

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1184 SCOMM 35: JOINT SPEC. COMMITTEE ON LEGISLATIVE REFORM 1983-84

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

3 (3) an invitation to attend a meal or social event that
4 does not exceed \$100 in value received by the person for each meal or
5 event and that does not in the aggregate exceed \$250 in value during
6 the calendar year from one person;

7 (4) gifts from the person's immediate family.

8 (c) The commission may establish policies that limit the extent
9 to which persons to whom this chapter applies may accept the benefits
10 set out in (b)(2) of this section, or which require public officials
11 to turn over the benefits to the agency.

12 Sec. 24.60.090. NEPOTISM. (a) An individual who is related to
13 a member of the legislature may not be employed in the house in which
14 the legislator is a member. An individual who is related to an em-
15 ployee of the legislature may not be employed in a position over which
16 the employee has supervisory authority. In this subsection, "an
17 individual who is related to" means a child, husband, wife, mother,
18 father, sister or brother.

19 (b) An individual is not employed if no compensation is received
20 from the state for the services provided.

21 Sec. 24.60.100. REPRESENTATION BY LEGISLATORS. (a) Except as
22 provided in this section, a person to whom this chapter applies may
23 not represent another person for compensation before an agency, board,
24 or commission of the state.

25 (b) A member of the legislature and a person employed by a
26 member of the legislature may represent a client in

27 (1) an action before a court of the state; or

28 (2) a matter which was pending at the time a person to whom
29 this chapter applies assumes office or is employed.

1 (c) A legislator or a person employed by a member of the legis-
2 lature cannot avoid a conflict of interest under this section by
3 waiving compensation for representing another person under circum-
4 stances where compensation would ordinarily be expected.

5 Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator
6 who has a conflict of interest shall immediately

7 (1) resign the position;

8 (2) dispose of the matter which has resulted in the con-
9 flict or potential conflict; or

10 (3) may disclose the conflict of interest in the journal of
11 the appropriate body or if the legislature is not in session to the
12 commission which shall maintain a public record of the disclosure and
13 forward the disclosure to the respective house for inclusion in the
14 journal for the first day of the session.

15 Sec. 24.60.120. STATE PROPERTY AND FUNDS. A member of the
16 legislature or a person employed by a member of the legislature may
17 not use state property or funds for personal or campaign purposes.

18 Sec. 24.60.130. LEGISLATIVE ETHICS COMMISSION. (a) There is
19 established within the legislative branch of the state government the
20 Legislative Ethics Commission.

21 (b) The commission consists of seven members appointed as fol-
22 lows:

23 (1) the president of the senate shall appoint one member to
24 the commission from the senate with the concurrence by roll call vote
25 of three-fourths of the full membership of the senate;

26 (2) the speaker of the house of representatives shall
27 appoint one member to the commission from the house of representatives
28 with the concurrence by roll call vote of three-fourths of the full
29 membership of the house;

1 (3) the president of the senate shall appoint to the com-
2 mission two persons who are citizens of the United States and resi-
3 dents of the state with the concurrence by roll call vote of two-
4 thirds of the full membership of the senate;

5 (4) the speaker of the house of representatives shall
6 appoint to the commission two persons who are citizens of the United
7 States and residents of the state with the concurrence by roll call
8 vote of two-thirds of the full membership of the house;

9 (5) one member of the commission shall be a former legisla-
10 tor of the state who is appointed by the other members of the commis-
11 sion.

12 (c) No more than four members of the commission may be members
13 of the same political party or residents of the same borough or of the
14 unorganized borough.

15 (d) The term of office of a public member of the commission is
16 four years from February 1 of the year of appointment and until a
17 successor is appointed and qualifies. A legislator appointed to the
18 commission may not serve beyond the expiration of the legislative term
19 of office. A commission member may not serve more than one full term.

20 (e) A member of the commission may not

21 (1) hold or seek elective office;

22 (2) be an officer of a political party, political commit-
23 tee, or group; or

24 (3) lobby.

25 (f) The provisions of (e) of this section do not apply to the
26 members of the commission appointed under (b)(1) and (2) of this
27 section.

28 (g) A vacancy on the commission shall be filled under (b) of
29 this section for the balance of the term.

1 (h) The commission may employ an executive director and staff as
2 it considers necessary. A member of the commission may not serve as
3 executive director or on the staff of the commission.

4 (i) A member of the commission receives no compensation for
5 service on the commission. Members of the commission are entitled to
6 travel expenses and per diem authorized by law for members of boards
7 and commissions under AS 39.20.180, but a member of the commission who
8 is a legislator is not entitled to travel expenses and per diem from
9 the commission if the legislator is receiving travel expenses and per
10 diem as a legislator.

11 Sec. 24.60.140. DUTIES OF THE COMMISSION. (a) The commission
12 shall

13 (1) adopt regulations to facilitate the receipt of inquiries and prompt rendition of its opinions;

14 (2) recommend to the legislature legislation the commission
15 considers desirable or necessary to promote and maintain high standards of ethical conduct in government;

16 (3) subpoena witnesses, administer oaths, and take testimony relating to matters before the commission, and may require the
17 production for examination of any books or papers relating to any
18 matter under investigation before the commission;

19 (4) publish yearly summaries of decisions, advisory
20 opinions and informal advisory opinions, with sufficient deletions in
21 the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions which have remained confidential.

22 (b) The commission may adopt regulations to implement, clarify,
23 and interpret this chapter.

24 Sec. 24.60.150. ADVISORY OPINIONS. The commission shall issue
25 an advisory opinion on the request of a person to whom the chapter
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1 applies as to whether the facts and circumstances of a particular case
2 constitute a violation of ethical standards. If an advisory opinion
3 is not issued within 30 days after the request is filed with the
4 commission, the facts and circumstances of the particular case do not
5 constitute a violation of the ethical standards. The opinion issued
6 or considered issued is binding on the commission and in any subse-
7 quent proceedings concerning the facts and circumstances of the par-
8 ticular case unless material facts were omitted or misstated in the
9 request for the advisory opinion. Except as provided in this chapter
10 an advisory opinion is confidential.

11 Sec. 24.60.160. COMPLAINTS. (a) The commission may initiate,
12 receive and consider complaints alleging a violation of this chapter.

13 (b) Before the commission may exercise power authorized in (c)
14 of this section, the commission shall by resolution, supported by a
15 vote of three members of the commission, define the nature and scope
16 of the inquiry.

17 (c) The commission may investigate a violation of this chapter
18 in a proceeding begun within one year after termination of state
19 service. Nothing in this subsection bars proceedings against a person
20 who by fraud prevents discovery of a violation of this chapter. A
21 proceeding is commenced by the filing of a complaint with the commis-
22 sion. No complaint, other than a complaint initiated by three or more
23 members of the commission may be received within a period of 60 days
24 preceding a state primary or general election.

25 (d) A complaint shall be in writing and signed under oath by the
26 person making the complaint. A complaint may also be initiated by
27 three or more members of the commission. The commission shall notify
28 in writing each person against whom a complaint is received and afford
29 the person an opportunity to explain the conduct alleged to be a

1 violation of this chapter.

2 (e) The commission shall investigate the charges filed under
3 this section and issue an advisory opinion to the person alleged to
4 have violated a provision of this chapter. The commission shall
5 investigate all complaints on a confidential basis. If the advisory
6 opinion indicates a probable violation, the person against whom the
7 complaint was made may request a formal opinion or comply with the
8 advisory opinion. If the person fails to comply with the advisory
9 opinion or if a majority of the members of the commission determine
10 that there is probable cause for belief that a violation of this
11 chapter has occurred, the commission shall file a complaint against
12 the person charged with a violation of this chapter and the complaint
13 and statement of the alleged violation shall be personally served on
14 the person charged. The alleged violator has 20 days after service of
15 the complaint and statement to respond in writing to the commission.

16 (f) The commission may set a time and place for a hearing with
17 notice to the complainant, if any, and to the person charged with a
18 violation of this chapter. The executive director of the commission
19 and the person charged with a violation of this chapter shall have an
20 opportunity to be heard, to subpoena witnesses and require the produc-
21 tion of books or papers relating to the proceedings, to be represented
22 by counsel, and to have the right of cross-examination. Each witness
23 shall testify under oath. The hearings are closed to the public
24 unless the person charged with a violation of this chapter requests an
25 open hearing. The commission is not bound by the rules of evidence
26 but the commission's findings must be based upon competent and sub-
27 stantial evidence. The testimony taken at the hearing shall be re-
28 corded and evidence shall be maintained. The testimony and evidence
29 is available only to the staff of the commission and to the person

1 charged with a violation of this chapter. If the person charged with
2 the violation of a provision of this chapter requests a copy of the
3 transcript of testimony, the copy shall be furnished by the commission
4 without charge.

5 (g) A decision of the commission shall be in writing and signed
6 by four or more members of the commission.

7 (h) If the commission issues a decision that a member of the
8 legislature has violated a provision of this chapter or that a legis-
9 lator has declined or failed to cooperate with the commission, it
10 shall refer the decision to the presiding officers of the legislature.
11 The decision shall contain a statement of the facts determined to
12 constitute the violation and may contain recommendations concerning
13 penalties including imposition of civil penalties in an amount not to
14 exceed \$25,000. If within 30 days after the referral, a committee of
15 the legislature has not reported action on the decision, the commis-
16 sion shall make the decision public. Days during which the legisla-
17 ture is not in session may not be counted in determining the 30-day
18 period. The legislature shall act on the decision as it considers
19 appropriate.

20 (i) If four members of the commission agree to a decision that a
21 former member of the legislature or an employee or a former employee
22 of a legislator or of an agency of the legislature has violated a
23 provision of this chapter, the commission may issue a public statement
24 of its decision. The attorney general may exercise whatever remedies
25 may be available to the state.

26 (j) A commission member or individual who divulges information
27 concerning a charge before the filing of a complaint by the commis-
28 sion, except as permitted by this chapter, is guilty of a class C
29 felony.

1 Sec. 24.60.170. In this chapter, "commission" means the Legisla-
2 tive Ethics Commission.
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1 IN THE SENATE

BY THE SPECIAL COMMITTEE
ON LEGISLATIVE REFORM

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards of conduct of legisla-
7 tors and legislative employees and establishing a
8 Legislative Ethics Commission."

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

10 * Section 1. AS 24 is amended by adding a new chapter to read:

11 CHAPTER 60. STANDARDS OF CONDUCT.

12 Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE. The legisla-
13 ture finds that it is essential in the conduct of public business that
14 legislators hold the respect and confidence of the people. Legisla-
15 tors must avoid conduct that even appears to violate the trust the
16 people have placed in them. To ensure and preserve public confidence,
17 legislators should have the benefit of specific standards to guide
18 their conduct. Article II, sec. 12, Constitution of the State of
19 Alaska grants to each house of the legislature the power to judge the
20 qualifications of its members. It is the purpose of this Act to
21 establish standards of conduct for state legislators and legislative
22 employees and to establish the Legislative Ethics Commission to con-
23 sider alleged violations of this chapter and to render advisory
24 opinions to persons affected by this chapter.

25 Sec. 24.60.020. APPLICABILITY. (a) This chapter applies to a
26 member of the legislature, to a person employed by a member of the
27 legislature, and to a permanent or temporary employee of an agency of
28 the legislature established under AS 24.20. [This chapter does not
29 apply to a former member of the legislature or to a person formerly

1 employed by a member of the legislature or an agency of the legisla-
2 ture unless the provision specifically states that it so applies.]
3 This chapter does not apply to a person elected to the legislature who
4 at the time of election is not a member of the legislature.

5 (b) The provisions of this chapter specifically repeal the
6 provisions of the common law relating to legislative conflict of
7 interest that may apply to a member of the legislature, a person
8 employed by a member of the legislature, or to a permanent or tempo-
9 rary employee of an agency of the legislature established under
10 AS 24.20.

11 Sec. 24.60.030. CONFLICTS OF INTEREST. (a) A person to whom
12 this chapter applies may not use public office for private advancement
13 or gain.

14 (b) A conflict of interest exists when a person to whom this
15 chapter applies has discretion to take or withhold official action or
16 exert influence which could substantially benefit or harm a financial
17 matter in which the person has a direct or indirect private interest.

18 (c) Conflicts of interest are prohibited but there is not a
19 conflict of interest if the commission determines that as to a speci-
20 fic matter there is no substantial impropriety or appearance of im-
21 propriety because

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

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

28 (d) A conflict does not exist if the commission determines that
29 no benefit or detriment accrues to a person to whom this chapter

1 applies beyond that which accrues uniformly to members of the profes-
2 sion, occupation or group to which the person belongs, or to the
3 public at large.

4 Sec. 24.60.040. CONTRACTS. A person to whom this chapter ap-
5 plies may not be a party to or have an interest in a state contract
6 unless the contract is let by competitive bidding or the total annual
7 amount of the state contract is \$1000 or less. A person has an inter-
8 est in a state contract under this section if the person receives
9 direct or indirect financial benefits. A person has an interest in a
10 state contract under this section if the contract is awarded to

11 (1) a firm, corporation, or association in which the person
12 has an ownership interest greater than ___ percent; or

13 (2) a partnership in which the person is a partner.

14 Sec. 24.60.050. STATE LOANS. (a) It is not a conflict of
15 interest for a person to whom this chapter applies to participate in a
16 state program or to receive a loan from the state if the program or
17 loan is generally available to members of the public, is subject to
18 fixed eligibility standards, and minimal discretion is exercised in
19 determining qualification.

20 (b) In determining whether a conflict of interest exists with
21 respect to a state program or to a state loan other than those de-
22 scribed in (a) of this section, because a legislator may be in a
23 position to influence the loan agency, the ethics commission must
24 consider, but is not limited to, the adequacy of existing administra-
25 tive procedures for granting and reviewing loans to legislators.

26 (c) Upon application for a state loan by a person to whom this
27 chapter applies, other than loans described in (a) of this section,
28 the lending agency must send a copy of the application to the Alaska
29 Public Offices Commission, which will incorporate the material into

1 the applicant's financial disclosure statement, if the applicant is
2 required to file a disclosure statement. All records relating to a
3 state loan to a person to whom this chapter applies may be disclosed
4 to the commission.

5 (d) Each February 1st, each loan agency must publish a listing
6 of all outstanding loans to persons to whom this chapter applies,
7 except for loans described in (a) of this section. The list must
8 include the name of the person, the date of issuance and current
9 status of the loan.

10 (e) A legislator is prohibited from applying for participation
11 in a state program or for a state loan from a loan program that was
12 created or the class of persons who qualify for the program or loan
13 was expanded by legislation acted on during the term for which the
14 legislator was elected for a period of one year after the effective
15 date of the Act which created the program or expanded the class.

16 (f) State agencies that have authority to grant loans shall
17 adopt regulations that establish separate procedures for granting and
18 reviewing loans to a person to whom this chapter applies. However,
19 the regulations need not govern loans described in (a) of this sec-
20 tion.

21 (g) The division of legislative audit shall annually review
22 state loans granted to or held by persons to whom this chapter applies
23 to determine whether appropriate procedures were observed in granting
24 or reviewing the loans. The division shall report its findings to the
25 ethics commission by April 1.

26 (h) For purposes of this section "state program" means a program
27 in which tangible assets of the state or a right to use tangible
28 assets of the state are transferred from the state to a private per-
29 son.

1 Sec. 24.60.060. CONFIDENTIAL INFORMATION. It is a conflict of
2 interest if a person to whom this chapter applies discloses or uses
3 for personal gain or for the personal gain of another, information
4 that by law is not available to the public and that the person ac-
5 quired in the course of official duties.

6 Sec. 24.60.070. INTERESTS BETWEEN PUBLIC OFFICIALS. (a) A
7 person to whom this chapter applies shall disclose to the commission
8 the formation or maintenance of a close economic association involving
9 a substantial financial matter with

10 (1) a supervisor who has responsibility or authority,
11 either directly or indirectly, over the person's employment, including
12 preparing or reviewing performance evaluations, or granting or approv-
13 ing pay raises or promotions;

14 (2) legislators;

15 (3) a public official in another branch, if the public
16 official is required to file a financial disclosure statement under
17 AS 39.50.

18 (b) It is a prohibited conflict of interest for a person to whom
19 this chapter applies to form or maintain a close economic association
20 involving a substantial financial matter with a lobbyist who is not a
21 member of the immediate family of the person.

22 Sec. 24.60.080. GIFTS. (a) A person to whom this chapter
23 applies may not solicit a gift, or accept or receive, directly or
24 indirectly, a gift, in excess of \$100, whether in the form of money,
25 services, a loan, travel, entertainment, hospitality, or other form,
26 under circumstances in which it may reasonably be inferred that the
27 gift is intended to influence the person in the performance of the
28 duties of the person or is intended as a reward for an official action
29 by the person.

1 (b) It is not a conflict of interest under this section if a
2 person to whom this chapter applies accepts

3 (1) hospitality at another person's residence, including
4 meals, lodging or ground or water transportation;

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

7 (3) an invitation to attend a meal or social event that
8 does not exceed \$100 in value received by the person for each meal or
9 event and that does not in the aggregate exceed \$250 in value during
10 the calendar year from one person; or

11 (4) gifts from the person's immediate family.

12 (c) The commission may establish policies that limit the extent
13 to which persons to whom this chapter applies may accept the benefits
14 set out in (b)(2) of this section, or that require public officials to
15 turn over the benefits to the agency.

16 Sec. 24.60.090. NEPOTISM. (a) An individual who is related to
17 a member of the legislature may not be employed in the house in which
18 the legislator is a member, by an agency of the legislature estab-
19 lished under AS 24.20, or in the other house during the interim be-
20 tween sessions. An individual who is related to an employee of the
21 legislature may not be employed in a position over which the employee
22 has supervisory authority. In this subsection, "an individual who is
23 related to" means a child, husband, wife, mother, father, sister or
24 brother.

25 (b) An individual is not employed if no compensation is received
26 from the state for the services provided.

27 Sec. 24.60.100. REPRESENTATION BY LEGISLATORS. (a) Except as
28 provided in this section, a member of the legislature or a person
29 employed by an agency of the legislature established under AS 24.20

1 may not represent another person for compensation before an agency,
2 board, or commission of the state.

3 (b) A member of the legislature may represent a client in

4 (1) an action before a court of the state; or

5 (2) a matter which was pending at the time a person to whom
6 this chapter applies assumes office or is employed.

7 (c) A legislator cannot avoid a conflict of interest under this
8 section by waiving compensation for representing another person under
9 circumstances where compensation would ordinarily be expected.

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11 who has a conflict of interest shall immediately

12 (1) resign the position;

13 (2) divest the interest that has resulted in the conflict
14 or potential conflict; or

15 (3) disclose the conflict of interest in the journal of the
16 appropriate body or if the legislature is not in session to the com-
17 mission which shall maintain a public record of the disclosure and
18 forward the disclosure to the respective house for inclusion in the
19 journal for the first day of the session.

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21 chapter applies may not use state property or funds for private gain
22 or campaign purposes.

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25 Legislative Ethics Commission.

26 (b) The commission consists of seven members appointed as fol-
27 lows:

28 (1) the president of the senate shall appoint one member to
29 the commission from the senate with the concurrence by roll call vote

1 of three-fourths of the full membership of the senate;

2 (2) the speaker of the house of representatives shall
3 appoint one member to the commission from the house of representatives
4 with the concurrence by roll call vote of three-fourths of the full
5 membership of the house;

6 (3) the president of the senate shall appoint to the com-
7 mission two persons who are citizens of the United States and resi-
8 dents of the state with the concurrence by roll call vote of two-
9 thirds of the full membership of the senate;

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11 appoint to the commission two persons who are citizens of the United
12 States and residents of the state with the concurrence by roll call
13 vote of two-thirds of the full membership of the house;

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15 tor of the state who is appointed by the other members of the commis-
16 sion.

17 (c) No more than four members of the commission may be members
18 of the same political party or residents of the same borough or of the
19 unorganized borough.

20 (d) The members of the commission shall elect a chair and vice-
21 chair and may elect other officers. Those members of the commission
22 who are members of the legislature may not serve as chair or vice-
23 chair.

24 (e) The term of office of a public member of the commission is
25 four years from February 1 of the year of appointment and until a
26 successor is appointed and qualifies. A legislator appointed to the
27 commission may not serve beyond the expiration of the legislative term
28 of office. A commission member may not serve more than one full term.

29 (f) A member of the commission may not

1 (1) hold or seek elective office;

2 (2) be an officer of a political party, political commit-
3 tee, or group; or

4 (3) lobby.

5 (g) The provisions of (e) of this section do not apply to the
6 members of the commission appointed under (b)(1) and (2) of this
7 section.

8 (h) A vacancy on the commission shall be filled under (b) of
9 this section for the balance of the term.

10 (i) The commission may contract for professional services and
11 may employ staff as it considers necessary. [A member of the commis-
12 sion may not serve as executive director or on the staff of the com-
13 mission.]

14 (j) A member of the commission receives no compensation for
15 service on the commission. Members of the commission are entitled to
16 travel expenses and per diem authorized by law for members of boards
17 and commissions under AS 39.20.180, but a member of the commission who
18 is a legislator is not entitled to travel expenses and per diem from
19 the commission if the legislator is receiving travel expenses and per
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27 dards of ethical conduct in government;

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29 mony relating to matters before the commission, and may require the

1 production for examination of any books or papers relating to any
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16 or considered issued is binding on the commission and in any subse-
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18 ticular case unless material facts were omitted or misstated in the
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23 (b) Before the commission may exercise power authorized in (c)
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25 vote of three members of the commission, define the nature and scope
26 of the inquiry.

27 (c) The commission may investigate a violation of this chapter
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29 service. Nothing in this subsection bars proceedings against a person

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17 complaint was made may request a formal opinion or comply with the
18 advisory opinion. If the person fails to comply with the advisory
19 opinion or if a majority of the members of the commission determine
20 that there is probable cause for belief that a violation of this
21 chapter has occurred, the commission shall file a complaint against
22 the person charged with a violation of this chapter and the complaint
23 and statement of the alleged violation shall be personally served on
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9 corded and evidence shall be maintained. The testimony and evidence
10 is available only to the staff of the commission and to the person
11 charged with a violation of this chapter. If the person charged with
12 the violation of a provision of this chapter requests a copy of the
13 transcript of testimony, the copy shall be furnished by the commission
14 without charge.

15 (g) A decision of the commission shall be in writing and signed
16 by four or more members of the commission.

17 (h) If the commission issues a decision that a member of the
18 legislature has violated a provision of this chapter or that a legis-
19 lator has declined or failed to cooperate with the commission, it
20 shall refer the decision to the presiding officers of the legislature.
21 The decision shall contain a statement of the facts determined to
22 constitute the violation and may contain recommendations concerning
23 penalties including imposition of civil penalties in an amount not to
24 exceed \$25,000. If within 30 days after the referral, a committee of
25 the legislature has not reported action on the decision, the commis-
26 sion shall make the decision public. Days during which the legisla-
27 ture is not in session may not be counted in determining the 30-day
28 period. The legislature shall act on the decision as it considers
29 appropriate.

1 (i) If four members of the commission agree to a decision that a
2 former member of the legislature or an employee or a former employee
3 of a legislator or of an agency of the legislature has violated a
4 provision of this chapter, the commission may issue a public statement
5 of its decision. The attorney general may exercise whatever remedies
6 may be available to the state.

7 (j) A commission member or individual who divulges information
8 concerning a charge before the filing of a complaint by the commis-
9 sion, except as permitted by this chapter, is guilty of a class C
10 felony.

11 Sec. 24.60.170. In this chapter, "commission" means the Legisla-
12 tive Ethics Commission.

13 *Definition - Range 16 or under*
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13-1185
Berrier
4/11/83✓

BY THE SPECIAL COMMITTEE
ON LEGISLATIVE REFORM

IN THE SENATE

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to standards of conduct of legislators and legislative employees and establishing a Legislative Ethics Commission."

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

* Section 1. AS 24 is amended by adding a new chapter to read:

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 Legislative Ethics Commission to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter.

Sec. 24.60.020. APPLICABILITY. (a) This chapter applies to a member of the legislature, to a person employed by a member of the legislature, and to a permanent or temporary employee of an agency of the legislature, ~~established under AS 24.20~~. This chapter does not apply to

1 (1) a former member of the legislature or to a person
2 formerly employed by a member of the legislature or an agency of the
3 legislature unless the provision specifically states that it so ap-
4 plies;

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

7 (3) a person employed by a member of the legislature or an
8 employee of an agency of the legislature whose compensation is below
9 Step A, Range 18 of the state salary schedule established in AS 39.-
10 27.011(a).

11 (b) The provisions of this chapter specifically repeal the
12 provisions of the common law relating to legislative conflict of
13 interest that may apply to a member of the legislature, a person
14 employed by a member of the legislature, or to a permanent or tempo-
15 rary employee of an agency of the legislature, ~~established under~~
16 ~~AS 24.20.~~

17 Sec. 24.60.030. CONFLICTS OF INTEREST. (a) A person to whom
18 this chapter applies may not use public office for private advancement
19 or gain.

20 (b) A conflict of interest exists when a person to whom this
21 chapter applies has discretion to take or withhold official action or
22 exert influence which could substantially benefit or harm a financial
23 matter in which the person has a direct or indirect private interest.

24 (c) Conflicts of interest are prohibited but there is not a
25 conflict of interest if ~~the commission determines that~~ as to a speci-
26 fic matter there is no substantial impropriety or appearance of im-
27 propriety because

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

29 (2) the person's authority is relatively far removed from

1 any official action that could reasonably be affected by the potential
2 conflict of interest, provided that no attempt has been made to remove
3 the appearance of impropriety by delegating responsibility for offi-
4 cial action.

5 (d) A conflict does not exist if ~~the commission determines that~~
6 no benefit or detriment accrues to a person to whom this chapter
7 applies beyond that which accrues uniformly to members of the profes-
8 sion, occupation or group to which the person belongs, or to the
9 public at large.

10 Sec. 24.60.040. CONTRACTS. A person to whom this chapter ap-
11 plies may not be a party to or have an interest in a state contract
12 unless the contract is let by competitive bidding under AS 37.05.230
13 or the total annual amount of the state contract is \$1000 or less. A
14 person has an interest in a state contract under this section if the
15 person receives direct or indirect financial benefits. A person has
16 an interest in a state contract under this section if the contract is
17 awarded to

18 (1) a firm, corporation, or association in which the person
19 has an ownership interest greater than ___ percent; or

20 (2) a partnership in which the person is a partner.

21 Sec. 24.60.050. STATE LOANS. (a) It is not a conflict of
22 interest for a person to whom this chapter applies to participate in a
23 state program or to receive a loan from the state if the program or
24 loan is generally available to members of the public, is subject to
25 fixed eligibility standards, and minimal discretion is exercised in
26 determining qualification.

27 (b) In determining whether a conflict of interest exists with
28 respect to a state program or to a state loan other than those de-
29 scribed in (a) of this section, because a legislator may be in a

1 position to influence the loan agency, the ethics commission must
2 consider, but is not limited to, the adequacy of existing administra-
3 tive procedures for granting and reviewing loans to legislators.

4 (c) Upon application for a state loan by a person to whom this
5 chapter applies, other than loans described in (a) of this section,
6 the lending agency must send a copy of the application to the Alaska
7 Public Offices Commission, which will incorporate the material into
8 the applicant's financial disclosure statement, if the applicant is
9 required to file a disclosure statement. All records relating to a
10 state loan to a person to whom this chapter applies may be disclosed
11 to the commission.

12 (d) Each February 1st, each loan agency must publish a listing
13 of all outstanding loans to persons to whom this chapter applies,
14 except for loans described in (a) of this section. The list must
15 include the name of the person, the date of issuance and current
16 status of the loan.

17 (e) State agencies that have authority to grant loans shall
18 adopt regulations that establish separate procedures for granting and
19 reviewing loans to a person to whom this chapter applies. However,
20 the regulations need not govern loans described in (a) of this sec-
21 tion.

22 (f) The division of legislative audit shall annually review
23 state loans granted to or held by persons to whom this chapter applies
24 to determine whether appropriate procedures were observed in granting
25 or reviewing the loans. The division shall report its findings to the
26 ethics commission by April 1.

27 (g) For purposes of this section "state program" means a program
28 in which tangible assets of the state or a right to use tangible
29 assets of the state are transferred from the state to a private

1 person.

2 Sec. 24.60.060. CONFIDENTIAL INFORMATION. It is a conflict of
3 interest if a person to whom this chapter applies discloses or uses
4 for personal gain or for the personal gain of another, information
5 that by law is not available to the public and that the person ac-
6 quired in the course of official duties.

7 Sec. 24.60.070. INTERESTS BETWEEN PUBLIC OFFICIALS. (a) A
8 person to whom this chapter applies shall disclose to the commission
9 the formation or maintenance of a close economic association involving
10 a substantial financial matter with

11 (1) a supervisor who has responsibility or authority,
12 either directly or indirectly, over the person's employment, including
13 preparing or reviewing performance evaluations, or granting or approv-
14 ing pay raises or promotions;

15 (2) legislators;

16 (3) a public official in another branch, if the public
17 official is required to file a financial disclosure statement under
18 AS 39.50.

19 (b) It is a prohibited conflict of interest for a person to whom
20 this chapter applies to form or maintain a close economic association
21 involving a substantial financial matter with a lobbyist who is not a
22 member of the immediate family of the person.

23 Sec. 24.60.080. GIFTS. (a) A person to whom this chapter
24 applies may not solicit ^{or may not accept in any amount} a gift, or accept or receive, directly or
25 indirectly, a gift, in excess of \$100, whether in the form of money,
26 services, a loan, travel, entertainment, hospitality, or other form,
27 under circumstances in which it may reasonably be inferred that the
28 gift is intended to influence the person in the performance of the
29 duties of the person or is intended as a reward for an official action

1 by the person.

2 (b) It is not a conflict of interest under this section if a
3 person to whom this chapter applies accepts

4 (1) hospitality at another person's residence, including
5 meals, lodging or ground or water transportation;

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

8 (3) an invitation to attend a meal or social event that
9 does not exceed \$100 in value received by the person for each meal or
10 event and that does not in the aggregate exceed \$250 in value during
11 the calendar year from one person; or

12 (4) gifts from the person's immediate family.

13 (c) The commission may establish policies that limit the extent
14 to which persons to whom this chapter applies may accept the benefits
15 set out in (b)(2) of this section, or that require public officials to
16 turn over the benefits to the agency.

17 Sec. 24.60.090. NEPOTISM. (a) An individual who is related to
18 a member of the legislature may not be employed in the house in which
19 the legislator is a member, by an agency of the legislature estab-
20 lished under AS 24.20, or in the other house during the interim be-
21 tween sessions. An individual who is related to an employee of the
22 legislature may not be employed in a position over which the employee
23 has supervisory authority. In this subsection, "an individual who is
24 related to" means a child, husband, wife, mother, father, sister,
25 brother, or a permanent member of the legislator's household.

26 (b) An individual is not employed if no compensation is received
27 from the state for the services provided.

28 Sec. 24.60.100. REPRESENTATION BY LEGISLATORS. (a) Except as
29 provided in this section, a member of the legislature or a person

1 employed by an agency of the legislature established under AS 24.20
2 may not represent another person for compensation before an agency,
3 board, or commission of the state.

4 (b) A member of the legislature may represent a client in

5 (1) an action before a court of the state; or

6 (2) a matter which was pending at the time a person to whom
7 this chapter applies assumes office or is employed.

8 (c) A legislator cannot avoid a conflict of interest under this
9 section by waiving compensation for representing another person under
10 circumstances where compensation would ordinarily be expected.

11 Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator
12 who has a conflict of interest shall immediately

13 (1) resign the position;

14 (2) divest the interest that has resulted in the conflict
15 or potential conflict; or

16 (3) disclose the conflict of interest in the journal of the
17 appropriate body or if the legislature is not in session to the com-
18 mission which shall maintain a public record of the disclosure and
19 forward the disclosure to the respective house for inclusion in the
20 journal for the first day of the session.

21 Sec. 24.60.120. STATE PROPERTY AND FUNDS. A person to whom this
22 chapter applies may not use state property or funds for private gain
23 or campaign purposes.

24 Sec. 24.60.130. LEGISLATIVE ETHICS COMMISSION. (a) There is
25 established within the legislative branch of the state government the
26 Legislative Ethics Commission.

27 (b) The commission consists of seven members appointed as fol-
28 lows:

29 (1) the president of the senate shall appoint one member to

1 the commission from the senate with the concurrence by roll call vote
2 of three-fourths of the full membership of the senate;

3 (2) the speaker of the house of representatives shall
4 appoint one member to the commission from the house of representatives
5 with the concurrence by roll call vote of three-fourths of the full
6 membership of the house;

7 (3) the president of the senate shall appoint to the com-
8 mission two persons who are citizens of the United States and resi-
9 dents of the state with the concurrence by roll call vote of two-
10 thirds of the full membership of the senate;

11 (4) the speaker of the house of representatives shall
12 appoint to the commission two persons who are citizens of the United
13 States and residents of the state with the concurrence by roll call
14 vote of two-thirds of the full membership of the house;

15 (5) one member of the commission shall be a former legisla-
16 tor of the state who is appointed by the other members of the commis-
17 sion.

18 (c) No more than four members of the commission may be members
19 of the same political party or residents of the same borough or of the
20 unorganized borough.

21 (d) The members of the commission shall elect a chair and vice-
22 chair and may elect other officers. Those members of the commission
23 who are members of the legislature may not serve as chair or vice-
24 chair.

25 (e) The term of office of a public member of the commission is
26 four years from February 1 of the year of appointment and until a
27 successor is appointed and qualifies. A legislator appointed to the
28 commission may not serve beyond the expiration of the legislative term
29 of office. A commission member may not serve more than one full term.

1 (f) A member of the commission may not
2 (1) hold or seek elective office;
3 (2) be an officer of a political party, political commit-
4 tee, or group; or
5 (3) lobby.

6 (g) The provisions of (e) of this section do not apply to the
7 members of the commission appointed under (b)(1) and (2) of this
8 section.

9 (h) A vacancy on the commission shall be filled under (b) of
10 this section for the balance of the term.

11 (i) The commission may contract for professional services and
12 may employ staff as it considers necessary. A member of the commis-
13 sion may not serve on the staff of the commission.

14 (j) A member of the commission receives no compensation for
15 service on the commission. Members of the commission are entitled to
16 travel expenses and per diem authorized by law for members of boards
17 and commissions under AS 39.20.180, but a member of the commission who
18 is a legislator is not entitled to travel expenses and per diem from
19 the commission if the legislator is receiving travel expenses and per
20 diem as a legislator.

21 Sec. 24.60.140. DUTIES OF THE COMMISSION. The commission shall

22 (1) adopt regulations to facilitate the receipt of inquir-
23 ies and prompt rendition of its opinions;

24 (2) recommend legislation to the legislature the commission
25 considers desirable or necessary to promote and maintain high stan-
26 dards of ethical conduct in government;

27 (3) subpoena witnesses, administer oaths, and take testi-
28 mony relating to matters before the commission, and may require the
29 production for examination of any books or papers relating to any

1 matter under investigation before the commission;

2 (4) publish ^{Semi-annual} yearly summaries of decisions, advisory opin-
3 ions and informal advisory opinions, with sufficient deletions in the
4 summaries to prevent disclosing the identity of the persons involved
5 in the decisions or opinions which have remained confidential.

6 Sec. 24.60.150. ADVISORY OPINIONS. The commission shall issue
7 an advisory opinion on the request of a person to whom the chapter
8 applies as to whether the facts and circumstances of a particular case
9 constitute a violation of ethical standards. If an advisory opinion
10 is not issued within 30 days after the request is filed with the
11 commission, the facts and circumstances of the particular case do not
12 constitute a violation of the ethical standards. The opinion issued
13 or considered issued is binding on the commission and in any subse-
14 quent proceedings concerning the facts and circumstances of the par-
15 ticular case unless material facts were omitted or misstated in the
16 request for the advisory opinion. Except as provided in this chapter
17 an advisory opinion is confidential.

18 Sec. 24.60.160. COMPLAINTS. (a) The commission may initiate,
19 receive and consider complaints alleging a violation of this chapter.

20 (b) Before the commission may exercise power authorized in (c)
21 of this section, the commission shall by resolution, supported by a
22 vote of three members of the commission, define the nature and scope
23 of the inquiry.

24 (c) The commission may investigate a violation of this chapter
25 in a proceeding begun within one year after termination of state
26 service. Nothing in this subsection bars proceedings against a person
27 who by fraud prevents discovery of a violation of this chapter. A
28 proceeding is commenced by the filing of a complaint with the commis-
29 sion. No complaint, other than a complaint initiated by (three) or more

1 members of the commission may be received within a period of 60 days
2 preceding a state primary or general election.

3 (d) A complaint shall be in writing and signed under oath by the
4 person making the complaint. A complaint may also be initiated by
5 three or more members of the commission. The commission shall notify
6 in writing each person against whom a complaint is received and afford
7 the person an opportunity to explain the conduct alleged to be a
8 violation of this chapter. If the commission determines that a com-
9 plaint does not contain allegations of facts sufficient, if the al-
10 leged facts are treated as true, to constitute a violation of this
11 chapter the commission shall summarily dismiss the complaint.

12 (e) The commission shall investigate the charges filed under
13 this section and issue an advisory opinion to the person alleged to
14 have violated a provision of this chapter. The commission shall
15 investigate all complaints on a confidential basis. If the advisory
16 opinion indicates a probable violation, the person against whom the
17 complaint was made may request a formal opinion or comply with the
18 advisory opinion. If the person fails to comply with the advisory
19 opinion or if a majority of the members of the commission determine
20 that there is probable cause for belief that a violation of this
21 chapter has occurred, the commission shall file a complaint against
22 the person charged with a violation of this chapter and the complaint
23 and statement of the alleged violation shall be personally served on
24 the person charged. The alleged violator has 20 days after service of
25 the complaint and statement to respond in writing to the commission.

26 (f) The commission may set a time and place for a hearing with
27 notice to the complainant, if any, and to the person charged with a
28 violation of this chapter. A representative of the commission and the
29 person charged with a violation of this chapter shall have an

1 opportunity to be heard, to subpoena witnesses and require the produc-
2 tion of books or papers relating to the proceedings, to be represented
3 by counsel, and to have the right of cross-examination. Each witness
4 shall testify under oath. The hearings are closed to the public
5 unless the person charged with a violation of this chapter requests an
6 open hearing. The commission is not bound by the rules of evidence
7 but the commission's findings must be based upon competent and sub-
8 stantial evidence. The testimony taken at the hearing shall be re-
9 corded and evidence shall be maintained. The testimony and evidence
10 is available only to the staff of the commission and to the person
11 charged with a violation of this chapter. If the person charged with
12 the violation of a provision of this chapter requests a copy of the
13 transcript of testimony, the copy shall be furnished by the commission
14 without charge.

15 (g) A decision of the commission shall be in writing and signed
16 by four or more members of the commission. Each decision of the
17 commission must be accompanied by a written order of the commission
18 determining that a violation of this chapter exists or does not exist.
19 The order is confined to this determination. This order is a public
20 record.

21 (h) If the commission issues a decision that a member of the
22 legislature has violated a provision of this chapter or that a legis-
23 lator has declined or failed to cooperate with the commission, it
24 shall refer the decision to the presiding officers of the legislature.
25 The decision shall contain a statement of the facts determined to
26 constitute the violation or the failure to cooperate and may contain
27 recommendations concerning penalties including imposition of civil
28 penalties in an amount not to exceed \$25,000. The commission shall
29 make the decision public 30 days after the referral. Days during

1 which the legislature is not in session may not be counted in deter-
2 mining the 30-day period. The legislature shall act on the decision
3 as it considers appropriate.

4 (i) If four members of the commission agree to a decision that a
5 former member of the legislature or an employee or a former employee
6 of a legislator or of an agency of the legislature has violated a
7 provision of this chapter, the commission ~~shall~~^{may} issue a public state-
8 ment of its decision 30 days after the date of the decision. ~~The~~
9 ~~attorney general shall exercise whatever remedies may be available to~~
10 ~~the state.~~]

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12 concerning a charge before the filing of a complaint by the commis-
13 sion, except as permitted by this chapter, is guilty of a class C
14 felony.

15 Sec. 24.60.170. In this chapter, "commission" means the Legisla-
16 tive Ethics Commission.

13-1185
Berrier
4-12-83.

Compared to 4/11 draft

~~2-11-83~~
~~4-12-83~~

1 IN THE SENATE

BY THE SPECIAL COMMITTEE
ON LEGISLATIVE REFORM

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards of conduct of legisla-
7 tors and legislative employees and establishing a
8 Legislative Ethics Commission."

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

10 * Section 1. AS 24 is amended by adding a new chapter to read:

11 CHAPTER 60. STANDARDS OF CONDUCT.

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13 ture finds that it is essential in the conduct of public business that
14 legislators hold the respect and confidence of the people. Legisla-
15 tors must avoid conduct that even appears to violate the trust the
16 people have placed in them. To ensure and preserve public confidence,
17 legislators should have the benefit of specific standards to guide
18 their conduct. Article II, sec. 12, Constitution of the State of
19 Alaska grants to each house of the legislature the power to judge the
20 qualifications of its members. It is the purpose of this Act to
21 establish standards of conduct for state legislators and legislative
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27 legislature, and to a permanent or temporary employee of an agency of
28 the legislature. This chapter does not apply to

29 (1) a former member of the legislature or to a person

1 formerly employed by a member of the legislature or an agency of the
2 legislature unless the provision specifically states that it so ap-
3 plies;

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

6 (3) a person employed by a member of the legislature or an
7 employee of an agency of the legislature whose compensation is below
8 Step A, Range 18 of the state salary schedule established in AS 39.-
9 27.011(a).

10 (b) The provisions of this chapter specifically repeal the
11 provisions of the common law relating to legislative conflict of
12 interest that may apply to a member of the legislature, a person
13 employed by a member of the legislature, or to a permanent or tempo-
14 rary employee of an agency of the legislature! **They do not supersede**
15 **or repeal provisions of the criminal laws of the state.**

16 Sec. 24.60.030.. CONFLICTS OF INTEREST. (a) A person to whom
17 this chapter applies may not use public office for private advancement
18 or gain.

19 (b) A conflict of interest exists when a person to whom this
20 chapter applies has discretion to take or withhold official action or
21 exert influence which could substantially benefit or harm a financial
22 matter in which the person has a direct or indirect private interest.

23 (c) Conflicts of interest are prohibited but there is not a
24 conflict of interest if ~~2~~ as to a specific matter, there is no substan-
25 tial impropriety or appearance of impropriety because

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8 applies may not be a party to or have an interest in a state contract
9 unless the contract is let by competitive bidding under AS 37.05.230
10 or the total annual amount of the state contract is \$1000 or less. A
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12 person receives direct or indirect financial benefits. A person has
13 an interest in a state contract under this section if the contract is
14 awarded to

15 (1) a firm, corporation, or association that has assets in
16 excess of \$5,000,000 and in which the person has an ownership interest
17 greater than 10 percent or that has assets of \$5,000,000 or less and
18 in which the person has an ownership interest greater than 25 percent;
19 or

20 (2) a partnership in which the person is a partner.

21 (b) In this section, "direct or indirect financial benefits"
22 means income, profits or other financial benefits under a state con-
23 tract, without regard to whether the person is a party to the con-
24 tract, and without regard to whether the income, profits or other
25 financial benefits ^{ensure} ensue to the person as a partner, shareholder,
26 investor, agent, employee, consultant, or joint venturer of the con-
27 tractor.

28 Sec. 24.60.050. STATE LOANS. (a) It is not a conflict of
29 interest for a person to whom this chapter applies to participate in a

1 state program or to receive a loan from the state if the program or
2 loan is generally available to members of the public, is subject to
3 fixed eligibility standards, and minimal discretion is exercised in
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6 respect to a state program or to a state loan other than those de-
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9 consider, but is not limited to, the adequacy of existing administra-
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12 chapter applies, other than loans described in (a) of this section,
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14 Public Offices Commission, which will incorporate the material into
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17 state loan to a person to whom this chapter applies may be disclosed
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20 of all outstanding loans to persons to whom this chapter applies,
21 except for loans described in (a) of this section. The list must
22 include the name of the person, the date of issuance and current
23 status of the loan.

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25 adopt regulations that establish separate procedures for granting and
26 reviewing loans to a person to whom this chapter applies. However,
27 the regulations need not govern loans described in (a) of this sec-
28 tion.

29 (f) The division of legislative audit shall annually review

1 state loans granted to or held by persons to whom this chapter applies
2 to determine whether appropriate procedures were observed in granting
3 or reviewing the loans. The division shall report its findings to the
4 ethics commission by April 1.

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22 (2) legislators;

23 (3) a public official in another branch, if the public
24 official is required to file a financial disclosure statement under
25 AS 39.50.

26 (b) It is a prohibited conflict of interest for a person to whom
27 this chapter applies to form or maintain a close economic association
28 involving a substantial financial matter with a lobbyist who is not a
29 member of the immediate family of the person.

1 Sec. 24.60.080. GIFTS. (a) A person to whom this chapter
2 applies may not solicit a gift **in any amount**, or accept or receive,
3 directly or indirectly, a gift in excess of \$100, whether in the form
4 of money, services, a loan, travel, entertainment, hospitality, or
5 other form, under circumstances in which it may reasonably be inferred
6 that the gift is intended to influence the person in the performance
7 of the duties of the person or is intended as a reward for an official
8 action by the person.

9 (b) It is not a conflict of interest under this section if a
10 person to whom this chapter applies accepts

11 (1) hospitality at another person's residence, including
12 meals, lodging or ground or water transportation;

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

15 (3) an invitation to attend a meal or social event that
16 does not exceed \$100 in value received by the person for each meal or
17 event and that does not in the aggregate exceed \$250 in value during
18 the calendar year from one person; or

19 (4) gifts from the person's immediate family.

20 (c) The commission may establish policies that limit the extent
21 to which persons to whom this chapter applies may accept the benefits
22 set out in (b)(2) of this section, or that require public officials to
23 turn over the benefits to the agency.

24 Sec. 24.60.090. NEPOTISM. (a) An individual who is related to
25 a member of the legislature may not be employed in the house in which
26 the legislator is a member, by an agency of the legislature estab-
27 lished under AS 24.20, or in the other house during the interim be-
28 tween sessions. An individual who is related to an employee of the
29 legislature may not be employed in a position over which the employee

1 has supervisory authority. In this subsection, "an individual who is
2 related to" means a child, husband, wife, mother, father, sister,
3 brother, or a permanent member of the legislator's household.

4 (b) An individual is not employed if no compensation is received
5 from the state for the services provided.

6 Sec. 24.60.100. REPRESENTATION BY LEGISLATORS. (a) Except as
7 provided in this section, a member of the legislature or a person
8 employed by an agency of the legislature established under AS 24.20
9 may not represent another person for compensation before an agency,
10 board, or commission of the state.

11 (b) A member of the legislature may represent a client in

12 (1) an action before a court of the state; or

13 (2) a matter which was pending at the time a person to whom
14 this chapter applies assumes office or is employed.

15 (c) A legislator cannot avoid a conflict of interest under this
16 section by waiving compensation for representing another person under
17 circumstances where compensation would ordinarily be expected.

18 Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator
19 who has a conflict of interest shall immediately

20 (1) resign the position;

21 (2) divest the interest that has resulted in the conflict
22 or potential conflict; or

23 (3) disclose the conflict of interest in the journal of the
24 appropriate body or if the legislature is not in session to the com-
25 mission which shall maintain a public record of the disclosure and
26 forward the disclosure to the respective house for inclusion in the
27 journal for the first day of the session.

28 Sec. 24.60.120. STATE PROPERTY AND FUNDS. A person to whom this
29 chapter applies may not use state property or funds for private gain

1 or campaign purposes.

2 Sec. 24.60.130. LEGISLATIVE ETHICS COMMISSION. (a) There is
3 established within the legislative branch of the state government the
4 Legislative Ethics Commission.

5 (b) The commission consists of seven members appointed as fol-
6 lows:

7 (1) the president of the senate shall appoint one member to
8 the commission from the senate with the concurrence by roll call vote
9 of three-fourths of the full membership of the senate;

10 (2) the speaker of the house of representatives shall
11 appoint one member to the commission from the house of representatives
12 with the concurrence by roll call vote of three-fourths of the full
13 membership of the house;

14 (3) the president of the senate shall appoint to the com-
15 mission two persons who are citizens of the United States and resi-
16 dents of the state with the concurrence by roll call vote of two-
17 thirds of the full membership of the senate;

18 (4) the speaker of the house of representatives shall
19 appoint to the commission two persons who are citizens of the United
20 States and residents of the state with the concurrence by roll call
21 vote of two-thirds of the full membership of the house;

22 (5) one member of the commission shall be a former legisla-
23 tor of the state who is appointed by the other members of the commis-
24 sion.

25 (c) No more than four members of the commission may be members
26 of the same political party or residents of the same borough or of the
27 unorganized borough.

28 (d) The members of the commission shall elect a chair and vice-
29 chair and may elect other officers. Those members of the commission

1 who are members of the legislature may not serve as chair or vice-
2 chair.

3 (e) The term of office of a public member of the commission is
4 four years from February 1 of the year of appointment and until a
5 successor is appointed and qualifies. A legislator appointed to the
6 commission may not serve beyond the expiration of the legislative term
7 of office. A commission member may not serve more than one full term.

8 (f) A member of the commission may not

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B-2

(1) hold or seek elective office;

10 (2) be an officer of a political party, political commit-
11 tee, or group; or

12 (3) lobby.

13 (g) The provisions of (e) of this section do not apply to the
14 members of the commission appointed under (b)(1) and (2) of this
15 section.

16 (h) A vacancy on the commission shall be filled under (b) of
17 this section for the balance of the term.

18 (i) The commission may contract for professional services and
19 may employ staff as it considers necessary. A member of the commis-
20 sion may not serve on the staff of the commission.

21 (j) A member of the commission receives no compensation for
22 service on the commission. Members of the commission are entitled to
23 travel expenses and per diem authorized by law for members of boards
24 and commissions under AS 39.20.180, but a member of the commission who
25 is a legislator is not entitled to travel expenses and per diem from
26 the commission if the legislator is receiving travel expenses and per
27 diem as a legislator.

28 Sec. 24.60.140. DUTIES OF THE COMMISSION. The commission shall

29 (1) adopt regulations to facilitate the receipt of

1 inquiries and prompt rendition of its opinions;

2 (2) recommend legislation to the legislature the commission
3 considers desirable or necessary to promote and maintain high stan-
4 dards of ethical conduct in government;

5 (3) subpoena witnesses, administer oaths, and take testi-
6 mony relating to matters before the commission, and may require the
7 production for examination of any books or papers relating to any
8 matter under investigation before the commission;

9 (4) publish **semi-annual** summaries of decisions, advisory
10 opinions and informal advisory opinions, with sufficient deletions in
11 the summaries to prevent disclosing the identity of the persons in-
12 volved in the decisions or opinions which have remained confidential.

13 Sec. 24.60.150. ADVISORY OPINIONS. The commission shall issue
14 an advisory opinion on the request of a person to whom the chapter
15 applies as to whether the facts and circumstances of a particular case
16 constitute a violation of ethical standards. If an advisory opinion
17 is not issued within 30 days after the request is filed with the
18 commission, the facts and circumstances of the particular case do not
19 constitute a violation of the ethical standards. The opinion issued
20 or considered issued is binding on the commission and in any subse-
21 quent proceedings concerning the facts and circumstances of the par-
22 ticular case unless material facts were omitted or misstated in the
23 request for the advisory opinion. Except as provided in this chapter
24 an advisory opinion is confidential.

25 Sec. 24.60.160. COMPLAINTS. (a) The commission may initiate,
26 receive and consider complaints alleging a violation of this chapter.

27 (b) Before the commission may exercise power authorized in (c)
28 of this section, the commission shall by resolution, supported by a
29 vote of three members of the commission, define the nature and scope

1 of the inquiry.

2 (c) The commission may investigate a violation of this chapter
3 in a proceeding begun within 4 years after the alleged violation
4 occurs and within one year after termination of state service. Noth-
5 ing in this subsection bars proceedings against a person who by fraud
6 prevents discovery of a violation of this chapter. A proceeding is
7 commenced by the filing of a complaint with the commission. No com-
8 plaint, other than a complaint initiated by five or more members of
9 the commission may be received within a period of 60 days preceding a
10 state primary or general election.

11 (d) A complaint shall be in writing and signed under oath by the
12 person making the complaint. A complaint may also be initiated by
13 three or more members of the commission. The commission shall notify
14 in writing each person against whom a complaint is received and afford
15 the person an opportunity to explain the conduct alleged to be a
16 violation of this chapter. If the commission determines that a com-
17 plaint does not contain allegations of facts sufficient, if the al-
18 leged facts are treated as true, to constitute a violation of this
19 chapter the commission shall summarily dismiss the complaint.

20 (e) The commission shall investigate the charges filed under
21 this section and issue an advisory opinion to the person alleged to
22 have violated a provision of this chapter. The commission shall
23 investigate all complaints on a confidential basis. If the advisory
24 opinion indicates a probable violation, the person against whom the
25 complaint was made may request a formal opinion or comply with the
26 advisory opinion. If the person fails to comply with the advisory
27 opinion or if a majority of the members of the commission determine
28 that there is probable cause for belief that a violation of this
29 chapter has occurred, the commission shall file a complaint against

1 the person charged with a violation of this chapter and the complaint
2 and statement of the alleged violation shall be personally served on
3 the person charged. The alleged violator has 20 days after service of
4 the complaint and statement to respond in writing to the commission.

5 (f) The commission may set a time and place for a hearing with
6 notice to the complainant, if any, and to the person charged with a
7 violation of this chapter. A representative of the commission and the
8 person charged with a violation of this chapter shall have an oppor-
9 tunity to be heard, to subpoena witnesses and require the production
10 of books or papers relating to the proceedings, to be represented by
11 counsel, and to have the right of cross-examination. Each witness
12 shall testify under oath. The hearings are closed to the public
13 unless the person charged with a violation of this chapter requests an
14 open hearing. The commission is not bound by the rules of evidence
15 but the commission's findings must be based upon competent and sub-
16 stantial evidence. The testimony taken at the hearing shall be re-
17 corded and evidence shall be maintained. The testimony and evidence
18 is available only to the staff of the commission and to the person
19 charged with a violation of this chapter. If the person charged with
20 the violation of a provision of this chapter requests a copy of the
21 transcript of testimony, the copy shall be furnished by the commission
22 without charge.

23 (g) A decision of the commission shall be in writing and signed
24 by four or more members of the commission. Each decision of the
25 commission must be accompanied by a written order of the commission
26 determining that a violation of this chapter exists or does not exist.
27 The order is confined to this determination. This order is a public
28 record.

29 (h) If the commission issues a decision that a member of the

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1 legislature has violated a provision of this chapter or that a legis-
2 lator has declined or failed to cooperate with the commission, it
3 shall refer the decision to the presiding officers of the legislature.
4 The decision shall contain a statement of the facts determined to
5 constitute the violation or the failure to cooperate and may contain
6 recommendations concerning any penalties the legislature may lawfully
7 impose including imposition of civil penalties in an amount not to
8 exceed \$25,000, divestment of the interest, repaying profits, censure,
9 removal from committee assignments, termination of legislative privi-
10 leges, or expulsion. The commission shall make the decision public 30
11 days after the referral. Days during which the legislature is not in
12 session may not be counted in determining the 30-day period. The
13 legislature shall act on the decision as it considers appropriate.

14 (i) If four members of the commission agree to a decision that a
15 former member of the legislature or an employee or a former employee
16 of a legislator or of an agency of the legislature has violated a
17 provision of this chapter, the commission shall issue a public state-
18 ment of its decision 30 days after the date of the decision. **3 The**
19 **legislature shall act on the decision as it considers appropriate. In**
20 **the case of an employee the action may include suspension, demotion,**
21 **or dismissal.**

22 (j) A commission member or individual who divulges information
23 concerning a charge before the filing of a complaint by the commis-
24 sion, except as permitted by this chapter, is guilty of misuse of
25 **confidential information under AS 11.56.860.**

26 Sec. 24.60.170. DEFINITION. In this chapter, "commission" means
27 the Legislative Ethics Commission.
28

29 *3 deleted "The attorney general shall exercise whatever remedies
may be available to the state."*

#2

DRAFT
Law 3/29/83 #2

1 IN THE _____

2 _____ BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the responsibilities of the
7 Alaska Public Offices Commission; establishing
8 standards of conduct for public officials; and
9 providing for an effective date."

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

11 * Section 1. AS 39 is amended by adding a new chapter read:

12 CHAPTER 52. STANDARDS OF CONDUCT

13 Sec. 39.010. LEGISLATIVE FINDINGS. The legislature finds
14 that it is essential in the conduct of public business that public
15 officials hold the respect and confidence of the people. Public
16 officials must avoid conduct that violates the trust the people have
17 placed in them or creates a justifiable impression among the public
18 that the public trust is being violated. To ensure and preserve
19 public confidence, persons serving in state and municipal government
20 should have the benefit of specific standards to guide their conduct.
21 In order to strengthen faith and confidence that the governmental
22 process reflects the will of the people and that each public official
23 considers and makes decisions affecting the public according to the
24 best interests of the public, [REDACTED]

25 Sec. [REDACTED] CONFLICTS OF INTEREST. (a) A conflict of
26 interest exists if a public official is in a position to take or
27 withhold official action or exert influence which could benefit or
28 harm any matter in which the public official has a private interest.

29 (b) All conflicts of interest are prohibited, except that

1 potential conflicts of interest enumerated in AS 39.52.030 --
2 39.52.080 may exist if the ethics agency or a court determines that
3 there is no substantial appearance of impropriety because

4 (1) the public official's interest is relatively
5 insignificant;

6 (2) the public official's authority is relatively far
7 removed from any official action that could reasonably [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]; or

11 (3) the interest is of a type that is readily available to
12 the public or to a large class of persons to which the public official
13 belongs.

14 Sec. 39. [REDACTED].030. CONTRACTS. (a) It is a potential conflict of
15 interest for a public official, or a person in close economic
16 association with the public official, to be a party to, or possess an
17 interest in, a contract with the state or a municipality of the state.

18 (b) In determining whether a public official is in a position to
19 influence the contracting agency, or whether any other appearance of
20 impropriety exists, the inquiry must consider, but need not be limited
21 to, the following factors, in addition to those set out in
22 AS 39. [REDACTED].020(b):

23 (1) whether [REDACTED];

24 (2) whether there is adequate justification for awarding a
25 sole source contract; and

26 (3) whether existing administrative procedures for granting
27 contracts to public officials are sufficient to avoid the appearance
28 of impropriety.

29 (c) All records relating to a state or municipal contract

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1 official, or ^{or} person in close economic association with the public
2 official, to possess or obtain any direct or indirect financial
3 interest in a business or industry regulated by the state or
4 municipality.

5 [REDACTED] to the potential conflict of interest under this
6 [REDACTED] the financial interest is generally avoided
7 [REDACTED] in a position to possess
8 [REDACTED]

9 Sec. 39. ⁰.060. INTERESTS BETWEEN PUBLIC OFFICIALS. It is a
10 potential conflict of interest [REDACTED] persons to form or
11 [REDACTED] a close economic association involving a substantial
12 financial matter:

13 (1) a public official and any supervisor who has
14 responsibility or authority, [REDACTED] or [REDACTED], over the
15 public official's employment, including preparing or reviewing
16 performance evaluations, or granting or approving pay raises or
17 promotions;

18 (2) legislators;

19 (3) public officials in different branches and levels of
20 government, if one of the public officials is required to file a
21 financial disclosure statement under AS 39.50; or

22 (4) public officials and lobbyists.

23 Sec. 39. ⁰.070. GIFTS. (a) It is a potential conflict of
24 interest for a state or municipal public official to solicit or
25 receive any gift, property, goods, services or other benefit, for less
26 than its fair market value, from any person or group that contracts
27 with, is regulated by, or may benefit from, any action or inaction by
28 the state or municipality.

29 (b) There is no potential conflict of interest under this

section if a public official accepts:

(1) hospitality at a person's principal place of residence, including meals, lodging or ground transportation; or

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

(c) Government agencies may establish policies that limit the extent to which public officials may accept the benefits set out in (b)(2) of this section, or which require public officials to turn over such benefits to the agency.

Sec. 39.080. NEPOTISM. (a) It is a potential conflict of interest for a public official to be a supervisor of a relative where the public official has responsibility or authority, either directly or indirectly, over the relative's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions.

(b) It is a potential conflict of interest for a government agency to employ a relative of a public official who is required to file a statement of financial disclosure under AS 39.50.

(c) In determining whether a public official is in a position to influence the employing agency, or whether any other appearance of impropriety exists, the inquiry must consider, but need not be limited to, in addition to the factors set out in AS 39.52.020(b), whether there has been any appearance of influence with respect to a relative who has been employed for a substantial length of time.

(d) [REDACTED]

[REDACTED]

(e) In this section "relative" means spouse or ex-spouse, and parents, children, grandparents, grandchildren, siblings, aunts, and

1 uncles, either of the whole or half-blood, adopted or step.

2 Sec. 39. 110. REPRESENTATION BY FORMER PUBLIC OFFICIALS. (a)
3 It is a conflict of interest for a former public official to render
4 advice or assistance to any person or group, [REDACTED]
5 [REDACTED] on a case, contract, transaction or other matter upon
6 which the person took or withheld official action or exercised
7 discretion while a public official if

8 (1) the advice or assistance is for compensation; or

9 (2) the advice or assistance is without compensation and it
10 is rendered for the benefit of the former public official or for a
11 person in close economic association with the former public official.

12 (b) For purposes of this section, "official action" does not
13 include voting or otherwise considering legislation by a member of the
14 legislature or a municipal legislative body.

15 (c) Except as otherwise provided by law, a former public
16 official may accept employment with or may contract with a
17 governmental agency.

18 Sec. 39. 120. REPRESENTATION BY PUBLIC OFFICIALS. (a) It is
19 a conflict of interest for a state or municipal public official to
20 advise or assist a client for compensation in a matter pending before
21 an agency, board, or commission of the state or a municipality of the
22 state, respectively.

23 (b) There is no conflict of interest under this section if a
24 public official who is not an official in the judicial branch of
25 government [REDACTED] a client for compensation in a civil action
26 before a court if neither the state nor the municipality,
27 respectively, is a party to the action.

28 (c) A public official cannot avoid a conflict of interest under
29 this section by waiving compensation for advising or assisting a

1 present or former client, under circumstances where compensation would
2 ordinarily be expected.

3 (d) As used in this section, "client" means a [REDACTED] or group.

4 Sec. 39.130. GOVERNMENTAL OPPORTUNITIES. (a) It is a
5 conflict of interest for a public official to take advantage, either
6 on his own behalf or on behalf of a person with whom he has a close
7 economic association, of an overture for the acquisition or use of
8 property, goods, services or other benefit that the state, or a
9 municipality which employs the official, has or may have an interest
10 in acquiring or using.

11 (b) There is no conflict of interest under this section if

12 (1) the property, goods, services or other benefit is a
13 fungible commodity or of a type that is readily available in
14 quantities appropriate for the state or municipality; or

15 (2) the public official first obtains written permission to
16 take advantage of the overture from an official, not subordinate to
17 him, who is authorized to act on the overture.

18 Sec. 39.140. MEMBERS OF BOARDS AND COMMISSIONS. (a) It is a
19 conflict of interest for a person who is a public member of a board,
20 commission, authority, council, committee, task force or other similar
21 governmental entity, to vote, deliberate, testify, advocate or provide
22 information to another member on a matter in which he, or a person
23 with whom he has a close economic association, has a private interest.

24 (b) There is no conflict of interest under this section if a
25 member participates in the consideration of a matter if

26 (1) [REDACTED]
27 [REDACTED];

28 (2) the member fully discloses the nature of his interest
29 to the body on which he sits; and

1 (3) the official action taken will only affect the member
2 to the same extent as others in the same profession, trade, business
3 or industry.

4 Sec. 39.200. ACTION ON A CONFLICT OF INTEREST. (a) A public
5 official who has a conflict of interest or a potential conflict of
6 interest shall immediately

7 (1) resign his position;

8 (2) divest himself of the matter which has resulted in the
9 conflict or potential conflict; or

10 (3) disclose the matter in writing to his immediate
11 supervisor and refrain from taking any action of any kind that may
12 affect the matter.

13 (b) The immediate supervisor of the public official must
14 immediately notify the ethics agency in writing that a conflict or
15 potential conflict may exist. The ethics agency must then undertake a
16 preliminary investigation, issue an advisory opinion or take other
17 appropriate action.

18 (c) Each governmental agency shall establish rules or policies
19 that specify which public officials are "immediate supervisors" for
20 purposes of this section.

21 Sec. 39.57.210. ADMINISTRATION; COMMISSION POWERS AND DUTIES.

22 (a) The Alaska Public Offices Commission under AS 15.13.020(a) shall
23 administer the provisions of this chapter and shall promulgate
24 regulations to implement and interpret the provisions of this chapter.

25 (b) The commission shall, in addition to its other duties:

26 (1) issue on its own motion, or upon request, opinions on
27 the interpretation of this chapter;

28 (2) investigate on its own motion, or upon request, alleged
29 violations of this chapter;

(3) prescribe forms for reports, statements and other documents required by this chapter; and

(4) prepare and publish manuals and guides explaining the provisions of this chapter.

(c) The commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of books, papers, records or other evidence relevant to the performance of the commission's duties or exercise of powers, including powers of investigation. A subpoena issued by the commission is enforceable in superior court to the same extent as a subpoena issued by the court.

Sec. 39.220. COMPLAINTS; HEARINGS. (a) Upon the sworn complaint of any person, or on its own initiative, the commission shall investigate alleged violations of this chapter. Any investigation conducted under this chapter is confidential unless a finding of probable cause is made under (b) of this section.

(b) [REDACTED] the commission shall determine if there is probable cause for believing that a violation of this chapter has occurred. [REDACTED]

(c) If the commission determines by a preponderance of the evidence that a violation of this chapter has occurred, it shall issue an order to cease and desist violation of this chapter. A cease and desist order is subject to judicial review [REDACTED]

[REDACTED] of appellate procedure, except by the [REDACTED] [REDACTED] review on appeal shall be limited to the [REDACTED] [REDACTED] a prejudicial abuse of discretion in issuing the order.

(d) The commission may refer violations of this chapter to the

1 Attorney General if it believes that civil or criminal action is
2 warranted.

3 Sec. 39.230. ADVISORY OPINIONS. (a) The commission may, on
4 its own motion or upon request, issue an opinion on the duties of a
5 person under this chapter in a specific factual situation. The
6 commission shall publish its opinions at regular intervals. Opinions
7 shall be modified to maintain confidentiality, when appropriate.

8 (b) Within thirty (30) days of a request for an opinion, the
9 commission shall issue the opinion or advise the person who made the
10 request if or when an opinion will be issued.

11 (c) A person who acts in good faith in reliance on an opinion
12 issued to that person by the commission is not subject to civil
13 penalties under this chapter or AS 39.50, provided that the
14 information submitted to the commission was complete and true.

15 (d) The commission may in issuing an opinion make
16 recommendations for action, including ~~disbarment~~, divestiture,
17 establishment of a blind trust, and forfeiture. The findings and the
18 recommendations made by the commission shall be reported to:

19 (1) the head of the appropriate department, if the person is
20 an employee of the executive branch of the state; or

21 (2) the appropriate legislative committee, if the person is
22 a legislator or an employee of an individual legislator or a
23 legislative committee; or

24 (3) the Commission on Judicial Conduct or other body
25 established by law or court rule, if the person is a judicial officer
26 or employee; or

27 (4) the governing body of a municipality, if the person is
28 a municipal officer or employee.

29 (e) Upon referral of the findings and recommendations of the

1 commission to the appropriate department or other agency under (d) of
2 this section, that department or agency shall take ~~appropriate~~
3 ~~action as appropriate, based on the findings of the commission.~~

4 Sec. 39. ~~300~~. ATTORNEY GENERAL POWERS AND DUTIES. After the
5 ethics agency has determined that a conflict of interest or a
6 potential conflict of interest exists or if a public official has
7 violated ~~the~~ the attorney general may bring an action

8 (1) to recover the amount by which the value of the public
9 official's financial interest increased during his tenure, or, for a
10 former public official, within 12 months of leaving office;

11 (2) to void a contract ~~the~~ or
12 former public official has a financial interest; if a contract is
13 voided, the state is liable only for the fair market value of the
14 services rendered, and may recover any consideration in excess of fair
15 market value.

16 (3) to forfeit to the state any gifts, benefits or other
17 compensation of any kind that the public official or former public
18 official received during his tenure;

19 (4) to enjoin the use of confidential information and to
20 void any transaction in which that information was used; or

21 (5) to enjoin or to void any official action by a public
22 official which was affected or may have been affected by the conflict
23 of interest.

24 Sec. 39. ~~900~~. DEFINITIONS. In this chapter, unless the
25 context requires otherwise:

26 (1) "group" means an association, partnership, business,
27 corporation, or other entity made up of one or more persons or groups,
28 whether for profit or non-profit;

29 (2) "person in close economic association" means a person

1 who is a member, counsel, advisor, consultant, representative of, or
2 has an interest in, any group;

3 (3) "public official" means those persons set out in
4 AS 39.50.200(a)(1) and any other employee of the executive,
5 legislative or judicial branches of the State of Alaska, or of a
6 municipality of the state, in addition to their spouses or ex-spouses,
7 and parents, children, grandparents, grandchildren, aunts, uncles, and
8 siblings, either of the whole or half blood, adopted or step.

9 * Sec. 2. This Act takes effect _____.

DRAFT

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Law

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3/29/83

1 IN THE _____

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 _____ BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the responsibilities of the
7 Alaska Public Offices Commission; establishing
8 standards of conduct for public officials; and
9 providing for an effective date."

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

11 AS 39.57.010. LEGISLATIVE FINDINGS. The legislature finds that it is
12 essential in the conduct of public business that public officials hold
13 the respect and confidence of the people. Public officials must avoid
14 conduct that violates the trust the people have placed in them or
15 creates a justifiable impression among the public that the public
16 trust is being violated. To ensure and preserve public confidence,
17 persons serving in state and municipal government should have the
18 benefit of specific standards to guide their conduct. In order to
19 strengthen faith and confidence that the governmental process reflects
20 the will of the people and that each public official considers and
21 makes decisions affecting the public according to the best interests
22 of the public, AS 39.49 is enacted in sec. 2 of this Act.

23 AS 39.57.020. CONFLICTS OF INTEREST. (a) A conflict of interest
24 exists if a public official is in a position to take or withhold
25 official action or exert influence which could benefit or harm any
26 matter in which the public official has a private interest.

27 (b) All conflicts of interest are prohibited, except that
28 potential conflicts of interest enumerated in AS 39.57.030 --
29 39.57.080 may exist if the ethics agency or a court determines that

there is no substantial appearance of impropriety because,

(1) the public official's interest is relatively insignificant;

(2) the public official's authority is relatively far removed from any official action that could reasonably affect the matter; provided that however, the appearance of impropriety has not necessarily removed by delegating responsibility for official action; or

(3) the interest is of a type that is readily available to the public or to a large class of persons to which the public official belongs.

AS 39.57.030. CONTRACTS. (a) It is a potential conflict of interest for a public official, or a person in close economic association with the public official, to be a party to, or possess an interest in, a contract with the state or a municipality of the state.

(b) In determining whether a public official is in a position to influence the contracting agency, or whether any other appearance of impropriety exists, the inquiry must consider but need not be limited to, the following factors, in addition to those set out in AS 39.57.020(b):

(1) whether competitive bidding is used;

(2) whether there is adequate justification for awarding a sole source contract; and

(3) whether existing administrative procedures for granting contracts to public officials are sufficient to avoid the appearance of impropriety.

(c) All records relating to a state or municipal contract awarded to a public official, or a person in close association with a public official, are public records and may not be made confidential.

1 (d) The state, or a municipality, may adopt policies to limit
2 the extent to which public officials, or a person in close economic
3 association with a public official, may be awarded contracts.

4 (e) As used in this section, "public official" means a person
5 who was a public official within 12 months of the potential conflict.
6 AS 39.57.040. STATE LOANS. (a) It is a potential conflict of
7 interest for a public official, or a person in a close economic
8 association with the public official, to receive a state or municipal
9 loan.

10 (b) There is no potential conflict of interest under this
11 section if the loan program is as generally available to members of
12 the public by regulation or ordinance under fixed eligibility
13 standards and if the exercise of discretion is minimal in determining
14 qualification for the loan.

15 (c) In determining whether a public official is in a position to
16 influence the agency granting or reviewing the loan, or whether any
17 other appearance of impropriety exists, the inquiry must consider, but
18 need not be limited to, in addition the factors set out in
19 AS 39.57.020(b), the adequacy of existing administrative procedures
20 for granting and reviewing loans to public officials.

21 (d) Except for loans described in (b) of this section, all
22 records relating to a state or municipal loan granted to a public
23 official, or a person in close association with a public official, are
24 public records and may not be made confidential.

25 AS 39.57.050. INTERESTS IN REGULATED ACTIVITIES. (a) It is a
26 potential conflict of interest for a state or municipal public
27 official, or any person in close economic association with the public
28 official, to possess or obtain any direct or indirect financial
29 interest in a business or industry regulated by the state or

1 municipality.

2 (b) In determining whether a public official is in a position to
3 influence the regulating agency, or whether any other appearance of
4 impropriety exists, the inquiry must consider, but need not be limited
5 to, in addition to the factors set out in AS 39.57.020(b), whether the
6 financial interest is one that is generally available to the public
7 and whether the public official is in a position to possess
8 confidential information that may affect the financial interest.

9 (c) Governmental agencies may adopt policies which limit the
10 extent to which public officials may possess or obtain interests in a
11 regulated industry.

12 AS 39.57.060. INTERESTS BETWEEN PUBLIC OFFICIALS. It is a potential
13 conflict of interest for a close economic association involving a
14 substantial financial matter to be formed or maintained between

15 (1) a public official and any supervisor who has
16 responsibility or authority over the public official's employment,
17 including preparing or reviewing performance evaluations, or granting
18 or approving pay raises or promotions;

19 (2) legislators;

20 (3) public officials in different branches or levels of
21 government, if one of the public officials is required to file a
22 financial disclosure statement under AS 39.50; or

23 (4) public officials and lobbyists.

24 AS 39.57.070. GIFTS. (a) It is a potential conflict of interest for
25 a state or municipal public official to solicit or receive any gift,
26 property, good, service or other benefit, for less than its fair
27 market value, from any person or group that contracts with, is
28 regulated by, or stands to benefit from, any action or inaction by the
29 state or municipality.

1 (b) There is no potential conflict of interest under this
2 section if a public official accepts:

3 (1) hospitality at a person's principal place of residence,
4 including meals, lodging or ground transportation; or

5 (2) discounts that are generally available to the public or
6 a large class of persons to which the public official belongs.

7 (c) Government agencies may establish policies that limit the
8 extent to which public officials may accept the benefits set out in
9 (b)(2) of this section, or which require public officials to turn over
10 such benefits to the agency.

11 AS 39.57.080. NEPOTISM. (a) It is a potential conflict of interest
12 for a public official to be a supervisor of a relative where the
13 public official has responsibility or authority, over the relative's
14 employment, including preparing or reviewing performance evaluations,
15 or granting or approving pay raises or promotions.

16 (b) It is a potential conflict of interest for a government
17 agency to employ a relative of a public official who is required to
18 file a statement of financial disclosure under AS 39.50.

19 (c) In determining whether a public official is in a position to
20 influence the employing agency, or whether any other appearance of
21 impropriety exists, the inquiry must consider, but need not be limited
22 to, in addition to the factors set out in AS 39.57.020(b), whether
23 there has been any appearance of influence with respect to a relative
24 who has been employed for a substantial length of time.

25 (d) There is no potential conflict of interest under this section
26 if the relative works for no compensation.

27 (e) In this section "relative" means spouse or ex-spouse, and
28 parents, children, grandparents, grandchildren, siblings, aunts, and
29 uncles, either of the whole or half-blood, adopted or step.

1 AS 39.57.120. REPRESENTATION BY FORMER PUBLIC OFFICIALS. (a) It is
2 a conflict of interest for a former public official to render advice
3 or assistance to any person or group within 12 months of termination
4 on a case, contract, transaction or other matter upon which the person
5 took or withheld official action or exercised discretion while a
6 public official if

7 (1) the advice or assistance is for compensation; or

8 (2) the advice or assistance is without compensation and it
9 is rendered for the benefit of the former public official or for a
10 person in close economic association with the former public official.

11 (b) For purposes of this section, "official action" does not
12 include voting or otherwise considering legislation by a member of the
13 legislature or a municipal legislative body.

14 (c) Except as otherwise provided by law, a former public may
15 accept employment with or may contract with a governmental agency.

16 AS 39.57.110. REPRESENTATION BY PUBLIC OFFICIALS. (a) It is a
17 conflict of interest for a state or municipal public official to
18 advise or assist a client for compensation in a matter pending an
19 agency, board, or commission of the state or a municipality of the
20 state.

21 (b) There is no conflict of interest under this section if A
22 public official who is not an official in the judicial branch of
23 government, a client for compensation in a civil action before a court
24 if neither the state nor the municipality respectively, is a party to
25 the action.

26 (c) A public official can not avoid a conflict of interest by
27 waiving compensation for advising or assisting a present or former
28 client, under circumstances where compensation would ordinarily be
29 expected.

(d) As used in this section, "client" means an individual or group.

AS 39.57.130. GOVERNMENTAL OPPORTUNITIES. (a) It is a conflict of interest for a public official to take advantage, either on his own behalf or on behalf of a person with whom he has a close economic association, of an overture for the acquisition or use of property, goods, service or other benefits that the state, or a municipality which employs the official, has or may have an interest in acquiring or using.

(b) There is no conflict of interest under this section if

(1) the property, goods, services or other benefit is a fungible commodity or of a type that is readily available in quantities appropriate for the state or municipality; or

(2) the public official first obtains written permission to take advantage of the overture from an official, not subordinate to him, who is authorized to act on the overture.

AS 39.57.140. MEMBERS OF BOARDS AND COMMISSIONS. (a) It is a conflict of interest for a person who is a public member of a board, commission, authority, council, committee, task force or other similar governmental entity, to vote, deliberate, testify, advocate or provide information to another member on a matter in which he, or a person with whom he has a close economic association, has a private interest.

(b) There is no conflict of interest under this section if a member participates in the consideration of a matter if

(1) the law requires that the member be from a particular profession, trade, business or industry;

(2) the member fully discloses the nature of his interest to the body of which he sits; and

(3) the official action taken will only affect the member

1 to the same extent as others in the same profession, trade, business
2 or industry.

3 AS 39.57.200. ACTION ON A CONFLICT OF INTEREST. (a) A public
4 official who has a conflict of interest or a potential conflict of
5 interest must immediately

6 (1) resign his position;

7 (2) divest himself of the matter which has resulted in the
8 conflict or potential conflict; or

9 (3) disclose the matter in writing to his immediate
10 supervisor and refrain from taking any action of any type that may
11 affect the matter.

12 (b) The immediate supervisor of the public official must
13 immediately notify the ethics agency in writing that a conflict or
14 potential conflict may exist. The ethics agency must then undertake a
15 preliminary investigation, issue an advisory opinion or take other
16 appropriate action.

17 (c) Each governmental agency must establish rules or policies
18 that specify which public officials are "immediate supervisors" for
19 purposes of this section.

20 Sec. 39.57.210. ADMINISTRATION COMMISSION POWERS AND DUTIES. (a)
21 The Alaska Public Offices Commission under AS 15.13.020(a) shall
22 administer the provisions of this chapter and shall promulgate
23 regulations to implement and interpret the provisions of this chapter.

24 (b) The commissioner shall, in addition to its other duties:

25 (1) issue on its own motion, or upon request, opinions on
26 the interpretation of this chapter;

27 (2) investigate on its own motion, or upon request, alleged
28 violations of this chapter;

29 (3) prescribe forms for reports, statements and other

documents required by this chapter; and

(4) prepare and publish manuals and guides explaining the provisions of this chapter.

(c) The commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of books, papers, records or other evidence relevant to the performance of the commission's duties or exercise of powers, including powers of investigation. A subpoena issued by the commission is enforceable in superior court to the same extent as a subpoena issued by the court.

Sec. 39.57.220. COMPLAINTS; HEARINGS. (a) Upon the sworn complaint of any person, or on its own initiative, the commission shall investigate alleged violations of this chapter. Any investigation conducted under this chapter is confidential unless a finding of probable cause is made under (b) of this section.

(b) If the commission determines there is probable cause for believing that a violation of this chapter has occurred, it may hold a hearing. The hearing shall be conducted in accordance with the provisions of AS 44.62.330 -- .630.

(c) If the commission determines by a preponderance of the evidence that a violation of this chapter has occurred, it shall issue an order to cease and desist violation of this chapter. A cease and desist order is subject to judicial review under procedures set out in AS 44.62.560 or applicable rules of court. The Judicial review on appeal shall be limited to the question of whether there was a prejudicial abuse of discretion in issuing the order.

(d) The commission may refer violations of this chapter to the Attorney General if it believes that civil or criminal action is warranted.

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1 Sec. 39.57.230. ADVISORY OPINIONS. (a) The commission may, on its
2 own motion or upon request, issue an opinion on the duties of a person
3 under this chapter in a specific factual situation. The commission
4 shall publish its opinions at regular intervals. Opinions shall be
5 modified to maintain confidentiality, when appropriate.

6 (b) Within thirty (30) days of a request for an opinion, the
7 commission shall issue the opinion or advise the person who made the
8 request if or when an opinion will be issued.

9 (c) A person who acts in good faith in reliance on an opinion
10 issued to that person by the commission is not subject to civil
11 penalties under this chapter or AS 39.50, provided that the
12 information submitted to the commission is complete and true.

13 (d) The commission may in issuing an opinion make
14 recommendations for action, including divestiture, establishment of a
15 blind trust, and forfeiture. The findings and the recommendations
16 made by the commission shall be reported to:

17 (1) the head of the appropriate department, if the person is
18 an employee of the executive branch of the state; or

19 (2) the appropriate legislative committee, if the person is
20 a legislator, or an employee of an individual legislator or a
21 legislative committee; or

22 (3) the Commission on Judicial Qualifications Commission
23 Conduct or other body established by law or court rule, if the person
24 is a judicial officer or employee; or

25 (4) the governing body of a municipality, if the person is
26 a municipal officer or employee.

27 (e) Upon referral of the findings and recommendations of the
28 commission to the appropriate department or other agency under (d) of
29 this section, that department or agency shall take appropriate

disciplinary action, based on the findings of the commission.

Sec. 39.57.300. ATTORNEY GENERAL POWERS AND DUTIES. After the ethics agency has determined that a conflict of interest or a potential conflict of interest exists or if a public official has violated AS 39.57.100-140, the attorney general may bring an action:

(1) to recover the amount by which the value of the public official's financial interest increased during his tenure, or, for a former public official, within 12 months of termination;

(2) to void a contract that the public official or former public official has a financial interest in; if a contract is voided, the state is liable only for the fair market value of the services rendered, and may recover any consideration in excess of fair market value.

(3) to forfeit to the state any gifts, benefits or other compensation of any kind that the public official or former public official received during his tenure;

(4) to enjoin the use of confidential information and to void any transaction in which that information was used; or

(5) to enjoin or to void any official action by a public official which was affected or may have been affected by a conflict of interest.

AS 39.57.900. DEFINITIONS.

"group" means an association, partnership, business, corporation, or other entity made up of one or more persons or groups, whether for profit or non-profit;

"person in close economic association" means a person who is a member, counsel, advisor, consultant, representative of, or has an interest in, any group;

"public official" means those persons set out in AS 39.50.200(a)(1)

and any other employee of the executive, legislative or judicial branches of the State of Alaska, or of a municipality of the state, in addition to their spouses or ex-spouses, and parents, children, grandparents, grandchildren, aunts, uncles, and siblings, either of the whole or half blood, adopted or step;

For an Act entitled: "An Act relating to the prohibition of conflict of interest among public employees; creating the Alaska State Ethics Commission and prescribing its responsibilities and providing for an effective date."

Section 1. AS 39 is amended by adding a new chapter to read:

Chapter 52. STANDARDS OF CONDUCT

Sec. 39.52.010 LEGISLATIVE FINDINGS AND PURPOSE The legislature finds that it is essential in the conduct of public business that public officials hold the respect and confidence of the people. Public officials must avoid conduct that ^{applies to that} violates the trust the people have placed in them or creates a justifiable impression among the public that the public trust is being violated. To ensure and preserve public confidence, persons serving in state government should have the benefit of specific standards to guide their conduct. In order to strengthen faith and confidence that the governmental process reflects the will of the people and that each public official considers and makes decisions affecting the public according to the best interests of the public. It is therefore the purpose of the legislature that the Alaska State Ethics Commission will:

- 1) prescribe standards of conduct for state legislators, public officials and other exempt employees of the state;

2) educate the citizens of the state on ethics in the legislature;

3) render advisory opinions ~~and enforce the provisions of the law~~
so that public confidence in the legislature will be preserved.

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Section 2 AS 39.52.020 CONFLICTS OF INTEREST. (a) A conflict of interest exists if a public official^s in a position to take or withhold official action or exert influence which could benefit or harm any matter in which the public official has a private interest.

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(b) All conflicts of interest are prohibited, except that potential conflicts of interest enumerated in AS 39.52.030 to _____ may exist if the ethics agency or a court determines that there is no substantial appearance of impropriety because:

(1) the public officials interest is relatively insignificant;

(2) the public official'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; or

(3) the interest is of a type that is readily available to the public or to a large class of persons to which the public official belongs.

Section 3 AS 39.52.030 CONTRACTS. (a) A public official may not be a party to or have an interest in the profits or benefits of a state contract unless the contract is let by competitive bidding or the total

annual amount of the state contract equals \$1000 or less. A public official has an interest in the profits or benefits of a state contract under this subsection if the contract is awarded to:

(1) the public official,

* (2) a firm, corporation, or association in which the public official, owns 25% of the stock of the firm, corporation, or association;

(3) a partnership in which the public official is a partner;

(4) As used in this, "public official" includes legislators and other exempt employees of the state, members of their immediate family and former public officials within 12 months of their leaving office.

Section 4 AS 39.52.040 STATE LOANS. (a) There is no potential conflict of interest if the loan program is by regulation generally available to members of the public, is subject to fixed eligibility standards, and minimal discretion is exercised in determining qualification for the loan.

7 (b) It is a potential conflict of interest for a public official, or a person in close association with the public official, to receive a commercial state loan or other discretionary state loan.

(c) In determining whether a public official is in a position to influence the agency granting or reviewing the loan, or whether any other appearance of impropriety exists, the inquiry must consider, but need not be limited to the adequacy of existing administrative procedures for granting and reviewing loans to public officials.

(d) All records relating to a state loan held by or granted to a public official, or a person in close economic association with the public official, are public records and may not be made confidential.

(1) Upon application for a commercial loan, the agency will notify the Alaska Public Offices Commission which will incorporate this information into the public official's financial disclosure statement;

(2) Every February 1st, each agency will publish a listing of all outstanding commercial loans to public officials. It should list the name of the public official, date of issuance and current status of the loan. *

Section 5 AS 39.52.050 CONFIDENTIAL INFORMATION It is a potential conflict of interest if a public official discloses or uses for personal gain or for the benefit of anyone else information that by law is not available to the public and that the public official acquires in the course of official duties.

? Section 6 AS 39.52.060 INTERESTS IN REGULATED ACTIVITIES. (a) It is a potential conflict of interest for a state public official, or a person in close economic association with the public official, to possess or obtain any direct or indirect financial interest in a business or industry regulated by the state or municipality.

(b) There is no potential conflict of interest under this section if the financial interest is one that is generally available to the public and the public official is not in a position to possess confidential information that may affect the financial interest.

Section 6 AS 39.52.070 INTERESTS BETWEEN PUBLIC OFFICIAL. It is a 4

potential conflict of interest for the following persons to form or maintain a close economic association involving a substantial financial matter:

(1) a public official and any supervisor who has responsibility or authority, either directly or indirectly, over the public official's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions;

(2) legislators;

(3) public officials in different branches and levels of government, if one of the public officials is required to file a financial disclosure statement under AS 39.52.060; or

(4) public officials and lobbyists.

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Section 7 AS 39.52.080 GIFTS (a) A public official may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, services, a loan, travel, entertainment, hospitality, or in any other form, under circumstances in which it may reasonably be inferred that the gift is intended to influence the legislator in the performance of the duties of the legislator or is intended as a reward for an official action on the part of the public official.

(b) There is no potential conflict of interest under this section if a public official accepts:

(1) hospitality at a person's principal place of residence, including meals, lodging or ground transportation; or

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

(c) Government agencies may establish policies that limit the extent to which public officials may accept the benefits set out in (b) (2) of this section, or which require public officials to turn over such benefits to the agency.

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Section 8 AS 39.52.090 NEPOTISM (a) It is a potential conflict of interest for a public official to be a supervisor of a relative where the public official has responsibility or authority, either directly or indirectly, over the relative's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions.

(b) In determining whether a public official is in a position to influence the employing agency, or whether any other appearance of impropriety exists, the inquiry must consider, but need not be limited to whether there has been any appearance of influence with respect to a relative who has been employed for a substantial length of time.

(c) There is no potential conflict of interest under this section if the relative does not receive compensation for any work performed.

(d) In this section, "relative" means spouse, parents and children.

Section 9 AS 39.52.100 REPRESENTATION BY PUBLIC OFFICIALS (a) It is a conflict of interest for a public official to advise or assist a client for compensation in a matter pending before an agency, board, or commission of the state or quasi-judicial agency of the state.

(b) There is no conflict of interest under this section if a public official who is not an official in the judicial branch of government represents a client for compensation in a civil action before a court if the state respectively, is a party to the action.

(c) A public official cannot avoid a conflict of interest under this section by waiving compensation for advising or assisting a present or former client, under circumstances where compensation would ordinarily be expected.

Section 10 AS 39.52.110 MEMBERS OF STATE BOARDS AND COMMISSIONS (a)

It is a conflict of interest for a person who is a public member of a

board, commission, authority, council, committee, task force or other similar state governmental entity to vote, deliberate, testify, advocate or provide information to another member on a matter in which he, or a person with whom he has a close economic association, has a private interest.

(b) There is no conflict of interest under this section if a member participates in the consideration of a matter if:

(1) the statutes concerning the body require that the member be from a particular profession, trade, business or industry;

(2) the member fully discloses the nature of his interest to the body on which he sits; and

(3) the official action taken will only affect the member to the same extent as others in the same profession, trade, business or industry.

Section 11 AS 39,52.120 ACTION ON A CONFLICT OF INTEREST. (a) A public official who has a conflict of interest or a potential conflict of interest shall immediately

(1) resign his position;

(2) divest himself of the matter which has resulted in the conflict or potential conflict; or

(3) disclose the matter in writing to his immediate supervisor and refrain from taking any action of any kind that may affect the matter.

(4) legislators may disclose the potential conflict of interest in the Daily Journal of the appropriate body.

(b) the immediate supervisor of the public official must immediately notify the ethics agency in writing that a conflict or potential conflict may exist. The ethics agency must then undertake a preliminary investigation, issue an advisory opinion or take other appropriate action.

(c) Each governmental agency shall establish rules or policies that specify which public officials are "immediate supervisors" for purposes of this section.

Section 12 AS 39.52.120
Alaska State

~~SET 24 1969~~ ~~LEGISLATIVE~~ ETHICS COMMISSION. (a) There is established within the legislative branch of the state government the Legislative Ethics Commission.

(b) The commission consists of seven members selected as follows:

(1) the president of the senate shall appoint one member to the commission from the senate;

(2) the speaker of the house of representatives shall appoint one member to the commission from the house of representatives;

(3) the president of the senate shall appoint to the commission ¹ ~~one~~ persons who ^{is a} ~~are~~ citizens of the United States and residents of the state who ^{has} ~~have~~ not held an elected public office;

(4) the speaker of the house of representatives shall appoint to the commission ¹ ~~one~~ persons who ^{is a} ~~are~~ citizens of the United States and residents of the state who ^{has} ~~have~~ not held an elected public office;

(5) one member of the commission shall be a former legislator of the state who is appointed by the other members of the commission. (6) Governor (1) Commissioner or designee and (1) citizen

(c) No more than four members of the commission may be members of the same political party or residents of the same borough or of the unorganized borough.

(d) The term of office of a member of the commission is four years from the February 1 of the year of appointment and until a successor is appointed and qualifies. A legislator appointed to the commission may not serve beyond the expiration of the legislative term of office. A commission member may not serve more than one full term.

(e) A member of the commission may not

- 1 (1) hold or seek elective office;
2 (2) be an officer of a political party, political commit-
3 tee, or group;
4 ~~(3) support or oppose a candidate, proposition, or question~~
5 ~~or make a contribution in support of or in opposition to a candidate~~
6 ~~for the legislature;~~
7 ~~(4) participate in an election campaign for a legislator or~~
8 ~~contribute to a political party, or~~
9 (3) lobby or employ a lobbyist.

10 (f) The provisions of (e) of this section do not apply to the
11 members of the commission appointed under (b)(1) and (2) of this
12 section.

13 (g) A vacancy on the commission shall be filled under (b) of
14 this section for the balance of the term.

15 (h) The commission may employ ~~an executive director and staff as~~
16 ~~it considers necessary. A member of the commission may not serve as~~
17 ~~executive director or on the staff of the commission.~~

18 (i) A member of the commission receives no compensation for
19 service on the commission. Members of the commission are entitled to
20 travel expenses and per diem authorized by law for members of boards
21 and commissions under AS 39.20.180, but a member of the commission who
22 is a legislator is not entitled to travel expenses and per diem from
23 the commission if the legislator is receiving travel expenses and per
24 diem as a legislator.

25 *Section 13 AS 39.52.130*
~~Sec 26 40.070.~~ DUTIES OF THE COMMISSION. The commission shall

26 (1) adopt regulations to facilitate the receipt of inquir-
27 ies and prompt rendition of its opinions;

28 ~~(2) adopt forms and procedures for the submission of state-~~
29 ~~ments of financial disclosure and maintain files of the statements of~~

~~financial disclosure, a statement of financial disclosure filed with the commission is public information;~~

(2) advise the attorney general and the legislature of noncompliance with the financial disclosure requirement;

~~(4) recommend to the legislature legislation as the commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government;~~

(3) subpoena witnesses, administer oaths, and take testimony relating to matters before the commission, and may require the production for examination of any books or papers relating to any matter under investigation before the commission;

~~(6) shall distribute its publications without cost to the public and shall initiate programs to educate the citizens of the state, legislators, and members of the staff of a legislator on ethics in government;~~

~~(7) shall publish yearly summaries of decisions, advisory opinions and informal advisory opinions, with sufficient deletions in the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions which have remained confidential;~~

(4) may adopt regulations to implement, clarify, and interpret this chapter.

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~~Attorney General if it believes that civil or criminal action is warranted.~~

Section 14¹⁴⁰
Sec. 39.52. ~~130~~. ADVISORY OPINIONS. (a) The commission may, on its own motion or upon request, issue an opinion on the duties of a person under this chapter in a specific factual situation. The commission shall publish its opinions at regular intervals. Opinions shall be modified to maintain confidentiality, when appropriate.

(b) Within thirty (30) days of a request for an opinion, the commission shall issue the opinion or advise the person who made the request if or when an opinion will be issued.

(c) A person who acts in good faith in reliance on an opinion issued to that person by the commission is not subject to civil penalties under this chapter or AS 39.50, provided that the information submitted to the commission was complete and true.

(d) The commission may in issuing an opinion make recommendations for action, including discipline, divestiture, establishment of a blind trust, and forfeiture. The findings and the recommendations made by the commission shall be reported to:

(1) the head of the appropriate department, if the person is an employee of the executive branch of the state; or

(2) the appropriate legislative committee; if the person is a legislator or an employee of an individual legislator or a legislative committee; or

(3) the Commission on Judicial Conduct or other body established by law or court rule, if the person is a judicial officer or employee; or

~~(4) the governing body of a municipality, if the person is a municipal officer or employee.~~

(e) Upon referral of the findings and recommendations of the

commission to the appropriate department or other agency under (d) of this section, that department or agency shall take disciplinary action, as appropriate, based on the findings of the commission.

Section 15 ¹⁵⁰ Sec. 39.52. ~~300~~ ATTORNEY GENERAL POWERS AND DUTIES. After the ethics agency has determined that a conflict of interest or a potential conflict of interest exists or if a public official has violated this chapter, the attorney general may bring an action

(1) to recover the amount by which the value of the public official's financial interest increased during his tenure, or, for a former public official, within 12 months of leaving office;

(2) to void a contract in which the public official or former public official has a financial interest; if a contract is voided, the state is liable only for the fair market value of the services rendered, and may recover any consideration in excess of fair market value.

(3) to forfeit to the state any gifts, benefits or other compensation of any kind that the public official or former public official received during his tenure;

(4) to enjoin the use of confidential information and to void any transaction in which that information was used; or

(5) to enjoin or to void any official action by a public official which was affected or may have been affected by the conflict of interest.

Section 16 ~~Sec.~~ 39.52. ~~900~~ DEFINITIONS. In this chapter, unless the context requires otherwise:

(1) "group" means an association, partnership, business, corporation, or other entity made up of one or more persons or groups, whether for profit or non-profit;

(2) "person in close economic association" means a person

who is a member, counsel, advisor, consultant, representative of, or
of 25% or more
has an interest in, any group;

(3) "public official" means those persons set out in
AS 39.50.200(a)(1) and any other employee of the executive,
legislative or judicial branches of the State of Alaska, ~~or of a~~
or who have to file a financial disclosure with APOC.
~~municipality of the state, in addition to their spouses or ex-spouses,~~
~~and parents, children, grandparents, grandchildren, aunts, uncles, and~~
~~siblings, either of the whole or half blood, adopted or step.~~

* Sec. 2. This Act takes effect July 1, 1983.