

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1185 SCOMM 35: JOINT SPEC. COMMITTEE ON LEGISLATIVE REFORM 1983-84

Introduced: 3/22/83
Referred: Special Committee on
Legislative Reform
and State Affairs

1 IN THE SENATE

BY JOSEPHSON

2

SENATE BILL NO. 198

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 ethics in the legislature; and
7 providing for an effective date."

8

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

9

* Section 1. STATEMENT OF PURPOSE. (a) The legislature declares as

10 the public policy of the state that a public office is a public trust and

11 shall be held for the sole benefit of the people. To enhance the faith of

12 the people in the integrity and impartiality of public officers, adequate

13 guidelines are required to show the appropriate separation between the

14 roles of persons who are both public servants and private citizens.

15

(b) The purpose of AS 24.60 as enacted in sec. 2 of this Act is to

16

(1) prescribe standards of conduct for state legislators and for

17

the staff of legislators;

18

(2) educate the citizens of the state on ethics in the legisla-

19

ture; and

20

(3) establish an ethics commission to render advisory opinions

21

and enforce the provisions of the law so that public confidence in the

22

legislature will be preserved.

23

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

24

CHAPTER 60. LEGISLATIVE ETHICS.

25

Sec. 24.60.010. CONSTRUCTION. This chapter shall be liberally

26

construed to promote high standards of ethical conduct in the state

27

legislature.

28

Sec. 24.60.020. APPLICABILITY. This chapter applies to a legis-

29

lator, a former legislator,

Change to legislative staff person
-1- SB 198

1 [REDACTED]
2 Sec. 24.60.030. GIFTS. (a) A legislator and a person on the
3 staff of a legislator may not solicit, accept, or receive, directly or
4 indirectly, a gift, whether in the form of money, services, a loan,
5 travel, entertainment, hospitality, or in any other form, under cir-
6 cumstances in which it may reasonably be inferred that the gift is
7 intended to influence the legislator in the performance of the duties
8 of the legislator or is intended as a reward for an official action on
9 the part of the legislator.

10 (b) Acceptance by a legislator and by a person on the staff of a
11 legislator of an [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Sec. 24.60.040. CONFIDENTIAL INFORMATION. A legislator and a
17 person on the staff of a legislator may not disclose or use for per-
18 sonal gain or for the benefit of anyone else information that by law
19 is not available to the public and that the legislator and a person on
20 the staff of a legislator acquires in the course of official duties.

21 Sec. 24.60.050. CONFLICT OF INTEREST. (a) A legislator and a
22 person on the staff of a legislator may not appear on behalf of a
23 person before a state department, agency, board, commission, institu-
24 tion, or instrumentality in any manner for which the legislator is
25 being compensated by the person.

26 (b) The provisions of (a) of this section do not apply to

27 (1) a judicial proceeding;

28 (2) an administrative hearing or proceeding

29 (A) which is adversary in character;

1 (B) on which a record is made by the agency involved;
2 or
3 (C) in which the appearance is a matter of public
4 record.

5 (c) A legislator may not participate in the consideration of
6 legislation in which the legislator or the immediate family of the
7 legislator has a substantial personal interest unless the legislator
8 has complied with this chapter, AS 39.50.020, and with the rules of
9 the commission. A legislator has a substantial personal interest in
10 legislation within the meaning of this subsection if the legislator or
11 the immediately family of the legislator has a direct personal pecun-
12 iary interest in the legislation in a manner or to a degree that is
13 different from the interest of a member of the public.

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 (e) A legislator may not be a party to or have an interest in
18 the profits or benefits of a state contract unless the contract is let
19 by competitive bidding or the total annual amount of the state con-
20 tract equals [REDACTED]. A legislator has an interest in the
21 profits or benefits of a state contract under this subsection if the
22 contract is awarded to

23 (1) the legislator or a member of the family of the legis-
24 lator;

25 (2) a firm, corporation, or association in which the legis-
26 lator or a member of the family of the legislator owns 10 percent of
27 the stock of the firm, corporation, or association; or

28 (3) a partnership in which a legislator or a member of the
29 family of the legislator is a partner.

1 Sec. 24.60.060. LEGISLATIVE ETHICS COMMISSION. (a) There is
2 established within the legislative branch of the state government the
3 Legislative Ethics Commission.

4 (b) The commission consists of seven members selected as fol-
5 lows:

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

8 (2) the speaker of the house of representatives shall
9 appoint one member to the commission from the house of representa-
10 tives;

11 (3) the president of the senate shall appoint to the com-
12 mission two persons who are citizens of the United States and resi-
13 dents of the state who have not held an elected public office;

14 (4) the speaker of the house of representatives shall
15 appoint to the commission two persons who are citizens of the United
16 States and residents of the state who have not held an elected public
17 office;

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

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

24 (d) The term of office of a member of the commission is four
25 years from the 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 (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 (5) 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 Sec. 24.60.070. 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

1 financial disclosure; a statement of financial disclosure filed with
2 the commission is public information;

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

5 (4) recommend to the legislature legislation as the commis-
6 sion considers desirable or necessary to promote and maintain high
7 standards of ethical conduct in government;

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

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

16 (7) shall publish yearly summaries of decisions, advisory
17 opinions and informal advisory opinions, with sufficient deletions in
18 the summaries to prevent disclosing the identity of the persons
19 involved in the decisions or opinions which have remained confiden-
20 tial;

21 (8) may adopt regulations to implement, clarify, and inter-
22 pret this chapter.

23 Sec. 24.60.080. ADVISORY OPINIONS. The commission shall issue
24 an advisory opinion on the request of a legislator, a former legis-
25 lator, a person on the staff of a legislator, or a person formerly on
26 the staff of a legislator as to whether the facts and circumstances of
27 a particular case constitute a violation of ethical standards. If an
28 advisory opinion is not issued within 30 days after the request is
29 filed with the commission, the facts and circumstances of the

1 particular case do not constitute a violation of the ethical stan-
2 dards. The opinion issued or considered issued is binding on the
3 commission and in any subsequent proceedings concerning the facts and
4 circumstances of the particular case unless material facts were omit-
5 ted or misstated in the request for the advisory opinion.

6 Sec. 24.60.090. COMPLAINTS. (a) The commission may initiate,
7 receive and consider complaints alleging a violation of this chapter.

8 (b) Before the commission may exercise power authorized in (c)
9 of this section, the commission shall by resolution, supported by a
10 vote of three members of the commission, define the nature and scope
11 of the inquiry.

12 (c) The commission may investigate a violation of this chapter
13 in a proceeding begun within one year after termination of state
14 service by a legislator or a member of the staff of a legislator.
15 Nothing in this subsection bars proceedings against a person who by
16 fraud prevents discovery of a violation of this chapter. A proceeding
17 is commenced by the signing of a complaint by three members of the
18 commission.

19 (d) A complaint concerning a legislator or a former legislator,
20 or a member or a former member of the staff of a legislator, must be
21 in writing, signed by the person making the complaint and under oath.
22 A complaint may also be initiated by three or more members of the
23 commission. The commission shall notify in writing each legislator,
24 each former legislator, and each member or former member of a staff of
25 a legislator against whom a complaint is received and afford the
26 person an opportunity to explain the conduct alleged to be a violation
27 of this chapter.

28 (e) The commission shall investigate the charges filed under
29 this section and issue an advisory opinion to the person alleged to

1 have violated a provision of this chapter. The commission shall
2 investigate all complaints on a confidential basis. If the advisory
3 opinion indicates a probable violation, the legislator, former legis-
4 lator, member or former member of the staff of a legislator may re-
5 quest a formal opinion or comply with the advisory opinion. If the
6 legislator, former legislator, member or former member of the staff of
7 a legislator fails to comply with the advisory opinion or if a major-
8 ity of the members of the commission determine that there is probable
9 cause for belief that a violation of this chapter has occurred, the
10 commission shall file a complaint against the person charged with a
11 violation of this chapter and the complaint and statement of the
12 alleged violation shall be personally served on the person charged.
13 The alleged violator has 20 days after service of the complaint and
14 statement to respond in writing to the commission.

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

1 charged with the violation of a provision of this chapter requests a
2 copy of the transcript of testimony, the commission may assess one
3 half of the cost of the preparation of the transcript of testimony
4 against the person charged.

5 (g) A decision of the commission shall be in writing and signed
6 by three 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, it shall refer
9 the decision to the presiding officers of the legislature. The deci-
10 sion shall contain a statement of the facts determined to constitute
11 the violation. If within 30 days after the referral, a committee of
12 the legislature has not reported action on the decision, the commis-
13 sion shall make the decision public. Days during which the
14 legislature is not in session may not be counted in determining the
15 30-day period.

16 (i) If the four members of the commission agree to a decision
17 that a former member of the legislature or a member or a former member
18 of the staff of a legislator has violated a provision of this chapter,
19 the commission may issue a public statement of its decision. The
20 attorney general may exercise whatever remedies may be available to
21 the state.

22 (j) If a legislator is determined by the commission to have
23 violated this chapter or if a legislator declines or refuses to coop-
24 erate with the commission, it may refer its determinations and its
25 records to the presiding officers of the legislature for action the
26 legislature considers appropriate.

27 (k) A commission member or individual who divulges information
28 concerning the charge before the filing of a complaint by the
29 commission, except as permitted by this chapter, is guilty of a class

1 C felony.

2 Sec. 24.60.900. DEFINITIONS. In this chapter, "commission"
3 means the Legislative Ethics Commission.

4 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).

1 IN THE SENATE

BY V. FISCHER

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 legislative standards of con-
7 duct."

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

9 * Section 1. LEGISLATIVE DETERMINATION. The Constitution of the State
10 of Alaska in Art. II, sec. 12 grants to each house of the legislature the
11 power to judge the qualifications of its members. The legislature deter-
12 mines that the maintenance of the highest standards of conduct constitutes
13 an important qualification for membership in the legislature.

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

15 CHAPTER 60. LEGISLATIVE STANDARDS OF CONDUCT.

16 ARTICLE 1. STANDARDS OF CONDUCT GENERALLY.

17 Sec. 24.60.010. APPLICABILITY. (a) This chapter applies to a
18 member of the legislature and to a person employed by a member of the
19 legislature. This chapter does not apply to a former member of the
20 legislature or to a person formerly employed by a member of the legis-
21 lature unless the provision affirmatively states its application to a
22 former member of the legislature or to a person formerly employed by a
23 member of the legislature. This chapter does not apply to a person
24 elected to the legislature who at the time of election is not a member
25 of the legislature.

26 (b) The provisions of this chapter specifically repeal the
27 provisions of the common law relating to legislative conflict of
28 interest insofar as it applies to a member of the legislature or to a
29 person employed by a member of the legislature.

1 (c) Nothing in this chapter precludes the application of other
2 law.

3 Sec. 24.60.020. GENERAL STANDARDS. (a) A member of the legis-
4 lature and a person employed by a member of the legislature may not
5 accept a benefit directly or indirectly resulting from improperly
6 exerted influence.

7 (b) A member of the legislature and a person employed by a
8 member of the legislature may not engage in a business or professional
9 activity that is inconsistent with the conscientious performance of
10 official duties.

11 (c) A member of the legislature and a person employed by a
12 member of the legislature may not misuse state property or funds.

13 Sec. 24.60.030. ADOPTION OF GUIDELINES BY ETHICS COMMITTEE. The
14 absence of a specific statement in this chapter permitting or pre-
15 scribing conduct for a member of the legislature or a person employed
16 by a member of the legislature does not prevent an ethics committee
17 from adopting a guideline regulating the conduct that is consistent
18 with the general principles stated in this chapter.

19 Sec. 24.60.040. CONFLICT OF INTEREST. (a) A conflict of inter-
20 est does not exist under this chapter and there is no duty to disclose
21 a conflict of interest if the benefit or detriment received by a
22 member of the legislature or by a person employed by a member of the
23 legislature is not different from that shared by all residents of the
24 state or by all members of a large group or class of residents of the
25 state.

26 (b) If the benefit or detriment received by a member of the
27 legislature or by a person employed by a member of the legislature is
28 shared only by a small group or class of residents of the state, then
29 a conflict of interest may exist.

1 (c) A personal interest of a member of the legislature or a
2 person employed by a member of the legislature conflicts with the
3 public interest if it tends to impair the independence of judgment of
4 the member of the legislature or the person employed by a member of
5 the legislature.

6 (d) If a member of the legislature or a person employed by a
7 member of the legislature acts on a legislative matter in which a
8 personal interest may exist, the member of the legislature or a person
9 employed by a member of the legislature shall consider whether the
10 personal interest will tend to impair the independence of judgment of
11 the member of the legislature or a person employed by a member of the
12 legislature.

13 (e) If the member of the legislature determines that an actual
14 conflict of interest exists, the member of the legislature shall
15 declare the interest on the floor or in committee, ask to be permitted
16 not to vote, and file a written statement of the conflict of interest
17 with the ethics committee within 48 hours of the determination that a
18 conflict of interest exists. If a person employed by a member of the
19 legislature determines that an actual conflict of interest exists, the
20 person shall file a written statement with the ethics committee within
21 48 hours of the determination that a conflict of interest exists and
22 may not participate further in the matter.

23 Sec. 24.60.050. PRESUMED CONFLICTS OF INTEREST. (a) Except as
24 provided in (b) and (c) of this section a member of the legislature
25 shall request permission to abstain from voting and a member of the
26 legislature or a person employed by a member of the legislature may
27 not undertake other official duties where the member of the legisla-
28 ture or a person employed by a member of the legislature

29 (1) has an interest that is direct and different from the

1 interest of a member of the public in an activity that would receive a
2 benefit or detriment from proposed legislation or official duties;

3 (2) is a participant in a close economic association with
4 an individual or person who the member of the legislature or an
5 employee of the legislature knows

6 (A) has a direct interest in a business activity that
7 will receive a benefit or detriment directly by the proposed
8 legislation or official duties;

9 (B) is a lobbyist or has employed a lobbyist;

10 (3) solicits, accepts, or agrees to accept a gift, loan, or
11 payment in an aggregate amount during a single calendar year of more
12 than \$100 from an individual or person with an interest in a business
13 activity that would receive a benefit by or share a detriment from
14 proposed legislation or official duties.

15 (b) Notwithstanding (a) of this section, a member of the legis-
16 lature may vote for proposed legislation or engage in other official
17 duties prescribed in (a) of this section if the legislator files a
18 sworn statement with an ethics committee. The statement shall de-
19 scribe the circumstances of the apparent conflict and shall state that
20 the apparent conflict will not prevent a fair and objective consid-
21 eration of the proposed legislation or official duties by the member
22 of the legislature.

23 (c) If the member of the legislature files a statement under (b)
24 of this section or if the member of the legislature requests an opin-
25 ion on an apparent or presumed conflict, the ethics committee may
26 issue an opinion concerning the propriety of the proposed action by
27 the member of the legislature.

28 (d) A disclosure to the Public Offices Commission under AS 39.-
29 50.020 does not constitute compliance with the requirements of

1 disclosure of a conflict of interest under this section or AS 24.60.-
2 300.

3 (e) The acceptance by a member of the legislature of campaign
4 contributions that are reported under AS 15.13 does not create a
5 conflict of interest.

6 (f) As used in this section, "close economic association" means,
7 as related to a member of the legislature or a person employed by a
8 member of the legislature, partners, associates, employers and em-
9 ployees in business and professional enterprises, corporations in
10 which the member of the legislature or a person employed by a member
11 of the legislature owns capital stock in excess of \$1,000, and a
12 corporation of which a member of the legislature or a person employed
13 by a member of the legislature is an officer, director, or agent.

14 Sec. 24.60.060. CONTRACTS. (a) A member of the legislature and
15 a person employed by a member of the legislature may not be a party to
16 a contract with the state or a municipality of the state and may not
17 have an interest in the investment of state funds or municipal funds
18 unless the contract or the investment is obtained through competitive
19 bidding.

20 (b) An ethics committee may grant a member of the legislature
21 and an employee of the legislature permission to engage in a contract
22 or in the investment of state or municipal funds not obtained through
23 competitive bidding if the ethics committee determines that the member
24 of the legislature or the person employed by a member of the legisla-
25 ture would not improperly exercise influence in obtaining the con-
26 tract.

27 (c) An employee of an agency of the legislature established
28 under AS 24.20 may not be a party to a contract with the state or a
29 municipality of the state.

1 Sec. 24.60.070. REPRESENTATIONS. (a) Except as provided in
2 this section, a member of the legislature and a person employed by a
3 member of the legislature may not represent a person for compensation
4 before an agency, board, or commission of the state or a municipality
5 of the state.

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

8 (1) a criminal action before a court of the state; or

9 (2) a civil action before a court of the state if the state
10 is not a party to the action.

11 Sec. 24.60.080. STATE PROPERTY AND FUNDS. A member of the
12 legislature and a person employed by a member of the legislature may
13 not use state property or funds of the state for personal or campaign
14 purposes.

15 Sec. 24.60.090. ELIGIBILITY FOR STATE BENEFITS. (a) Except as
16 provided in this section, a member of the legislature and a person
17 employed by a member of the legislature may not accept a benefit from
18 the state not available generally to a member of the public on the
19 same terms. Acceptance of compensation, travel, per diem and other
20 benefits provided by law and consistent with law does not constitute a
21 violation of this subsection.

22 (b) A member of the legislature and a person employed by a
23 member of the legislature may be granted a loan from the state if the
24 qualifications for the loan are established in law or by regulation
25 and the exercise of discretion is not required to determine eligibil-
26 ity for the loan.

27 (c) A member of the legislature and a person employed by a
28 member of the legislature may obtain land from the state if the quali-
29 fications for participation in the state land disposal are established

1 in law or by regulation and the exercise of discretion is not required
2 to determine eligibility for the land disposal.

3 Sec. 24.60.100. NEPOTISM. (a) A member of the legislature may
4 not approve the employment of an individual who is related to the
5 member of the legislature and an employee of the legislature may not
6 approve the employment of an individual who is related to the employee
7 of the legislature. For the purposes of this section, a husband,
8 wife, mother, father, grandparent, grandchild, sister, brother, uncle,
9 aunt, nephew, or niece is related to the approving officer.

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

12 Sec. 24.60.110. BLIND TRUSTS AND DIVESTITURE. A member of the
13 legislature and a person employed by a member of the legislature may
14 establish a blind trust or seek divestiture of assets that create or
15 appear to create a conflict of interest. If circumstances make the
16 establishment of a blind trust or divestiture difficult or impossible,
17 the circumstances shall be reported to the ethics committee and its
18 determinations followed.

19 Sec. 24.60.120. RETALIATION. Retaliation for filing an ethics
20 complaint with or for providing truthful testimony to an ethics com-
21 mittee or to publicly constituted investigatory body constitutes a
22 violation of legislative ethics and shall be dealt with by an ethics
23 committee appropriately.

24 Sec. 24.60.130. EMPLOYMENT OF FORMER MEMBERS AND EMPLOYEES. A
25 former member of the legislature and a former employee of the legisla-
26 ture may accept employment with an agency of the state or with a
27 municipality of the state and may engage in lobbying immediately on
28 the termination of service as a member of the legislature or as a
29 person employed by a member of the legislature. A former member of

1 the legislature and a former employee of the legislature may not use
2 confidential information obtained from the earlier service except for
3 the benefit of the state.

4 Sec. 24.60.140. CONFIDENTIAL INFORMATION. Information obtained
5 by a member of the legislature or a person employed by a member of the
6 legislature in the course of official duties that is not available to
7 the general public by law, regulation, or practice may not be used for
8 personal gain.

9 ARTICLE 2. ETHICS COMMITTEES.

10 Sec. 24.60.200. ETHICS COMMITTEES ESTABLISHED. (a) An ethics
11 committee of the senate and an ethics committee of the house of rep-
12 resentatives are established as permanent committees of the legisla-
13 ture.

14 (b) Each ethics committee shall provide the particular house of
15 the legislature and its members with guidance on legislative standards
16 of conduct through the establishment of substantive and procedural
17 guidelines, the issuance of advisory opinions, and the investigation
18 of complaints of violations of legislative standards of conduct by
19 members of the legislature and by persons employed by a member of the
20 legislature.

21 (c) Nothing in this chapter authorizes the referral by the
22 presiding officer of legislation to an ethics committee at a regular
23 or special session of the legislature.

24 Sec. 24.60.210. MEMBERSHIP. The ethics committee of the senate
25 is composed of five members of the senate appointed by the president
26 of the senate and the ethics committee of the house of representatives
27 is composed of five members of the house of representatives appointed
28 by the speaker of the house. The membership of each committee shall
29 include at least one member from each of the two major political

parties represented in that house. The appointing authority in each house shall announce the appointment of members of each committee within 15 days after the convening of the first regular session of each legislature.

Sec. 24.60.220. TERM OF MEMBERSHIP. A member serves for the duration of the legislature in which the member is appointed and a member reelected to office or serving a term of office extending into the next succeeding legislature may continue to serve until a successor is appointed.

Sec. 24.60.230. VACANCIES. If a vacancy occurs in the membership of an ethics committee the presiding officer shall fill the vacancy within 30 days. If the office of the president of the senate or speaker of the house of representatives becomes vacant and a vacancy occurs among the appointed member of a committee, the remaining committee members shall appoint a new member. A member of the legislature appointed to fill a vacancy shall be a member of the same political party as the member vacating the seat, if possible.

Sec. 24.60.240. STAFF. (a) Each ethics committee may hire and determine the compensation of staff of the committee. Staff members serve at the direction and at the pleasure of the ethics committee.

(b) Staff shall maintain the integrity of the functions and services of each ethics committee by refraining from joining or supporting any partisan political organization, faction or activity that would tend to undermine the essential nonpartisan nature of their functions and services. The provisions of this section do not restrict staff from expressing private opinion, registering or voting.

Sec. 24.60.250. MEETING OF THE ETHICS COMMITTEE. Each ethics committee shall meet as necessary during a legislative session and during the interim and it may meet at the request of its chair or of

1 three members of the committee.

2 Sec. 24.60.260. QUORUM. A quorum of the ethics committee con-
3 sists of three members and the vote of three members is required to
4 adopt a motion, determination, or advisory opinion of the ethics
5 committee.

6 ARTICLE 3. RESPONSIBILITIES OF THE ETHICS COMMITTEE.

7 Sec. 24.60.300. DISCLOSURES TO THE COMMITTEE. (a) A member of
8 the legislature and an employee of the legislature shall file with the
9 ethics committee a report disclosing the information required by this
10 section.

11 (b) The statement required by (c) of this section shall be filed
12 with the ethics committee within 72 hours after the event described
13 occurs if either house of the legislature is in session and within 30
14 days of the occurrence of the event if neither house of the legisla-
15 ture is in session; in no case may the information required by (c) of
16 this section be filed more than 72 hours after the event occurred if a
17 house of the legislature is in or comes into session during the 72
18 hour period.

19 (c) Each member of the legislature and each person employed by a
20 member of the legislature shall file a statement with the ethics
21 committee listing the information required by this subsection:

22 (1) a description of each contract with the state or an
23 agency of the state or with a municipality of the state in which the
24 member of the legislature or a person employed by a member of the
25 legislature has acquired an interest;

26 (2) a description of each gift with an aggregate value in
27 excess of \$100 in each calendar year to the member of the legislature
28 or to a person employed by a member of the legislature; as used in
29 this paragraph;

1 (A) one or more gifts shall be cumulated from the
2 particular donor during the calendar year to determine aggregate
3 value; and

4 (B) hospitality in a restaurant or other place of
5 public accommodation or in a home, not associated with overnight
6 accommodations, is not a gift;

7 (C) a gift from a husband, wife, mother, father,
8 grandparent, grandchild, sister, brother, uncle, aunt, nephew,
9 niece and similar step-relatives need not be disclosed;

10 (3) a description of transportation not involving common
11 carriers accepted in the course of official business;

12 (4) a description of each fee or honorarium and, when in
13 excess of \$100, compensation or reimbursement not paid by an agency of
14 the legislature or a committee of the legislature for travel or
15 expenses received for attending or participating in a meeting;

16 (5) a description of each financial transaction involving
17 more than \$500 between two or more members of the legislature, two or
18 more persons employed by a member of the legislature, or between a
19 member of the legislature and a person employed by a member of the
20 legislature.

21 Sec. 24.60.310. COMPLAINTS. (a) A person who believes a viola-
22 tion of this chapter has occurred may file a sworn, confidential
23 complaint with the appropriate ethics committee. The staff of an
24 ethics committee may recommend that the ethics committee initiate a
25 confidential investigation.

26 (b) If an ethics committee determines there is an adequate basis
27 for believing that a violation has occurred, it shall order the staff
28 to undertake a confidential investigation.

29 (c) The staff of an ethics committee shall complete a

1 confidential investigation expeditiously considering the complexity of
2 the underlying facts, the workload of the ethics committee, the rea-
3 sonable and proper protection of reputations, and the public interest.

4 (d) If the staff of an ethics committee concludes after afford-
5 ing notice and an opportunity for a private hearing to the individual
6 against whom the complaint was filed that the acts or practices
7 charged have occurred and that the acts or practices may constitute a
8 violation of this chapter, the staff shall report its confidential
9 findings and recommendations to the ethics committee.

10 (e) The ethics committee shall offer the individual in relation
11 to whom the confidential findings and recommendations have been
12 reported by the staff an opportunity to respond to the findings and
13 recommendations and a hearing. The ethics committee may adopt the
14 findings and recommendations of its staff as its own findings or may
15 modify or reject the findings or recommendations.

16 (f) If the ethics committee finds that the complaint and the
17 investigation of staff do not state a violation of legislative ethics,
18 the findings of the ethics committee remain confidential. An indivi-
19 dual against whom a complaint was filed may request the ethics commit-
20 tee to publish its findings.

21 (g) If an ethics committee finds that the complaint and inves-
22 tigation of the staff as modified by the ethics committee under (e) of
23 this section state a violation of legislative standards of conduct,
24 the commission shall publish its determination. If requested by the
25 attorney general, the ethics committee shall make available to the
26 attorney general the results of its investigation in the case of
27 published findings.

28 Sec. 24.60.320. ACTION ON DETERMINATION OF A VIOLATION OF LEGIS-
29 LATIVE ETHICS. (a) If an ethics committee determines under

1 AS 24.60.310 that a violation of legislative ethics has occurred, the
2 ethics committee may by a majority vote of the ethics committee

3 (1) issue a private reprimand; or

4 (2) recommend

5 (A) revocation of committee assignments;

6 (B) censure by the appropriate house of the legisla-
7 ture;

8 (C) expulsion by the appropriate house of the legisla-
9 ture;

10 (D) suspension or termination of the employment of a
11 person employed by a member of the legislature.

12 (3) refer the matter to the attorney general for action
13 considered appropriate by the attorney general.

14 (b) The attorney general may bring an action in the name of the
15 state for the recovery of improper compensation, gift, or profit
16 received by a member of the legislature or a person employed by a
17 member of the legislature. The attorney general may also bring an
18 action for the cancellation of a contract improperly entered into by a
19 member of the legislature or a person employed by a member of the
20 legislature; in any action brought under this subsection, the attorney
21 general and the court shall consider the interests of an innocent
22 party to a contract. An action to cancel a contract must be brought
23 within 60 days of the publication of the finding that a violation of
24 legislative ethics has occurred.

25 Sec. 24.60.330. ADVISORY OPINION. (a) On the written request
26 of a member of the legislature or a person employed by a member of the
27 legislature, the ethics commission may issue an advisory opinion
28 concerning the propriety under legislative ethics of a matter concern-
29 ing the member of the legislature or a person employed by a member of

1 the legislature.

2 (b) An advisory opinion shall be issued as soon as is practi-
3 cable considering the complexity of the underlying facts, the workload
4 of the ethics committee, the reasonable and proper protection of
5 reputations, and the public interest.

6 (c) If an advisory opinion is not issued by the ethics committee
7 within 21 days of the receipt of the request filed while the legisla-
8 ture is in session or within 42 days of the receipt of the request
9 filed while the legislature is not in session, the individual request-
10 ing the advisory opinion may consider that the facts and circumstances
11 stated in the request do not constitute a violation of legislative
12 ethics.

13 (d) If the workload of the ethics committee prevents a response
14 within the times stated in (c) this section, the staff may issue an
15 interim opinion indicating that the facts and circumstances stated in
16 the request for an advisory opinion may constitute a violation of
17 legislative ethics.

18 (e) An interim opinion of staff and an advisory opinion of the
19 ethics committee under this section are confidential although the
20 individual requesting the advisory opinion may request the ethics
21 committee to release the advisory opinion.

22 (f) A member of the legislature and a person employed by a
23 member of the legislature may rely on an advisory opinion of an ethics
24 committee received in response to a request filed by the member of the
25 legislature or the person employed by a member of the legislature to
26 the extent that the request included a complete and accurate statement
27 of the matter and the person relying on the opinions follows the terms
28 of the advisory opinion in good faith.

29 Sec. 24.60.340. PUBLICATION. (a) Notwithstanding a provision

1 of this chapter regarding the confidentiality of complaints, findings,
2 and advisory opinions, each ethics committee shall publish weekly a
3 report of the ethics committee in the particular journal. A summary
4 of the information filed the preceding week under AS 24.60.300 shall
5 be included in the weekly report in the journal. The report shall
6 also indicate the conclusions of each ethics committee on generalized
7 fact situations as may be of use as future guidelines for members of
8 the legislature, employees of the legislature, and members of the
9 public.

10 (b) The staff of the committee shall prepare a weekly summary of
11 the activity of the ethics committee for inclusion in the journal,
12 preserving as necessary the confidentiality of matters pending before
13 the ethics committee.

14 ARTICLE 4. DEFINITIONS.

15 Sec. 24.60.900. DEFINITIONS. In this chapter,

16 (1) "person employed by a member of the legislature"

17 (A) means a person who is on the permanent or tempo-
18 rary staff of a member of the legislature or of a standing,
19 joint, or special committee of the legislature;

20 (B) does not mean a permanent or temporary employee of
21 an agency of the legislature established under AS 24.20 or this
22 chapt .

23 (2) "ethics committee" means the ethics committee of the
24 house of the legislature to which the member of the legislature or the
25 member employing a person belongs.
26
27
28
29