	.	*(i)	.	.		.					
New York New York State Board of Elections	.				.		.					
New York State Commission on Lobbying				.			.					
North Carolina Secretary of State's Office				.								
North Carolina Board of Ethics		.	.					.				
State Board of Elections
North Dakota Secretary of State's Office					

TABLE 1 (continued)
AGENCIES' AREAS OF AUTHORITY

Jurisdiction/ Agency	Areas of Authority						Officials/Employees Within Agency's Areas of Authority					
	Campaign Finance	Ethics	Personal Financial Disclosure	Lobbying	Elections	Other	State/Provincial		County		Municipal	
							Elected	Appointed	Elected	Appointed	Elected	Appointed
Ohio												
Ohio Elections Commission	.				.	(s)	.	.	.	.	.	.
Ohio Ethics Commission	
Supreme Court of Ohio						(t)	*(u)	*(u)	*(u)	*(u)		
Oklahoma												
Merit Protection Commission		.				(v)	.	.				
Oklahoma State Election Board				
Oregon												
Oregon Government Ethics Commission	
Secretary of State's Office, Elections Division and Public Records Division	.				.	(w)	.					
Pennsylvania												
Department of State, Bureau of Commissions, Elections and Legislation	.				.		*(x)	.				
State Ethics Commission	
Philadelphia Board of Ethics	
Rhode Island												
Rhode Island Ethics Commission	
Rhode Island State Board of Elections	.				.		*(x)	.			.	.
Secretary of State's Office				.	.							
South Carolina												
Secretary of State's Office				.					.			
South Carolina State Election Commission									.			
State Ethics Commission
South Dakota												
Secretary of State's Office			
Tennessee												
Secretary of State's Office, Elections Division				

Council on Governmental Ethics Law / The Council of State Governments 5

TABLE 1 (continued)
AGENCIES' AREAS OF AUTHORITY

6 Campaign Finance, Ethics & Lobby Law Base Book 1988-89

Jurisdiction/ Agency	Areas of Authority						Official/Employees Within Agency's Area of Authority						
	Campaign Finance	Ethics	Personal Financial Disclosure	Lobbying	Elections	Other	State/Provincial		County		Municipal		
							Elected	Appointed	Elected	Appointed	Elected	Appointed	
Texas													
Secretary of State's Office, Elections Division	•		•	•	•		•	•		*(y)			*(y)
State Ethics Advisory Commission	•	•	•	•		(z)	•	•	•	•	•	•	•
Utah													
Lieutenant Governor's Office	•			•	•		•	•					
Vermont													
Secretary of State's Office	•			•	•		•						
Virginia													
Secretary of Commonwealth's Office		•	•	•			•	•					
State Board of Elections	•				•		•			•			
Washington													
Washington State Public Disclosure Commission	•		•	•		(w)	•	•	•			•	
West Virginia													
Secretary of State's Office	•	•			•		•	•					
Wisconsin													
Secretary of State's Office				•			•	•					
Wisconsin State Elections Board	•				•		•	•	•			•	
Wisconsin State Ethics Board		•	•				•	•					(aa)
Wyoming													
Secretary of State's Office	•				•		•	•	•	•	•	•	•
District of Columbia													
Office of Campaign Finance (ab)	•	•	•	•		(ac)						•	•
U.S.A. (Federal)													
Federal Election Commission	•		•		•		•						
Office of Government Ethics		•	•				•						
Committee on Standards of Official Conduct		•	•				•						

TABLE 1 (continued)
AGENCIES' AREAS OF AUTHORITY

Jurisdiction/ Agency	Area of Authority						Officials/Employees Within Agency's Areas of Authority						
	Campaign Finance	Ethics	Personal Financial Disclosure	Lobbying	Elections	Other	Federal	State/Provincial		County		Municipal	
							Elected	Appointed	Elected	Appointed	Elected	Appointed	
Virgin Islands Department of Justice		•	•		•			•	•			•	•
Alberta Chief Electoral Officer's Office	•				•							•	•
British Columbia Chief Electoral Officer's Office					•				•				
Manitoba Chief Electoral Officer's Office	•				•				•				
Newfoundland Chief Electoral Officer's Office	•				•				•				
New Scotia Chief Electoral Officer's Office	•				•				•				
Ontario Commission on Election Finances	•		•						•				
Quebec Chief Electoral Officer's Office	•				•	(ad)			•			•	
Saskatchewan Chief Electoral Officer's Office	•				•					•			
Canada (Federal) Elections Canada Office of Assistant Deputy Registrar General of Canada	•	•	•		•		•		•				