ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILE 8672
1780 SCOMM 72: JOINT COMMITTEE ON LEGISLATIVE ETHICS ACT OF 1990 048

agency and available to the general public for nongovernmental purposes. A person who violates this subsection is guilty of theft under AS 11.46.

(c) A legislator or legislative employee may not require a legislative employee on government time to assist in political party activities, campaigning, fund raising, or other partisan or personal political activities.

(d) A legislator may not use public funds to produce or distribute a printed flyer, newsletter, or similar publication for mass distribution to constituents unless the publication contains a clear statement of the following information:

(1) a brief description of the nature of each bill introduced by the legislator as a prime sponsor;

(2) ~~a brief description of the~~ nature of each committee substitute or ~~significant amendment offered by the legislator~~;

(3) an identification of each bill voted on by the legislator's house and the vote of the legislator;

(4) the name of ~~each~~ significant contributor of $250 or more.

(e) The information required under (d) of this section must include all activity since the last mailing or, if a previous state-paid mailing was not sent, during the most recent legislative session, up to and including activity at the time the publication is prepared, and must be in the form prescribed by guidelines prepared by the legislative council and adopted by ~~the commission~~ rules adopted by leg council under AS 24.61.160. This provision does not affect the content of a publication prepared and distributed with campaign funds.

(f) Unless superseded by ~~regulations~~ rules relating to the use of government resources for political purposes developed by the legislature and adopted by the commission under AS 24.61.160, the following

prohibitions apply:

(1) a legislator may not use or authorize the use of public funds, property, time, personnel, or other resources to produce, print, photocopy, publish, broadcast, or otherwise disseminate material intended to influence the election of a candidate in an election; this provision applies to newsletters and other constituent correspondence that by their nature, content, timing, or use are intended to influence an election, even if the materials do not make a specific reference to the election;

(2) unless approved by the commission, public funds may not be used to print or distribute a mass mailing from or about a legislator who is a candidate for reelection to the legislature or another state office during the period beginning 90 days before the primary election in which the legislator is a candidate, and ending the day after the final election that year in which the legislator is a candidate;

(3) a legislator, or another person on behalf of the legislator, or a campaign committee of the legislator, may not solicit or accept a campaign contribution in a facility or office ordinarily used to conduct state government business; this provision applies to telephone conversations, personal meetings, and solicitations by mail; if an unsolicited contribution is offered it shall be refused or returned promptly; if an unsolicited contribution is received in the mail, or a lawfully solicited contribution is misdirected to an office ordinarily used to conduct state business, if otherwise lawful it may be accepted but it may not be processed in that office and it shall be delivered promptly to an appropriate location;

(4) a legislator, or another person on behalf of the legislator, or a campaign committee of the legislator, may not distribute

or post literature, placards, posters, or other communications designed to influence the election of a candidate in an election in a facility or office ordinarily used to conduct state government business.

(g) Except for a erson who violates (f)(1) of this section and whose conduct may be prosecuted as theft under AS 11.46, a person who violates (c), (d), (e), or (f) of this section or a regulation adopted under those provisions is guilty of a class A misdemeanor.

(h) In addition to criminal penalties, a person who violates this section is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.150. OBLIGATION OF SUBORDINATES TO REFUSE TO PERFORM IMPROPER TASKS. (a) A legislative employee who knows or reasonably should know that the employee has been asked to perform a personal or political task in violation of AS 24.61.100 - 24.61.460 shall refuse to perform it.

(b) If a legislator or legislative employee with supervisory authority persists in requesting or demanding that a legislative employee perform prohibited tasks, or if reprisals are threatened or sanctions imposed as a result of the refusal to perform prohibited tasks, the legislative employee subjected to the requests, threats, or sanctions shall report the matter to the commission.

(c) A person who violates this section is subject to the civil sanctions authorized under AS 24.61.560(a).

Sec. 24.61.160. REGULATIONS CONCERNING USE OF PUBLIC RESOURCES. (a) The legislative council shall develop and recommend for adoption by the commission detailed regulations relating to the use of government property, resources, and personnel to assure that the provisions of AS 24.61.140 - 24.61.160 and regulations adopted by the commission are interpreted uniformly and fairly and are consistent with the

spirit of this chapter. The legislative council shall annually review the regulations and recommend necessary changes to the commission.

(b) If the legislative council fails to make recommendations for the adoption or modification of regulations under (a) of this section, the commission shall develop and adopt the regulations on its own initiative.

Sec. 24.61.170. USE OF NONPUBLIC ~~AND~~ INFORMATION FOR PRIVATE GAIN. (a) A legislator or legislative employee may not use or disclose nonpublic information acquired in the course of and by reason of legislative service to obtain private gain a benefit for the legislator or employee or another person or business, including a person or business with whom the legislator or legislative employee is associated or has negotiated prospective employment. This subsection does not allow the disclosure of information made confidential by law.

(b) A person who violates this section is guilty of a class A misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.180. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN OR PERSONAL ADVANTAGE. (a) A legislator or legislative employee may not use, or allow others to use, the authority, title, or prestige of the legislator's or employee's office to obtain private economic benefits for the legislator, legislative employee, or another person. This provision includes, but is not limited to, a prohibition against the use of authority, title, or prestige to obtain employment, contracts for goods or services, clients, grants, or loans.

(b) A legislator or legislative employee may not use official letterhead in private matters or refer to the legislator's or legislative employee's public position as a means of inducing or intimidating persons to resolve disputes more favorably, provide preferential treatment, or give free tickets, discounts, favors, or other advan-

tages.

(c) A legislator or legislative employee may not use, or allow others to use, the authority, title, or prestige of the legislator's or employee's office in the context of an endorsement of a commercial product or service. Official letterhead may not be used in materials endorsing a product, service, or candidate for office. This provision may not be construed to prohibit the use of a

(1) legislator's or legislative employee's official title or letterhead in the course of a recommendation of a person for employment; or

(2) legislator's official title, used in a dignified manner along with the name, as part of a political endorsement.

(d) A legislator or legislative employee may not solicit or accept compensation of any sort under terms and conditions where the compensation is not commensurate with the services performed or that would otherwise create in the minds of reasonable persons the perception that the stature of office has been exploited for private gain.

(e) The legislative council shall adopt a written definition of "official letterhead" for purposes of this section.

(f) A person who violates this section is subject to civil sanctions under AS 24.61.560(a) in addition to appropriate criminal penalties under another law.

Sec. 24.61.190. POST-SERVICE RESTRICTIONS TO PREVENT MISUSE OF PUBLIC OFFICE BY FORMER LEGISLATORS AND LEGISLATIVE EMPLOYEES. (a) A legislative assistant or person who has served as a member of the legislature may not, within one year after the expiration of the person's legislative service, use or disclose nonpublic information acquired in the course of and by reason of legislative service to obtain private personal gain or for the gain of another, including a

person or business with whom the former legislator or legislative employee is associated. A person subject to this subsection may not, at any time, use or disclose information that is by law confidential.

(b) Legislators and legislative assistants may not for compensation, for a period of one year after leaving office, act on their own behalf or assist another as a lobbyist, representative, consultant, advisor, or advocate in seeking to influence a

(1) legislator or legislative employee to take or withhold legislative, administrative, or political action;

(2) state agency, public official, or employee with responsibility in an area in which the person, while a legislator or legislative assistant, had special oversight or budget authority, to take or withhold administrative action.

(c) A person is considered to have had special oversight or budget authority over an agency if the person served, within the last year of the person's legislative term, as the president of the senate, speaker of the house, chair of the finance committee of either house, or as chair of a committee directly concerned on a regular basis with the agency's activities, or served as a legislative assistant for a person described in this subsection.

(d) A former legislator, within one year after leaving office, may not solicit or accept compensation of any sort under terms and conditions where the compensation is not commensurate with the services performed or that would otherwise create in the minds of reasonable persons the perception that the stature of office has been exploited for private gain.

(e) This section does not prohibit a former legislative assistant from being employed by another government agency if the legislative assistant obtains an exemption under AS 24.61.530.

(f) A person who violates this section is guilty of a class A misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.200. USE OF CAMPAIGN FUNDS: INTENT. Because the right to solicit and accept funds from the public for the purpose of supporting a person's campaign for office is purely an incident of our democratic political system, the use that can properly be made of campaign funds must be sharply limited to prevent actual misuse and improper appearances of misuse of funds. Legislative campaign funds are received, free of tax liability to the recipient, for the specific purpose of assisting a candidate to get elected or reelected to office. Any other use of funds, whether for personal gain or other purposes not closely related to bona fide campaign expenditures, is improper.

Sec. 24.61.202. PROPER USES OF CAMPAIGN FUNDS. Campaign funds may be used only as is reasonable and necessary to advance the interests of the campaign. Campaign funds may be properly expended for an otherwise lawful purpose intended to influence voters to elect or reelect the legislative candidate to the legislature including, but not limited to: payment of staff and consultants; rental of space and equipment for a campaign office; purchase of media time and space; design work; printing of campaign materials; postage; taking polls and interpreting them; telephone installation and usage; costs of distribution of materials; advertising in organizational and club bulletins or other brochures; inscribed promotional materials, including buttons, pencils, pens, and items of clothing; necessary travel and related expenses for the candidate and members of the candidate's staff or immediate family provided that the travel and lodging are directly related to attempts to influence voters; victory and thank you celebrations; and newsletters and mass mailings promoting the

candidate.

Sec. 24.61.205. PROHIBITED USES OF CAMPAIGN FUNDS. (a) A candidate for the legislature may not

(1) use funds raised and designated as campaign funds for personal economic benefit;

(2) convert surplus campaign funds or interest earned on campaign funds to personal income;

(3) seek or claim a tax deduction or other economic benefit for surplus funds disbursed to a charity under law.

(b) A legislative candidate may not borrow from campaign funds or loan them to another person or group.

(c) A person or company providing goods or services to the campaign may not knowingly be paid more than the fair market value of the goods or services purchased.

(d) Funds ~~may~~ not be used in a way that would create in the mind of a reasonable person the belief that the funds are for the personal financial benefit of the candidate or the candidate's immediate family, or to unjustly enrich another person. Campaign funds may not be paid to a member of the candidate's immediate family as an employee or for goods or services provided to the campaign unless the amounts paid are reasonable and proper for the goods or services provided. Excess amounts paid to family members shall be treated as an improper conversion of campaign funds to personal use.

(e) Except for funds received or postmarked before a ~~final election~~, a legislative candidate who has won office, and a committee related to the election, may not accept campaign contributions. A post-election contribution shall be treated as an illegal gratuity and must be returned.

(f) A legislative candidate and a committee controlled by a

legislative candidate may not use campaign funds to make a contribution to another candidate running for office or to a committee supporting or opposing a candidate for office.

(g) Campaign funds may not be used to pay fines or other monetary penalties or costs assessed against a candidate by a court or other body, unless the fine, penalty, or cost is assessed as a result of proscribed actions by a member or employee of a campaign committee or another person acting on behalf of the candidate under circumstances where the candidate did not know of or have reason to know of those actions.

(h) A person who violates this section is guilty of a class A misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.210. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS. (a) If a legislative candidate ceases to be a candidate or if there remains a balance in the account of the candidate or a committee controlled by the candidate after the date of the election, unexpended funds in excess of the amount allowed under (b) of this section may only be used as provided in (1) - (5) of this subsection or to pay for a victory or thank you party. Within 60 days after the end of the candidacy or the election, unexpended funds shall be

(1) used to retire bona fide loans supported by ~~appropriate~~ written documentation including loans made to a campaign by the legislative candidate or a member of the candidate's immediate family provided that all other outstanding loans are paid first;

(2) returned on a pro rata basis to those who have made contributions in excess of $100 in the aggregate a year;

(3) paid to the Department of Revenue for deposit to the general fund;

(4) donated to one or more charitable organizations that

qualify for a federal tax exemption provided that the charity is not one that is controlled by the candidate or a member of the candidate's immediate family or in which the candidate or a member of the candidate's immediate family is personally involved as a director, trustee, member of the board, officer, or other position of responsibility; or

(5) transferred to an ongoing political account controlled by the candidate, but only in the amounts and according to the requirements set out in (b) of this section.

(b) A maximum of $2,500 for candidates for the house and $5,000 for candidates for the senate of surplus campaign funds may be transferred to an ongoing political account controlled by the candidate.

(c) Funds carried over under this section may be expended for any political purpose for which campaign funds can otherwise properly be used, but they may not be used for a campaign for an office other than the state legislature.

Sec. 24.61.220. PAYMENT OF LEGAL EXPENSES; LEGAL EXPENSE FUNDS. (a) Campaign funds may be used to defray attorney fees and other legal costs incurred in the candidate's legal defense to a civil, criminal, or administrative action arising directly out of the conduct of the campaign or election process or the performance of official action taken as part of the legislator's governmental activities and duties. Campaign funds may not be expended on defense costs relating to criminal, ethics, or civil charges based on nonofficial personal conduct; however, those costs may be paid from a legal expense fund established under this section.

(b) A legislative candidate, legislator, or legislative employee who wishes to establish a legal expense fund account shall file a statement of organization for the legal expense fund with the commission. The statement of organization must identify the specific civil,

criminal, or administrative proceeding or proceedings for which the legal expense fund is established.

(c) The legal expense fund shall establish a single account at an office of a financial institution located in the state. A donation to the candidate, legislator, or legislative employee for legal expenses shall be deposited into that account if the donation meets the requirements of (d) of this section.

(d) Only a donation that is specifically designated by the donor as being for the legal expense fund and is made payable to the legal expense fund may be deposited in the legal expense fund account.

(e) Expenditures from the legal expense fund account may be made only for legal costs directly related to the civil, criminal, or administrative proceeding or proceedings for which the legal expense fund is established. Expenditures from the legal expense fund account may not be used to pay or reimburse fines, penalties, judgments, or settlements in connection with a criminal prosecution or a civil or administrative action in which the legislative candidate, legislator, or legislative employee is found to have committed, or admits to having committed a violation of the law.

(f) Surplus funds remaining in the legal expense fund account after the proceeding or proceedings for which the account is established have concluded may not be used for another purpose and shall be returned to donors on a pro rata basis as to contributions in excess of $100 or given to the Department of Revenue for deposit in the general fund within six months after the final conclusion of the proceeding or proceedings.

(g) This section constitutes the sole means for soliciting or accepting donations for legal costs described in this section that may not be paid from campaign funds. Except for the provisions of this

chapter relating to the times during which political contributions may be solicited or accepted, and provisions inconsistent with specific provisions of this section, this chapter applies to the solicitation and acceptance of funds under this section. The commission may adopt regulations limiting the dollar amount of contributions under this section.

(h) Funds received from testimonial dinners or other fund raising events must be clearly designated in advance as either for campaign purposes or for the legal expense fund and all proceeds shall be dealt with accordingly.

(i) A person who violates this section is guilty of a class A misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.230. IMPROPER COERCION. (a) Legislators wield substantial power and influence and it is essential that constituents and others interested in their legislative, administrative, and political actions have, and believe they have, a fair and adequate opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits, contribute to particular charitable causes favored by a legislator, or provide financial or other forms of political support.

(b) A legislator may not, directly or through others acting on the legislator's behalf, engage in conduct that the legislator knows or reasonably should know is likely to create the belief or impression in another that persons and the causes they represent will receive ~~more or less favorable~~ consideration, or that they will be given more or ~~less~~ opportunity to ~~personally~~ state their case, or otherwise be benefited or disadvantaged as a direct result of their willingness to provide

(1) funds for a campaign contribution or another cause

favored by the legislator; or

(2) the legislator with personal benefits or political support.

(c) A legislator may not directly or through others acting on the legislator's behalf,

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

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

(3) ~~participate in a discussion, scheme, or plan clearly~~ designed to evade the ~~plain spirit~~ and purpose of campaign and contribution regulations or ~~financial~~ disclosure provision ~~of state law; or~~

(4) knowingly accept a contribution given or offered in violation of ~~law.~~ this chapter.

(d) Unless the conduct violates a provision of AS 11 and the person is subject to prosecution under that provision, a person who violates (b) or (c) of this section is guilty of a class A misdemeanor.

(e) In addition to criminal penalties, a person who violates this section is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.240. FUND RAISING LIMITATIONS. (a) Because the process of campaign fund raising involves activities that take great amounts of time and energy and that tend to place legislators in situations rife with the potential for conflicts of interest, it is the intent of this section that fund raising should be limited in ways

that permit legislators to concentrate their attention on public matters.

(b) A legislator may not, either directly, through a campaign committee, or other means, solicit or accept a campaign contribution or a promise or pledge to make a contribution while the legislature is in regular or special session, nor may a legislator otherwise be involved in a fund raising activity for the legislator's own campaign or for another person while the legislature is in session.

(c) A legislator may not, either directly, through a campaign committee, or other means, solicit or accept a campaign contribution or a promise or pledge to make a contribution relating to candidacy for the legislature except during the following periods:

(1) legislators and other incumbent elected public officials intending to run for the legislature may raise funds from June 1 until December 31 in the year before the year of an election in which they intend to be a candidate, and from June 1 through the final election in November in the year of the election;

(2) candidates for the legislature who are not in public office at the time of their candidacy may raise funds from June 1 in the year before the year of an election in which they intend to be a candidate through the final election in November in the year of the election.

(d) This section does not prohibit a legislator from making an otherwise lawful contribution or from attending an otherwise lawful fund raising activity at any time.

(e) A person who violates (b) or (c) of this section is guilty of a class A misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.250. GENERAL OBLIGATION TO AVOID CONFLICTS OF INTER-

EST AND PRESERVE ABILITY TO MAKE INDEPENDENT IMPARTIAL JUDGMENTS. Legislators and legislative employees shall safeguard their ability to make independent, objective, fair, and impartial judgments by ~~scrupulously seeking to~~ avoid financial, social, and political relationships and transactions that may compromise or give the appearance of compromising their objectivity, independence, or honesty.

Sec. 24.61.255. FINANCIAL CONFLICTS OF INTEREST DEFINED. A financial conflict of interest exists when a person or a member of that person's immediate family has substantial financial interests that may be materially affected by an official action or decision they might make. The interest must be so substantial and the potential effect on that interest must be so material that a reasonable person is likely to believe that the ability of the person with the financial interest to make an objective, fair, and impartial professional judgment will be impeded by self-interest. It is not a conflict of interest as to a specific matter if

(1) the person's economic interest is not substantial;

(2) the person's authority in relation to the interest is such that an action or decision is not likely to materially affect the financial interest; or

(3) the economic effect an official action or decision might have on a person's private financial interests is no greater than the effect on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.

Sec. 24.61.260. SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION DEFINED. Conflicts of interest arise most often and are most serious when a legislator or legislative employee has a financial or personal relationship with other persons, including governmental entities, that have a substantial interest in legisla-

tive, administrative, or political action. Persons, including governmental entities, have a substantial interest if they

(1) are regulated by the legislature;

(2) provide goods or services to the legislature for compensation or profit;

(3) seek employment in the legislative branch or a government agency or in a private organization in which a legislator or legislative employee is likely to have, or reasonably appears to have, the ability to influence an employment decision;

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

(5) have or seek contracts for goods or services with an agency of state government;

(6) are registered lobbyists;

(7) employ registered lobbyists; or

(8) represent, with or without compensation, a person or organization described in (1) - (7) of this section.

Sec. 24.61.265. CLOSE ECONOMIC ASSOCIATION DEFINED. "Close economic association" refers to a financial relationship between two or more persons that creates economic interests in a legislator or legislative employee that either (1) conflict with public duties and the obligation to exercise objective independent judgment; or (2) create the appearance that the person may have undue access to confidential information or otherwise receive favored treatment regarding public actions. "Close economic association" includes, but is not limited to, relationships involving compensation as an employee,

agent, representative, counselor, adviser, or consultant, including professional services as between a lawyer and client or a financial planner and a client; a financial interest resulting from an investment, business enterprise, or interest in real property as a partner, investor, associate, or major stockholder; a landlord and tenant or co-tenants sharing housing expenses; a debt, loan, or loan guarantee; or another relationship in which a legislator or legislative employee has a substantial economic involvement with another person. In this section, "person" includes governmental entities.

Sec. 24.61.270. DEALING WITH FINANCIAL CONFLICTS. Except in the relatively few cases in which certain ~~conflict-laden~~ transactions or relationships are banned by this chapter or where divestiture will be ordered by the commission, conflicts of interest are dealt with primarily as a matter of required public disclosure and voluntary restraint.

Sec. 24.61.275. PERSONAL RELATIONSHIP ~~CONFLICTS OF INTEREST~~ DEFINED. [A personal relationship conflict of interest exists when a legislator or legislative employee is involved in a close personal relationship with another person who is likely to be substantially affected by an official action or decision the legislator or legislative employee might make.] A close personal relationship is a special relationship between a legislator or legislative employee and another person that creates strong bonds of loyalty, friendship, or love that could potentially conflict with public duties and the obligation to exercise objective independent judgment or create the appearance that the person may have undue access to confidential information or otherwise receive favored treatment regarding public actions. A close personal relationship includes, but is not limited to, immediate family, long-term personal friends, or former business associates, and

persons with whom the legislator or legislative employee has a significant and continuous romantic relationship.

Sec. 24.61.280. DEALING WITH PERSONAL RELATIONSHIP CONFLICTS OF INTEREST. Except in the very few cases where certain relationships give rise to specific legal limitations, such as the ban on nepotism, personal relationship conflicts are not restricted or subject to mandatory disclosure. However, this makes them no less damaging to public trust. Legislators and legislative employees shall avoid, where reasonably possible, getting into situations where they have personal relationship conflicts of interest. Where the situations are not reasonably avoidable, legislators and legislative employees shall take affirmative steps to disclose the conflicts that are not apparent and refrain, where reasonably possible, from making decisions or taking actions affected by the conflict.

Sec. 24.61.290. RESTRICTED RELATIONSHIPS: NEPOTISM. (a) A member of the immediate family of a legislator may not be employed for compensation

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

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

(3) by the commission, whether for compensation or not, at any time.

(b) A member of the immediate family of a legislative employee may not be employed for compensation in a position over which the employee has supervisory authority.

(c) In cases where a member of the immediate family of a legislator or legislative employee is uniquely qualified to perform a task, or another extraordinary circumstance exists under which it would be

in the state's interest to waive the limitation of this section, an exemption may be sought from the commission.

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

(e) A person who violates this section is subject to the civil sanctions authorized under AS 24.61.560(a).

Sec. 24.61.300. RESTRICTED RELATIONSHIPS: LOBBYISTS, LEGISLATORS, AND LEGISLATIVE EMPLOYEES. (a) A registered lobbyist may not serve as a campaign manager or director, serve as a campaign treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising event, or otherwise engage actively in the fund-raising activity of a legislative campaign or for a legal expense fund under AS 24.61.220. Although this subsection prohibits a lobbyist from engaging in all forms of fund raising, it may not be construed to prohibit a lobbyist from making personal contributions to or personally advocating on behalf of a candidate.

(b) Legislators and legislative employees who have a close economic association or a close personal relationship with a registered lobbyist shall make a written disclosure of the relationship in confidence to the commission. The disclosure shall be made during the first week of each session. If a legislator or legislative employee is not in office or employed during the first week of the session, the disclosure shall be made within 30 days after taking office or being employed. If the relationship did not exist during the first week of the session, the disclosure shall be made no later than ~~45~~ 30 days after formation of the relationship.

(c) The written disclosure must state the name of the persons involved, the nature of the relationship, and a brief narrative of the matters the legislator or legislative employee is working on or rea-

sonably might work on in the future that could create an actual conflict of interest. If the commission requests additional information it shall be promptly provided.

(d) The commission shall make a determination as to whether the relationship creates a conflict of interest that ~~requires~~ warrants restrictions or disclosure. After making the determination, the commission may elect to

(1) keep the matter confidential;

(2) ~~order~~ recommend some restriction in the activities; or

(3) order disclosure in the journal of the appropriate position; or

(4) order a combination of (1) and (2) or (2) and (3) of ~~this subsection.~~

(e) A legislator or legislative assistant may not provide personal services for ~~compensation~~ utility related to or on behalf of a registered lobbyist, lobbying firm, or another organization or firm that regularly engages in lobbying the legislature or state agencies, boards, or commissions, nor may a legislator or legislative assistant have a financial interest in a business that receives a substantial part of its income from lobbyists, lobbying firms, or another organization or firm that regularly engages in lobbying the legislature or state agencies, boards, or commissions.

(f) A person who violates this section is subject to the civil sanctions authorized under AS 24.61.560(a) and other penalties authorized under AS 24.45 (regulation of lobbying).

Sec. 24.61.310. RESTRICTED RELATIONSHIPS: BOARD MEMBERSHIPS. (a) A legislator or legislative employee may not serve on a governing or advisory board of an organization that regularly has a substantial interest in the legislative, administrative, and political actions of

the legislator or legislative employee.

(b) In extraordinary situations where the criteria for an exemption exists, a legislator or legislative employee may seek a waiver of the provisions of this section or a modified order from the commission.

(c) A person who violates this section is subject to the civil sanctions authorized under AS 24.61.560(a).

Sec. 24.61.320. RESTRICTED FINANCIAL INTERESTS. (a) A legislator or legislative employee may not participate in legislative, administrative, or political action if the legislator or legislative employee has an equity or ownership interest in a business, investment, real property, lease, or other enterprise if the interest has a fair market value of $25,000 or more and the effect of the action on that interest is greater than the effect on a substantial class of persons to which the legislator or legislative employee belongs as a member of a profession, occupation, industry, or region.

(b) In extraordinary situations where the criteria for an exemption exists, a legislator or legislative employee may seek a waiver of the provisions of this section.

(c) A person who violates this section is subject to the civil sanctions authorized under AS 24.61.560(a).

Sec. 24.61.330. RESTRICTED ACTIVITIES AS AN ATTORNEY OR REPRESENTATIVE. (a) A legislator or legislative assistant may not professionally represent a person in a legal action against the state where the state is the real party in interest, or receive compensation or any other benefit for acting as an informal representative, advisor, or consultant to persons regarding their actions against the state. This provision may not be construed to prevent a legislator or legislative assistant who is an attorney from representing a criminal

defendant or clients in competency, commitment, delinquency, support, or child in need of aid cases or similar proceedings where the state is not the real party in interest.

(b) A legislator or legislative assistant may not professionally represent ~~either formally or informally~~ as an advocate, advisor, or consultant, a person in a matter involving an agency, board, or commission of the state ~~or a local government~~ unless the matter involves a proceeding that is adjudicatory in nature and there is no reasonable basis to conclude that the side represented by the legislator or legislative employee has an unfair advantage. A matter is considered to be adjudicatory in nature where opposing sides are separately represented. This provision does not prohibit an attorney from representing a client in an otherwise permissible action before a criminal or civil court or prevent a legislator or legislative assistant from representing personal interests in an otherwise proper proceeding. This provision shall be construed to prohibit ~~formal and informal~~ professional representation for purposes of obtaining or retaining a state or local license, permit, franchise, grant, loan, or other entitlement, whether or not other parties contending for the ~~benefit~~ are represented. If, however, the granting of the benefit is a purely ministerial matter requiring little or no discretion, this provision does not prohibit representation.

(c) Notwithstanding any other law to the contrary, a legislator or legislative employee, acting as an attorney or representative of another, may not seek or accept special treatment, privileges, rights, or concessions solely by reason of service in the legislature.

(d) This section may not be construed to prohibit a legislator or legislative assistant from informally advising a constituent about the procedures or appropriateness of bringing an action against the

state or a local government. If a legislator or legislative assistant in an otherwise proper manner advises a constituent or another in an action against the state or a local government or before a state or local government agency, the legislator or legislative employee may not reveal nonpublic or confidential information.

(e) If an attorney is disqualified under this section, the firm of the legislator or legislative assistant is also disqualified.

(f) In extraordinary situations where the criteria for an exemption exists, a legislator or legislative assistant may seek a waiver of this section.

(g) A person who violates this section is subject to the civil sanctions authorized under AS 24.61.560(a).

Sec. 24.61.340. RESTRICTED TRANSACTIONS: INTEREST IN STATE CONTRACTS OR LEASES. (a) A legislator, a legislative assistant, or a member of the immediate family of a legislator or legislative assistant may not be a party to, or have a financial interest in, a state contract or lease unless the contract or lease is permitted under (b), (c), or (d) of this section.

(b) A contract is permissible if the contract is let through competitive sealed bidding under AS 36.30 (State Procurement Code) and the legislator or legislative assistant has filed a statement with the commission at the time the bid is made certifying under penalty of unsworn falsification that the legislator or legislative assistant did not have (1) access to nonpublic or confidential information that reasonably could appear to provide an advantage; or (2) discussions or contacts with state officials involved in letting the contract about the contract that could influence the decision. The statement must also specify the nature of the legislator or legislative assistant's personal or immediate family interest, including the percentage or

share of profits that will be realized. If the commission requests additional information, it shall be promptly provided. If the commission believes the nature or circumstances of the contract raise impermissible conflicts of interest, it may void the contract or order restrictions. The statement filed by the legislator or legislative assistant regarding the contract shall be made part of the public record and published in the journal of the appropriate house.

(c) A contract or lease is permissible if the total amount of the contract or lease over the course of a year is less than $1,000 and it was let under circumstances that raise no substantial question as to the use of undue influence.

(d) A contract or lease is permissible if the contract or lease was developed and standardized under published guidelines and the benefits and rights conferred are widely available to the general public under the same terms and conditions.

(e) A legislator or legislative assistant may not seek or accept compensation, whether in the form of a commission, bonus, retainer, kickback, or other form, ~~or~~ to procure a state contract ~~nor may~~ A legislator or legislative assistant may not receive similar compensation for services relating to recommending, supporting, or advocating a contract between a person and an entity of state government, an entity of local government that receives substantial state subsidy, or a private enterprise that does a substantial portion of its business with state government.

(f) A legislator, legislative assistant, or former legislator or legislative assistant, within one year of leaving legislative service, may not seek or accept a contract for goods or personal services, ~~or other compensation.~~ concerning a matter on which the legislator or legislative assistant ~~worked extensively~~ participated personally and substantially within the last year of service.

(g) A person who violates this section is subject to civil sanctions under AS 24.61.560(a) in addition to appropriate criminal penalties under another law.

Sec. 24.61.345. PARTICIPATION IN GENERAL STATEWIDE PROGRAMS PERMISSIBLE. (a) A legislator or legislative employee may ~~properly~~ participate in statewide benefit programs or receive a loan from the state if the program or loan is generally available to members of the public, is subject to fixed, objective eligibility standards, and requires minimal discretion in determining qualification.

(b) The commission shall review annually state programs and state loans and publish a list of programs and loans, designating which ones meet the qualifications stated.

(c) A legislator or legislative employee who participates in a program or receives a loan that does not qualify under this section shall file a written report with the commission by the first Monday in February of each year stating the amounts of the loans or other benefits received during the preceding calendar year from nonqualifying programs. If the commission requests additional information it shall be promptly provided. The commission shall promptly compile a list of the statements indicating the loans and programs and amounts and send it to the presiding officer of each house who shall have it published in the supplemental journals within three weeks of the filing date.

(d) If loan proceeds or other program benefits are received from nonqualifying programs or loans after January 15, the legislator or legislative employee shall file a statement with the commission within 30 days after the beginning of participation in the state program or receipt of proceeds from the state loan. The statement shall be promptly forwarded to the presiding officer of the appropriate house who shall cause it to be published in the supplemental journal.

(e) If the commission determines that the nature and circumstances under which the legislator or legislative employee received a state benefit or loan raises an ~~undue~~ appearance of impropriety or was in fact the result of unfair or improper influence it shall be treated as a violation of this section. In addition, the commission shall report the violation to the attorney general for action under other civil or criminal laws.

(f) The commission shall annually identify the programs and loans to be audited by the division of legislative audit during the following year, including the scope of the audit. The records of the relevant state agencies shall be made available to the division of legislative audit. The division of legislative audit shall prepare a report to the commission on its findings. The report is confidential until it is released by the commission.

(g) In extraordinary situations where the criteria for an exemption exists, a legislator or legislative employee may seek a waiver of this section.

(h) A person who violates this section is subject to the civil sanctions authorized under AS 24.61.560(a).

Sec. 24.61.350. RESTRICTED TRANSACTIONS: GRATUITIES. (a) Legislators and ~~public servants~~ must be extremely cautious and circumspect about accepting a gratuity or favor, especially from persons or entities that have a substantial interest in their legislative, administrative, or political actions. Even where there is a genuine personal friendship, the acceptance of personal benefits from those who could gain advantage by influencing official actions raises suspicions that tend to undermine public trust. It is the intent of this section to discourage all gratuities, but prohibit only those that create unacceptable conflicts of interest or appearances of impropriety.

(b) A legislator or legislative employee may not accept or receive, directly or indirectly, a benefit as a gratuity from a person or entity except as provided in this section. ~~Over the course of a year,~~ a legislator or legislative employee may accept gratuities in the form of personal gifts, free or subsidized travel, tickets to entertainment or sporting events, lodging, and any other benefit, provided that the aggregate value is not in excess of $100 in a calendar year from a single source, and ~~provided that the gifts are reported as to source and amount.~~ However, a benefit of any amount may not be accepted under circumstances in which it could be reasonably inferred that the gift is intended to influence the performance of official duties, actions, or judgments.

(c) The following benefits may be accepted as gratuities without regard to the $100 limit of (b) of this section and they need not be reported except as noted within the appropriate paragraph:

(1) gifts from immediate family members;

(2) birthday, wedding, anniversary, and similar ceremonial gifts from personal friends, but only if the donor does not have a substantial interest in the legislative, administrative, or political action of the recipient;

(3) gifts of sample merchandise, promotional items such as pens, calendars, and the like, and appreciation tokens such as candy, fruit baskets, or flowers provided they are of nominal or moderate value, are given to customers or potential customers in the ordinary course of business, and there are no special facts creating a conflict of interest or the appearance of impropriety;

(4) unsolicited tokens or awards of appreciation or recognition with a value of more than $100 in the form of a plaque, trophy, clock, watch, desk item, wall memento, or similar item may be accepted

only if the award has been approved by the commission upon a finding that the gift does not create an impermissible conflict of interest;

(5) unsolicited subscriptions to publications, including newspapers and magazines, with a market value of less than $100 for the duration of a legislative session;

(6) food or foodstuffs indigenous to the state that are shared generally as a cultural or social norm, and meals and beverages provided and consumed at social or fund-raising events, conferences, or professional meetings, at a restaurant or club, provided that the cost is not lavish or excessive, or as part of personal hospitality at the residence or place of business of the host; this paragraph may not be construed to permit gifts of packaged liquor, wine, or foodstuffs, nor does it permit the acceptance of a restaurant meal not consumed with the person providing the gift;

(7) a gift presented by a representative of a foreign government may be accepted on behalf of the state, provided that if it is worth more than $100 it must be turned over to the presiding officer of either house for purposes of displaying the gift in public areas of the Capitol or being sold at auction, the proceeds to go to charity or the general fund; if the gift is worth less than $100 and it was intended as a personal gift, it may be kept provided that the gift is properly reported;

(8) reasonable and necessary expenses including reimbursement for travel and related food and lodging are not gratuities when they are incidental to a trip paid for by a government agency or a bona fide nonprofit educational or charitable institution for governmental or educational purposes, provided that lodging expenses are limited to the day preceding and the day or days of the event; if the institution paying the expenses does not have a substantial interest

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in the legislative, administrative, or political action of the recipient, expenses may also be paid for a spouse or other companion, including a member of the legislator or legislative employee's family, if the value of the gift is reported on required disclosure forms; this paragraph does not permit acceptance of free travel from a person or nongovernmental entity with a substantial interest in the legislative, administrative, or political action of the recipient even if the purpose of the travel is related to matters of legislative concern;

(9) hospitality including overnight lodging, food, and beverages at the residence or second home of the host provided the host is present; ~~if the host is a personal friend and has no substantial interest in the legislative, administrative, or political actions of the recipient and there are no other facts that create a conflict of interest, there is no limit to the number of days stayed;~~ if the host has a substantial interest in the legislative, administrative, or political actions of the recipient, the exempt stay shall be reported on financial disclosure forms; this paragraph may not be construed to permit the use of a summer home, company retreat, resort facility, condominium or apartment, or other lodging where the host is not personally present or, regardless of the presence of the host, the purpose is to provide the legislator or legislative employee with a paid or subsidized vacation or similar benefit; ~~while~~ the host may use a personal or company car or van to transport the legislator or legislative employee to the place of a social event, ~~unusual or expensive travel as by air or limousine~~ to the residence of the host or another place may not be accepted.

(d) In extraordinary situations where the criteria for an exemption exists, a legislator or legislative employee may seek a waiver of this section.

(e) A person who violates this section is subject to civil sanctions under AS 24.61.560(a) and may be subject to prosecution under AS 11.56.120 (receiving unlawful gratuities).

Sec. 24.61.360. RESTRICTIONS ON EARNED INCOME: OUTSIDE EMPLOYMENT AND HONORARIA. (a) Because legislators and many legislative employees serve the state only part-time, most must engage in income producing activities to supplement their legislative salaries. It is the intent of this chapter to allow legislators and legislative employees substantial freedom in their ability to do so with due regard for the state's interest in preventing conflicts of interest and appearances of impropriety that undermine the integrity of government and public trust.

(b) A legislator or legislative employee may not seek, accept, or retain employment, including as an advisor or consultant, that

(1) will ~~make it unreasonably~~ difficult to fulfill legislative obligations;

(2) is likely to involve the disclosure or use of nonpublic or confidential information acquired in the course of legislative service;

(3) is likely to involve the legislator or employee acting as a representative in a matter that makes use of the authority, prestige, or title associated with legislative office;

(4) involves payments that by reasonable objective standards are not commensurate with the services rendered and appear to involve a premium as a result of the legislator's or legislative employee's position in the legislature;

(5) would require the legislator or legislative employee, under conflict of interest and disqualification requirements, to refrain from taking legislative, administrative, or political actions in

an undue number of situations; or

(6) will require the legislator or legislative employee to compromise another ethical or legal duty.

(c) A legislator or legislative employee may not receive compensation for personal services from a state entity other than the legislature except as specifically provided in this chapter or approved by the commission. A legislator or legislative employee is not precluded by this subsection from earning compensation at a state-funded school or university, provided that influence was not used to obtain the position.

(d) A legislator or legislative assistant who accepts otherwise permissible employment with a person that has a substantial interest in their legislative, administrative, or political actions is subject to special disclosure provisions under AS 24.61.405 and shall [duty] scrupulously avoid conduct that would lead a reasonable person to believe that the legislator or legislative employee is unable or unwilling to exercise independent, objective, and impartial judgment in considering matters that affect the interests of the legislator's or legislative employee's employer.

(e) A legislator or legislative employee may not seek or accept honoraria in the form of a payment of money or anything of value from a person or entity that has a substantial interest in legislative, administrative, or political action as compensation for a speech, panel presentation, appearance, or similar service. This paragraph does not prevent a legislator or legislative employee from accepting an honoraria from a governmental entity outside of the state, from a university, or from another ~~bona fide~~ nonprofit educational or civic institution, provided that the amount paid is reasonable and commensurate with the services performed and that the circumstances under

which the services are to be performed do not create a conflict of interest or appearance of impropriety. Honoraria and related expenses shall be reported on required disclosure forms. Under other provisions of this chapter, a legislator or legislative employee is permitted to accept travel and related expenses incurred as the result of an otherwise permissible activity.

(f) In extraordinary situations where the criteria for an exemption exists, a legislator or legislative employee may seek a waiver of this section.

(g) A person who violates this section is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.370. OBLIGATION TO MAKE ALL DECISIONS ON THE MERITS: FAVORITISM AND PATRONAGE. (a) Legislators and legislative employees shall exercise their powers and prerogatives without prejudice or favoritism. A legislator or legislative employee may not use public authority simply to reward relatives, friends, or political supporters or to hinder or punish enemies and opponents.

(b) A person who violates this section is subject to civil sanctions under AS 24.61.560(a) in addition to criminal penalties under another law.

Sec. 24.61.380. IMPROPER INTERFERENCE WITH THE INDEPENDENT JUDGMENT OF OTHERS ON BEHALF OF CONSTITUENTS. (a) The proper operation of democratic government requires that each public official carry out the duties of office free from improper influences that tend to prevent decisions from being made on the merits according to fair and established procedures. Under our system of separation of powers, legislators have the responsibility to exercise oversight to assure that the executive branch is carrying out its functions equitably, efficiently, and economically. This responsibility, combined with the

duty to provide legitimate constituent service, creates situations where a legislator may become involved with administrative decisions or proceedings that affect constituents. The purpose of this section is to provide ground rules for that involvement so that the activity does not unduly distort or politicize the administrative process, while still affording the legislator the opportunity to advocate and protect the interests of constituents.

(b) A legislator, either directly or indirectly, ~~may~~ should not interfere with the ability or willingness of a state or municipal government body, official, or employee to make official decisions or take appropriate actions on the merits, based on independent objective judgment. (+ illustrate what is appropriate

(c) A legislator, either directly or indirectly, may not use or appear to use political influence in a way that is likely to cause another public servant to consider inappropriate factors in exercising public authority. Acts either intended to or likely to be construed as enticement, trade-offs, ingratiation, threats, intimidation, or coercion are improper. [Except to assure that a particular person is being treated fairly according to established rules and procedures, a legislator, directly or indirectly, may not interfere with or seek to influence improperly

(1) the outcome or substantive findings of an adjudicatory proceeding of a governmental regulatory body;

(2) a decision regarding the commencement, scope, or termination of an investigatory process of a governmental agency; or

(3) an action of a governmental agency concerning the granting or revocation of a license, permit, franchise, or similar entitlement.

(d) This section may not be construed to prevent a legislator

from

(1) making inquiries about the status of a matter or helping a constituent get a benefit or service the constituent is clearly entitled to as a matter of right;

(2) openly advocating the position of constituents on the merits, provided that no effort is made to unduly influence the decision making process by express or implied political pressure in matters involving discretionary decisions of administrative bodies that will have direct and significant economic or social effect on the legislator's district; or

(3) exercising vigilant oversight with respect to the policies, regulations, procedures, and implementation practices of an agency, provided that the oversight activities are conducted through the normal committee processes of the legislature and that the focus is on the policies, procedures, and practices of the agency and not the handling of a particular matter.

(e) A legislator who, directly or indirectly, intervenes in an administrative consideration, action, or proceeding, ~~shall~~ explicitly convey to the administrators involved that the administrator is expected to make an independent judgment and that no advantages or disadvantages to the administrator or the agency will result from a favorable or unfavorable disposition.

(f) A person who violates ~~(b),~~ (c), ~~(d),~~ or ~~(e)~~ of this section is guilty of a class A misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.390. CONFLICT OF INTEREST DISCLOSURE: STATEMENT OF PURPOSE. The purpose of financial disclosure by legislators and legislative assistants is to

(1) discourage legislators and legislative assistants from

acting on a private or business interest in the performance of a public duty;

(2) assure that legislators and legislative assistants exercise their legislative function free of the influence of undisclosed private or business interests;

(3) develop public confidence in persons seeking or holding legislative office, enhance the dignity of the legislature, and make it attractive to citizens who are motivated to public service;

(4) develop accountability in government by permitting public access to information necessary to judge the credentials and performance of those who hold public office; and

(5) provide the public the financial disclosure required to meet the purposes listed in (1) - (4) of this section while preserving the maximum amount of privacy to legislators and legislative assistants.

Sec. 24.61.400. CONFLICT OF INTEREST DISCLOSURE BY LEGISLATORS AND LEGISLATIVE ASSISTANTS; "CATEGORY A" AND "CATEGORY B" INCOME DEFINED. (a) A legislator and a legislative assistant shall disclose financial, professional, and personal interests that are likely to create in the mind of a reasonable person the belief that the legislator's or legislative assistant's objectivity and ability to exercise independent judgment in the public interest have been adversely affected by those interests.

(b) A legislator and a legislative assistant shall file with the commission the reports required under AS 24.61.400 - 24.61.410. The commission shall adopt filing guidelines and develop forms that are compatible with financial disclosure forms required to be filed with the Alaska Public Offices Commission under AS 39.50.030.

(c) A legislator and a legislative assistant shall disclose to

the commission, on a form and at the times prescribed by the commission, detailed information on the sources and amounts of outside income received by them, their spouses, and their dependent children. The information shall be divided into two categories, category A income and category B income.

(d) The commission shall adopt regulations relating to the definitions of category A and B income and the reporting requirements imposed by AS 24.61.400 - 24.61.420. The regulations must include provisions that distinguish between income received for personal services, income received from the ownership of property, income received directly by the legislator or legislative assistant, and income received by an entity in which the legislator or legislative assistant has an ownership interest. The regulations may exclude from category A income, income from sources such as interest on deposit accounts in regulated financial institutions.

(e) In AS 24.61.400 - 24.61.420,

(1) "category A income" refers to all benefits received, in the form of monetary compensation or another thing of value, from persons who are known or reasonably should be known to have a substantial interest in legislative, administrative, or political actions;

(2) "category B income" refers to all benefits received, in the form of monetary compensation or another thing of value, from persons who do not, or are not known to fall within category A.

Sec. 24.61.405. REPORTING CATEGORY A INCOME. (a) As to all benefits received from category A sources, a person required under AS 24.61.400 to report shall file with the commission a sworn statement that must include,

(1) as to all income received as compensation for services, regardless of the amount, the name and address of the source, a brief

statement describing the nature of the services performed including sufficient detail to permit the commission to determine whether the nature of the work created a conflict of interest (for example: "consultant re: expansion of operations;" "engineer, quality control."), and the amount paid;

(2) as to each gratuity received and required to be reported under AS 24.61.350(b) and (c)(7) - (9), the name and address of the person providing the gratuity, a brief description of its nature, and a good faith statement of its fair market value; if exact values are not known, and cannot be found out without undue hardship or expense, reasonable good faith estimates are acceptable; a loan that was forgiven during the reporting period must be reported as a gratuity;

(3) the name and address of the source and the cash value of reimbursement for expenses aggregating more than $100 in the reporting period;

(4) as to each loan and or loan guarantee yielding loan proceeds of $100 or more in the reporting period and the lender or guarantor is a person with a substantial interest in legislative, administrative, or political actions, the name and address of the person making the loan or guarantee, the amount of the loan, the terms and conditions under which the loan or guarantee was given, the amount outstanding at the time of filing, and whether or not a written loan agreement exists;

(5) if the source of a reported benefit is a corporation, the name of its parent corporation, if any, and names of its top corporate officers; and

(6) if the source of a reported benefit is a partnership or association doing business under a fictitious name, the names of the

principals.

(b) The commission shall review category A statements to determine whether an impermissible conflict exists and whether special orders or restrictions are required.

(c) Category A statements are public records and shall be made available for public inspection.

Sec. 24.61.410. REPORTING CATEGORY B INCOME. (a) A person required under AS 24.61.400 to report shall file a statement of category B income conforming to the same requirements as category A statements, except that in the case of compensation, expense reimbursements, loans and loan guarantees, only those income sources providing benefits worth $1,000 or more need be listed. As to gratuities, the requirements of AS 24.61.350(b) and (c)(7) - (9) control.

(b) The commission shall review category B statements to determine whether an impermissible conflict exists, whether special orders or restrictions are required, and whether the statements shall be considered to be public records and made available for public inspection.

(c) If the person filing a statement under this section is a legislator, the statement is presumptively public, which means that it will be made part of the public record unless the legislator submitting it requests that it be kept confidential, states the reasons for the request, and the commission finds that no valid public purpose would be advanced by publication.

(d) If the person filing a statement under this section is a legislative assistant, the statement is presumptively confidential, which means that it shall be kept confidential unless the commission determines that the public benefit in disclosure substantially outweighs the individual's interest in privacy.

Sec. 24.61.415. REPORTING OBLIGATIONS OF EMPLOYERS AND OTHERS PAYING COMPENSATION TO LEGISLATORS OR LEGISLATIVE ASSISTANTS. (a) Persons who have provided compensation to a legislator or legislative assistant and who qualify as category A sources because they have a substantial interest in legislative, administrative, or political actions, shall file, on a form and at the times prescribed by the commission, a statement regarding the compensation. The statement shall be made under penalty of unsworn falsification. A statement required under this subsection must

(1) declare whether the employer, or a parent company, officer, or individual stockholder with at least a 20 percent equity in the company, has had, during the reporting period, a substantial interest in legislative, administrative, or political actions;

(2) include a brief narrative of the nature of the relationship with the legislator or legislative assistant, the terms of compensation, and the amount paid during the reporting period.

(b) Persons who do not qualify as category A sources because they do not have a substantial interest in legislative, administrative, or political actions shall file a statement only if the total compensation paid a legislator or legislative assistant was $1,000 or more during the reporting period. The statement shall be filed under penalty of unsworn falsification and must include a brief narrative of the nature of the relationship with the legislator or legislative assistant the terms of compensation, and the amount paid during the reporting period.

(c) Legislators and legislative assistants shall ensure that persons who have provided compensation to them have the necessary forms and are informed of the obligation to file a statement under this section.

(d) Statements required under this section shall be filed with the commission at a time set by the commission, which time may not be less than 30 days before legislators and legislative assistants are required to file the financial disclosure forms required under AS 24.-61.400 - 24.61.410. The person or entity shall contemporaneously provide a copy of the statement to the legislator or legislative assistant.

Sec. 24.61.420. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a) A person required to make a disclosure under AS 24.61.100 - 24.61.420 may not knowingly make a false, deliberately misleading or incomplete, or unreasonably delayed disclosure to the commission.

(b) A person who violates this section is guilty of a class A misdemeanor and is subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.430. ACCOUNTABILITY: OPENNESS AND OVERSIGHT. (a) Legislators and [legislative employees] shall abide by the letter and spirit of AS 44.62.310 - 44.62.312 (open meetings law) and, to the greatest extent reasonably possible, exercise the authority of their offices openly so that the public is informed about governmental decisions and can hold them accountable for their actions.

(b) Legislators and legislative employees shall ensure that those to whom they have delegated public power, including their staffs and administrative agencies, carry out their responsibilities efficiently, equitably, and ethically.

(c) Legislators and legislative employees who believe that a law, policy, or rule of a house is not achieving its intended purpose, is creating unintended harms, or is wasteful or inefficient, should take affirmative steps to improve procedures in a way that will increase the fairness and quality of government services and assure that policies are implemented equitably, efficiently, and economically.

(d) A person who violates this section is subject to an administrative sanction under AS 24.61.560(b).

Sec. 24.61.440. ACCOUNTABILITY: SELF-POLICING, WHISTLE BLOWING, AND PROTECTION OF WHISTLE BLOWERS. (a) Legislators and legislative employees shall maintain the integrity and trustworthiness of government by taking whatever steps are necessary to prevent unethical practices, unlawful conduct, corruption, mismanagement, gross waste of public funds, danger to public safety, or another abuse of public position, authority, or resources.

(b) Legislators and legislative employees who have a good faith reasonable belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to appropriate authorities.

(c) A legislator or legislative employee may not, directly or indirectly, subject a person who reports to the commission or another government entity conduct the person reasonably believes is a violation of this chapter or any other state law, to reprisal, retaliation, harassment, discrimination, or ridicule. A legislative employee who is discharged, disciplined, involuntarily transferred, or otherwise penalized by a legislator or another legislative employee may

(1) bring a complaint before the commission; and

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

(d) In addition to the special civil liability under (c)(2) of this section, a person who violates this section is subject to the civil sanctions authorized under AS 24.61.560(a).

Sec. 24.61.450. DUTY TOWARD COLLEAGUES AND SUBORDINATES. (a) A legislator or legislative employee may not knowingly engage in conduct that violates the right of others to be treated fairly, with dignity

and respect, nor may they engage in improper acts of discrimination, sexual harassment, or abuse of a person in the course of legislative activities.

(b) A person who violates this section is subject to the administrative sanctions authorized under AS 24.61.560(b), in addition to liability under another criminal law or civil action arising from the conduct.

Sec. 24.61.460. DUTY TO ADVANCE PRINCIPLES OF REPRESENTATIVE DEMOCRACY. (a) A legislator or legislative employee may not knowingly use improper artifices or schemes to circumvent the clear purpose this chapter or another law, use procedural powers or processes in a way that prevents appropriate consideration of a matter, or exercise leadership authority and power arbitrarily, arrogantly, or in another way that violates the spirit of representative democracy.

(b) A person who violates this section is subject to the administrative sanctions authorized under AS 24.61.560(b).

ARTICLE 3. LEGISLATIVE ETHICS COMMISSION.

Sec. 24.61.500. LEGISLATIVE ETHICS COMMISSION ESTABLISHED. (a) The Legislative Ethics Commission is established in the legislative branch of government. The commission consists of nine members, selected as follows:

(1) one member appointed jointly by the president of the senate and the senate minority leader;

(2) one member appointed jointly by the speaker of the house and the house minority leader;

(3) two members appointed by the supreme court;

(4) one member appointed by the governor;

(5) one member appointed by the lieutenant governor;

(6) one member appointed by the Alaska Public Offices

Commission; and

(7) two members selected by majority vote of the members appointed under (1) - (6) of this subsection.

(b) Commissioners serve staggered terms of five years. A commissioner is eligible for reappointment; however, a commissioner may not serve more than two consecutive five-year terms. A commissioner whose term has expired continues in office until a successor has been appointed and certified.

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

(d) The commission shall elect a chair and a vice-chair, who serve a term of two years. An officer may not hold the same office for more than two consecutive terms. The vice-chair shall act as chair in the absence of the chair.

(e) A commissioner may not be a legislator, a legislative employee, an elected or appointed official of another governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist.

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Sec. 24.61.502. CERTIFICATION; LEGISLATIVE DECERTIFICATION OR REMOVAL FROM OFFICE. (a) Upon appointment, a person appointed to the commission shall execute a written oath that includes the following undertaking:

> I will solemnly perform the duties of this office in a manner that is consistent with both the letter and spirit of the Alaska Legislative Ethics Act and I shall conform my own conduct to the provisions therein. I acknowledge the obligation and need to interpret and apply all its provisions, and the ethical principles

that underlie them, vigorously, promptly, fairly, and in good faith. All my actions, decisions, and votes on matters relating to my duties will be made purely on the merits, objectively, independently, and without political, regional, or ideological partisanship.

Upon executing the oath, an appointee shall be certified as a commissioner and is immediately considered to have been serving the appointed term.

(b) Within 45 days after certification, a commissioner may be decertified by a majority vote of both houses of the legislature, if the legislature is in session, or by a two-thirds vote of the members of the legislative council if the legislature is not in session. If decertified, the commissioner is disqualified and that seat on the commission is vacant.

(c) A commissioner may be removed from office by a vote of two-thirds of both houses of the legislature for good cause, including substantial neglect of duty, inability to discharge the powers and duties of office, violation of this chapter, gross misconduct, or conviction of a felony.

Sec. 24.61.504. MEETINGS; COMPENSATION. (a) The commission shall meet at the call of the chair or a majority of the commissioners. The commission shall meet at least once every three months.

(b) Six commissioners constitute a quorum. A vote of the majority of the commissioners present at a meeting in which a quorum is present is required for official action of the commission.

(c) The commission may meet by teleconference.

(d) Commissioners shall receive compensation of $175 for each day in which they attend or participate in a commission meeting of at least one hour in length, either in person or by teleconference. The

chair ~~and vice-chair~~ shall receive an additional stipend of $500 a year. The commission shall develop and implement policies consistent with those employed by other state commissions for the reimbursement of travel costs and the payment of per diem under AS 39.20.180.

(e) The commission shall comply with AS 44.62.310 - 44.62.312 (open meetings law).

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

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

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

(d) If the commission determines that an investigation is necessary and that the investigation cannot be efficiently, promptly, or adequately handled by commission staff, the executive director shall nominate a special investigator to be appointed upon approval by the commission. The executive director shall maintain a list of individuals qualified to serve as a special investigator by virtue of their experience, reputation, likely availability, willingness to serve, and freedom from conflicts of interest.

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

Sec. 24.61.508. APPLICABILITY OF CHAPTER TO COMMISSIONERS AND EMPLOYEES; OTHER RESTRICTIONS. (a) Commissioners and employees of the commission, including persons employed or under contract as legal counsel or special investigators, are subject to this chapter and shall be held accountable to the same standards and requirements, including disclosure, as legislative assistants.

(b) A commission employee, including a person who provides personal services under a contract with the commission, may not be a legislator, a legislative employee, an elected or appointed official of another governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist.

(c) In addition to the requirements of this chapter, a commissioner, employee of the commission, or person under contract to provide personal services to the commission may not

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

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

(A) a candidate for the legislature;

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

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

(3) participate in lobbying activities that would require the person to register as a lobbyist except as required to inform the legislature concerning legislation requested by the commission; or

other matters relative to the commission take an action or make a statement that is likely to create in the mind of a reasonable person a belief that the commissioner, employee, or other person is not impartial or independent or

is otherwise unable to properly perform public duties.

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

(e) Commissioners and the executive director are subject to AS 39.50.

Sec. 24.61.510. GENERAL POWERS AND DUTIES OF THE COMMISSION. (a) The commission shall

(1) administer the provisions of this chapter;

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

(3) on request or its own initiative, issue formal written advisory opinions on specific situations or clarify a provision of this chapter;

(4) consider requests for, and grant or deny, exemptions from the provisions of this chapter;

(5) investigate and adjudicate complaints and recommend disciplinary actions to the legislature;

(6) authorize research in the field of legislative ethics and carry out the educational programs that are required by this chapter and additional programs it considers necessary to effectuate the policy and purposes of this chapter;

(7) prepare and distribute an ethics manual to legislators, legislative employees, and lobbyists as provided in this chapter;

(8) prepare a biennial report to the legislature summarizing its activities over the previous two years, evaluating the effec-

tiveness of this chapter in accomplishing its stated purposes, and recommending legislative reforms it thinks necessary to improve the administration of this chapter and to better advance its goals.

(b) The commission may

(1) adopt regulations as required under specific provisions of this chapter and to interpret and implement this chapter; in adopting regulations, the commission shall follow procedures that are consistent with AS 44.62 (Administrative Procedure Act);

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

Sec. 24.61.515. OFFICES; BUDGET. The legislative council shall provide suitable office space and equipment for the commission. The commission shall submit a budget for each fiscal year to the finance committees of the legislature and shall annually submit an estimated budget to the governor for information purposes in preparation of the state operating budget.

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

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

(2) although the advice is given in good faith, the person seeking the advice relies on it at the person's own risk because it is not binding upon the commission; and

(3) information voluntarily provided to a commission employee is not necessarily confidential and may be used against the

person seeking the advice if it becomes material to a proceeding before the commission.

Sec. 24.61.525. FORMAL BINDING ADVISORY OPINIONS. (a) The commission may issue a formal written advisory opinion on its own initiative, on the request of a person to whom this chapter applies, or on the request of a person elected to the legislature who at the time of election is not a member of the legislature.

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

(c) The commission shall expeditiously determine whether to issue an advisory opinion addressing the issues raised.

(d) An opinion shall be issued by official action of the commission. The vote of each commissioner participating in the opinion shall be indicated on the opinion and it shall be forwarded to the person requesting it and made a part of the public records of the commission.

(e) Written formal advisory opinions issued by the commission are binding on the commission in a subsequent proceeding concerning the facts and circumstances of the particular case. If, however, any fact determined by the commission to be material was omitted or misstated in the request, the commission is not bound by the opinion.

(f) The commission may review, withdraw, or elaborate on a previously issued advisory opinion.

(g) Under normal circumstances, the commission shall issue its opinion within 30 days of receiving the request, if the request is received during the first 100 days of the legislative session, or within 60 days of the request if the request is received at another time. The period for issuing an opinion may be shortened or extended

by the chair when that action is considered necessary or appropriate to meet the goals of this chapter.

(h) The commission and all commission employees shall keep the identity of the requester confidential unless the request, the identity of the person making it, or information conveyed orally or in writing relating to the request is or becomes material to a matter before the commission.

Sec. 24.61.530. EXEMPTIONS PROCESS. (a) In situations in which principles of fundamental fairness are best served by exempting certain individuals or acts from specified provisions of this chapter, the commission may grant ~~qualified or unqualified~~ full or partial exemptions.

(b) The commission shall provide a simple form for petitions for exemptions. A petition must include

(1) the name and address of the petitioner;

(2) relevant provisions involved in the exemption request;

(3) essential facts on which an exemption is requested;

(4) specific nature of the exemption sought;

(5) anticipated unfair or unreasonable consequences that would result from a failure to grant the petition; and

(6) a certification that the petitioner verifies under penalty of unsworn falsification that the facts stated are true to the best of the petitioner's knowledge.

(c) The commission may, by official action, grant an exemption upon a finding that the petitioner, [by a preponderance of the evidence,] has shown that the

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

(2) application of the rule or provision under the circum-

stances presented would be inconsistent with the spirit and purpose of the provision or this chapter as a whole; ~~and~~ or

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

(d) The commission may ~~require~~ request or permit the ~~personal~~ appearance of ~~the petitioner~~ person before the commission in person or by teleconf, and hold hearings regarding the exemption request.

(e) Unless a shortened or expanded time is considered necessary or appropriate by the commission, decisions on petitions for exemptions shall be made within 30 days after filing the petition. Unless the petitioner consents, extensions of time ordered by the commission may not exceed an additional 60 days.

Sec. 24.61.535. INITIATING INVESTIGATORY AND ADJUDICATORY PROCESSES. (a) The filing of a complaint is the first step in the investigatory and adjudication process. It is the purpose of this section to assure that complaints provide sufficient information on which to proceed, yet not be so complex or burdensome that the requirements unduly discourage or screen out valid good faith complaints.

(b) A complaint may be initiated by any person or by the commission on its own motion.

(c) The commission shall provide a simple form for complaints. A complaint must include

(1) the name and address of the complainant;

(2) a statement of the facts known or believed to be true that form the basis of the complaint and the sources of the information, including the approximate dates of the acts alleged and names and addresses of persons with personal knowledge of the facts alleged; and

(3) a certification that the complainant verifies under penalty of unsworn falsification that the facts stated are true to the best of the complainant's knowledge and that the complainant knows that it is a crime under AS 11.56.805 to intentionally initiate a false complaint.

(d) Unless the chair of the commission concludes that immediate notification would prejudice a preliminary investigation or subject the complainant to an unreasonable risk, a copy of the complaint shall be sent to the person charged with misconduct within two working days. If the matter is to be kept from the respondent for more than 10 days, a majority of the commission must approve and indicate the conditions under which the respondent will be informed of the complaint.

(e) Until a preliminary finding on the validity of a complaint has been properly made, the existence and substance of a complaint shall be kept confidential except that all members of the commission and necessary staff may be informed about it.

(f) Upon receiving a complaint, commission staff shall review it for formal sufficiency within five days of filing. If the complaint is unsigned or otherwise deficient on its face it shall be returned to the complainant with a statement of the nature of the deficiency.

(g) Once a complaint has been determined to be formally sufficient, commission staff shall evaluate the complaint and advise the chair as to its opinion as to whether it states a valid complaint that should be investigated. If the executive director is a member of the bar, the executive director may provide the advice. Otherwise, the executive director shall appoint a duly qualified legal counsel to assist in making the determinations required under this subsection. To be valid, the complaint must allege

(1) facts that, if true, establish a violation of a pro-

vision of this chapter for which civil or administrative sanctions are authorized;

(2) that the conduct providing the basis of the complaint has occurred within five years of the complaint or that the person charged with misconduct intentionally concealed or otherwise sought to prevent discovery of the relevant facts; and

(3) that the person charged with misconduct is either a legislator or legislative employee at the time of the filing of the complaint or was a legislator or legislative employee within one year of the filing.

(h) Within 20 days after the filing of the complaint, or within 45 days if the chair of the commission certifies additional time is required, a determination shall be made on the substantive validity of the complaint. If the chair concludes that there is no substantial reason to question the opinion of staff as to the validity of a complaint, the complaint shall either be dismissed or certified for further consideration in accordance with the opinion. The chair or a commissioner, however, may request a hearing on the validity of the complaint at a meeting of the commission.

(i) If a complaint is dismissed because of invalidity, it shall be returned to the complainant with a notice of dismissal stating in detail the reason for dismissal. If the commission finds that the complaint was frivolous, malicious, or was filed in bad faith, it shall so state in the notice of dismissal. If the commission finds that the complaint alleges violations outside the scope of this chapter, it shall so state and forward the complaint to the appropriate enforcement body for disposition. A copy of the notice of dismissal shall be sent to the respondent. The notice of dismissal is a public record.

(j) If the commission concludes that some or all of the allegations of the complaint, if proven, would constitute a violation of this chapter, or if the commission has initiated the complaint, the complaint shall be certified and a factual investigation shall commence. The record of certification for further consideration is confidential subject to subsequent actions that may make it part of the public record.

Sec. 24.61.540. INVESTIGATIONS. (a) Investigation into ethics charges shall be undertaken in a manner that assures the public of an impartial and comprehensive review, is fair to the respondent, and that elicits the information the commission needs to make a decision.

(b) Before commencing an investigation, the commission shall adopt a written resolution defining the scope of the investigation, a copy of which shall be supplied to both the complainant and the respondent. If, during the investigation, additional facts are discovered that justify an expansion of the investigation and the possibility of additional charges beyond those alleged in the complaint, the resolution shall be amended accordingly with copies sent to the complainant and the respondent. The resolution, and the fact that an investigation has been undertaken, shall be kept confidential by the commission except that, upon inquiry, the commission may verify that it is investigating a complaint along with a statement that no finding of probable cause has been made and that no adverse inference of impropriety or guilt should be drawn from the decision to investigate. Additional facts concerning the nature or results of the investigation may not be revealed except as provided in AS 24.61.545 after a determination of probable cause has been made.

(c) A legislator or a legislative employee may request in writing that the commission investigate charges of impropriety made

against the legislator or legislative employee. The request must state with specificity the nature of the investigation requested. If the commission agrees to undertake an investigation, the investigation is not necessarily limited in scope by the request and, once begun, it shall be handled as any other investigation, with the person requesting the investigation formally treated as a respondent.

(d) A preliminary investigation is conducted by the commission staff, and if the commission determines it is necessary, outside counsel and investigators. The purpose of the preliminary investigation is to determine whether there is probable cause to proceed with a full adjudicatory hearing.

(e) The person conducting the preliminary investigation may order a hearing and subpoena witnesses and documents, conduct depositions under oath, require the participation of the respondent, and issue interrogatories to be answered under oath. An oral or written statement, whether incriminatory or exculpatory, may not be considered in the investigator's report unless made under oath. The respondent shall be given an adequate opportunity to provide testimonial and documentary evidence.

(f) Upon completion of the investigation, a confidential report summarizing the evidence, evaluating its credibility, and detailing findings on each of the allegations investigated shall be submitted to the commission along with recommendations as to whether the complaint, or a portion of it, should be dismissed or whether the matter should proceed to the full hearing stage. The report shall be prepared so as to exclude unreliable information and uncorroborated and irresponsible allegations. The investigator's notes, records of interviews, and other investigatory matter considered unreliable or unduly prejudicial by the commission shall remain confidential.

Sec. 24.61.545. PROBABLE CAUSE DETERMINATION. (a) The commission shall consider the investigator's report in closed session and determine whether substantial credible evidence exists to believe that it is probable that a violation of a provision of this chapter for which civil or administrative sanctions are authorized has occurred.

(b) If the commission does not find that substantial credible evidence exists to warrant a full adjudicatory hearing, it shall dismiss the complaint and so notify the complainant with a notice of dismissal stating in detail the reason for dismissal. If the commission finds that the charges were frivolous, malicious, made in bad faith, or that, in its opinion the respondent should be exonerated of the charges, it shall so state in the notice of dismissal. If the commission finds that the evidence supports violations outside the scope of this chapter, it shall so state and forward the complaint and its report to the appropriate enforcement body for disposition.

(c) A copy of the notice of dismissal shall be sent to the respondent. The notice of dismissal and the investigator's report containing findings and recommendations, but not the underlying investigatory materials, shall be made public unless the commission determines that this would unfairly prejudice either the respondent or complainant. This subsection may not be construed to prevent either the complainant or respondent from making the notice of dismissal and the report public.

(d) If the commission finds that substantial credible evidence exists establishing probable cause that a violation of a provision of this chapter for which civil or administrative sanctions are authorized has occurred, it shall serve on the respondent in a manner consistent with the service of summons under the rules of civil procedure, a formal charge stating the specific allegations and a proposed

hearing date.

(e) The hearing may not be scheduled to commence sooner than 20 days after service of the formal charge on the respondent. If the respondent requests an earlier hearing date, the commission may, but is not required to, consent. The commission shall, upon request, grant the respondent reasonable additional time to prepare a defense. The respondent may file a responsive pleading admitting or denying the various allegations.

(f) The commission may suspend further proceedings if the respondent acknowledges the violation and agrees to corrective actions and sanctions considered appropriate by the commission. If the commission suspends the proceedings or dismisses the charges as a result of a negotiated settlement, the terms and conditions of the settlement and the reasons for entering into the agreement shall be stated in a written report that shall be sent to the complainant and made part of the public record.

(g) Upon determining that probable cause exists to conduct a full adjudicatory hearing, the commission shall make public the investigator's report containing findings and recommendations, but not the underlying investigatory materials.

Sec. 24.61.550. ADJUDICATORY HEARING. (a) A formal hearing on ethics charges against a respondent shall be conducted in a manner that inspires confidence in the integrity and objectivity of the process and demonstrates full consideration for the rights and reputation of the respondent.

(b) An adjudicatory hearing shall be before a hearing board composed of the commission chair and four commissioners appointed by the chair. If the chair cannot attend all hearing sessions without undue inconvenience, the vice-chair shall serve in the chair's place.

If neither the chair nor the vice-chair is available, the chair shall appoint another commissioner. Appointments to hearing boards shall be rotated among the commissioners.

(c) The chair, vice-chair, or a commissioner designated by the chair, as appropriate, shall preside at the hearing. The executive director or other legal counsel designated by the commission ~~shall~~ may attend and advise and counsel the hearing board.

(d) An adjudicatory hearing shall be public under AS 44.62.310. A hearing may not be held by teleconference. Except as expressly provided in this chapter, procedures shall be consistent with hearing procedures under AS 44.62.330 - 44.62.630. Upon request, the presiding commissioner may issue reasonable discovery and protective orders in a manner consistent with Rule 26 of the Alaska Rules of Civil Procedure.

(e) A hearing board may

(1) administer oaths and affirmations and subpoena individuals, including the respondent, to testify or to submit to written interrogatories under oath;

(2) compel the production of documentary or tangible evidence;

(3) pay witnesses the same fees and mileage reimbursements paid in similar circumstances by the courts of the state;

(4) seek enforcement of subpoenas by written application of the commission to the superior court.

(f) The respondent may

(1) appear before the hearing board and submit testimony or other evidence;

(2) personally, or through counsel, subpoena, examine and cross-examine witnesses, raise objections, and make arguments;

(3) exercise the pretrial discovery procedures available in civil actions.

Sec. 24.61.555. FINDINGS AND RECOMMENDATIONS. (a) Within 10 days after the completion of a hearing, the hearing board shall vote on each charge to determine whether it was established by a ~~preponderance of the~~ clear and convincing evidence and prepare a written opinion along with recommendations, if any. A vote of three commissioners is required to find a violation and approve an opinion.

(b) As to each charge on which the evidence was found to be insufficient to establish a violation, the hearing board shall include its findings in its written opinion. If the board finds that the charges were frivolous, malicious, made in bad faith, or that, in its opinion the respondent should be exonerated of the charges, it shall so state in its opinion. ~~If the board finds that the respondent should be exonerated, it~~ The board may recommend that the legislature reimburse the respondent for all or part of reasonable legal fees incurred as a result of the charge. The respondent's legal fees ~~may~~ not be paid from public funds unless the board makes that recommendation.

(c) As to each charge on which the evidence was found to be sufficient to establish a violation, the hearing board shall include its findings of fact and law in its written opinion, along with recommendations as to appropriate sanctions.

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

(1) a civil penalty of not more than $5,000 for each of-

fense, or twice the amount improperly gained by the misconduct, whichever is greater;

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

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

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

(5) restitution or reimbursement;

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

(7) probationary status;

(8) a written reprimand;

(9) ~~repealing or amending legislation, or voiding or modifying other action that resulted from conduct in violation of this chapter;~~ Vacate or Modify

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

(11) expulsion of a legislator or dismissal of a legislative employee;

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

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

(b) When a provision of this chapter provides for the imposition of administrative sanctions under this subsection, the commission may recommend any of the civil sanctions set out in (a) of this section except sanctions under (a)(1) and (11). ~~recommend to~~

Sec. 24.61.565. RECOMMENDATIONS TO THE LEGISLATURE WHERE VIOLA-

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

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

(c) If the legislature is not in session, the presiding officer may ~~either~~ request a special session under AS 24.05.100 to put the matter to a vote, within 30 days, or submit the recommendations to the legislative council, which shall vote on the commission's recommendations within 30 days. If either expulsion ~~or censure~~ is recommended, the matter ~~must~~ should be voted on by the legislature in special session.

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

(e) In determining the sanctions, if any, to impose, the legislature ~~shall~~ should scrupulously observe the rule of nonpartisanship. It may not retry the basic facts nor question the hearing board's findings of fact. The only issue before it ~~shall~~ should be the determination of the appropriate sanction assuming the validity of the board's findings.

Sec. 24.61.570. RECOMMENDATIONS AND ORDER WHERE VIOLATOR IS A LEGISLATIVE EMPLOYEE. (a) If the person found to have violated this chapter is or was a legislative employee, the hearing board's recommendations shall be forwarded to the full commission, which shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed. The commission may not retry the basic facts nor question the hearing board's findings of fact. The only issue before it shall be the determination of the appropriate sanction assuming the validity

of the board's findings. After determining the appropriate sanctions, the commission shall issue a written order imposing the sanctions on the employee.

(b) The commission shall order the employee's supervisor or appointing authority, as appropriate, to impose sanctions in accordance with the commission's order. Failure of the supervisor or appointing authority to implement the commission's order is a violation of this chapter subject to civil sanctions under AS 24.61.560(a).

Sec. 24.61.575. ACTIONS BY THE ATTORNEY GENERAL OR CITIZENS. (a) The attorney general may independently bring civil or criminal actions relating to violations under this chapter regardless of the outcome or settlement of a charge before the commission, provided that (1) the attorney general may not bring an independent civil action under this chapter if the provision violated is subject only to administrative sanctions under AS 24.61.560(b); and (2) the cumulative civil penalties imposed for a violation may not exceed the amount that could be imposed in an action before the commission. This subsection does not prohibit the attorney general from bringing an action under another civil or criminal law.

(b) A citizen may make a written request that the attorney general commence a civil action authorized under (a) of this section against a person for a violation of this chapter. If the attorney general does not initiate the action within 60 days of the request, the citizen may file the action.

Sec. 24.61.580. WAIVER OF CONFIDENTIALITY. The commission may publicly respond to a statement or interpretation made concerning the contents of an advisory opinion or decision it has issued or is purported to have issued. A person who requests an advisory opinion and makes that fact public is considered to have waived the confidential-

ity of the person's identity and of all records obtained by the commission in connection with the request for the advisory opinion.

ARTICLE 4. LEGISLATIVE ETHICS EDUCATION PROGRAM.

Sec. 24.61.700. ETHICS EDUCATION PROGRAM. (a) The central function of an ethics code is to prevent rather than punish unethical conduct. Prevention depends almost entirely on an effective and comprehensive ethics education program. The purpose of AS 24.61.700 - 24.61.760 is to assure that legislators and staff have the means and opportunity to learn and understand the rules and principles underlying the standards of conduct.

(b) The commission shall oversee and develop the following components of a comprehensive ethics education program:

(1) publish an ethics education manual;

(2) establish an education advisory committee; and

(3) design and implement a legislative orientation training course, a current issues and applications seminar, and a lobbyist training course.

Sec. 24.61.710. ETHICS EDUCATION MANUAL. (a) The commission shall prepare and publish a legislative ethics manual, which must contain all ethics statutes, regulations, and related information, including detailed explanations of technical and specific legal requirements as well as the underlying purposes and ethical principles that comprise the spirit of the requirements. The manual must include realistic examples with recommended actions, as well as questions and answers regarding common problems and situations.

(b) The commission shall issue a revised and updated version of the manual no later than 30 days after the commencement of each legislature.

(c) The manual shall be distributed to all legislators, legisla-

tive employees, and registered lobbyists. The manual shall also be available to the public.

Sec. 24.61.720. EDUCATION ADVISORY COMMITTEE. (a) The commission chair shall appoint five members to an education advisory committee, that shall include at least two members of the commission, a legislator, and a legislative employee. The education advisory committee may also include an outside expert in the field of ethics.

(b) The education advisory committee shall oversee the implementation of, and recommend the content for, the following ethics education programs:

(1) legislative orientation training course;

(2) current issues and applications seminar; and

(3) lobbyist training course.

Sec. 24.61.730. LEGISLATIVE ORIENTATION TRAINING COURSE. (a) The commission shall conduct a legislative ethics orientation training course. The course shall be offered in January of each year. A legislator and a legislative employee shall attend and complete the ~~first~~ initial course offered after their election, appointment, or hiring date.

(b) The education advisory committee shall determine the specific content of the course, and it shall cover the ethics laws, internal rules and policies, as well as the technical and specific legal requirements that legislators and legislative employees must follow. The course shall also cover the underlying purposes and ethical principles of all ethics laws, internal rules and policies, and other related regulations. The course shall highlight the principles of public service ethics and the intent of ethics laws, including their application to practical situations.

(c) The commission shall offer separate sessions of the course

for legislators and for legislative employees, and shall offer as many sessions as necessary to accommodate the number of people required to take the course. Unless the commission decides otherwise, the course should be at least six hours long and given in one or two sessions. To afford meaningful participation and direct involvement, the commission shall limit the attendance of each session to approximately 50 people.

Sec. 24.61.740. CURRENT ISSUES AND APPLICATIONS SEMINAR. (a) The commission shall conduct a current issues and applications seminar each ~~year~~ ely. The seminar is mandatory for all legislators and legislative employees who have previously completed the legislative ethics orientation training course.

(b) The specific content of the seminar shall be determined by the education advisory committee, and shall include an overview of all new substantive changes in the laws in the form of amendments, revisions, and new ethics advisory opinions. The seminar shall include discussions on problem solving skills, practical ethical issues likely to confront a legislator or legislative employee, and the underlying principles of public service ethics.

(c) The commission shall offer separate sessions of the seminar for legislators and for legislative employees, and shall offer as many sessions as necessary to accommodate the number of people required to take the seminar. Unless the commission decides otherwise, the seminar shculd be about three hours long in order to accommodate specific problem solving. The commission shall limit the attendance of each session to approximately 50 people.

Sec. 24.61.750. LOBBYIST TRAINING COURSE. (a) Lobbyists shall complete a lobbyist training course conducted by the commission as a condition of registering as a lobbyist under AS 24.45. A person who

first engages in activities requiring the person to register as a lobbyist either before the commission has offered the training course for that year, or after the training course has been offered for that year, may be authorized by the commission to conditionally register under AS 24.45 unless the person reasonably should have known that the person was likely to engage in lobbying activities and could have attended the most recent training course. A person with a conditional registration must successfully complete the next training course offered or the registration shall be revoked.

(b) The specific content of the training course shall be determined by the education advisory committee, and shall include a review of all ethics statutes, the rules and regulations relating to appropriate lobbyist conduct, and the principles of public service ethics.

(c) The commission shall certify to the Alaska Public Offices Commission the names of persons successfully completing the training course, including persons taking the course under (e) of this section.

(d) Unless the commission determines otherwise, the training course should be about four hours in length.

(e) Lobbyists shall repeat the training course at least once every three years and the commission shall update the course accordingly.

(f) At the commission's discretion, lobbyists may be charged reasonable fees to attend the training course.

Sec. 24.61.760. ADMINISTRATIVE PROVISIONS. (a) The commission shall assure the continued implementation, improvement, and modification of the ethics education programs. The commission shall develop procedures to assure the attendance of, and course completion by, all legislators, legislative employees, and lobbyists, including proce-

dures to review requests for exemptions.

(b) The commission shall assure the attendance of legislative employees who are not in and cannot travel to Juneau by offering the programs by teleconference. When a teleconference connection is unavailable, the commission shall distribute video tapes to the employees or arrange to have them travel to a site where a live or teleconference course is available.

(c) The commission may impose sanctions, including suspension of pay and dismissal of legislative employees, recommendations for disciplinary action for legislators, and recommendations to revoke lobbyist registrations, upon any legislator, legislative employee, or lobbyist who fails to complete the ethics education requirements within a reasonable amount of time, as determined by the commission.

(d) The commission shall supply the presiding officer of each house with the names of those legislators and legislative employees who have not complied with the ethics education requirements. The commission shall supply the Alaska Public Offices Commission with the names of lobbyists who have not complied with the ethics education requirements.

(e) The commission shall offer all of the education programs at appropriate times and locations and shall fairly publicize them.

provide adequate notice

ARTICLE 5. GENERAL PROVISIONS.

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

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

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

(b) Certain specified provisions apply to former members of the legislature, candidates for the legislature, former legislative employees, persons who have transactions with legislators or legislative employees, and lobbyists.

Sec. 24.61.920. PRINCIPLE OF STRICT COMPLIANCE. In imposing civil or administrative sanctions, legislators and legislative employees shall be held strictly to the provisions and spirit of this chapter and, except in extraordinary circumstances, may not assert a lack of knowledge or understanding as a defense to a charge of misconduct.

Sec. 24.61.930. MENTAL STATE REQUIRED FOR CRIMINAL ACTIONS. When a provision of this chapter is made subject to criminal penalties, unless the provision specifically provides for another mental state, the defendant in a criminal prosecution must be shown to have acted with criminal negligence, as that term is defined in AS 11.81.-900(a). AS 11.81.610(c) applies to this section.

Sec. 24.61.940. MAINTENANCE OF DOCUMENTS. Documents filed with or produced by the commission as public records shall be retained for at least six years.

Sec. 24.61.950. COOPERATION OF OTHERS. If the commission requests their cooperation, a state agency, official, employee, or a person whose conduct is regulated by this chapter shall cooperate with the commission. An individual shall make information reasonably related to an investigation available to the commission on written request. The commission may request and shall receive from every officer, department, division, board, agency, commission, house of the legislature, or other agency of the state, cooperation and assistance

in the performance of its duties.

Sec. 24.61.960. CONFIDENTIALITY. A person subject to the provisions of this chapter may not knowingly make an unauthorized disclosure of confidential information acquired in the course of official duties. A person who violates this section is subject to civil sanctions under AS 24.61.560(a) and may be subject to prosecution under AS 11.56.860 or another law.

Sec. 24.61.990. DEFINITIONS. In this chapter,

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

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

(A) "anything of value," "benefit," or "thing of value" includes but is not limited to

(i) money;

(ii) products or merchandise;

(iii) works of art or collectibles;

(iv) stocks, bonds, notes, or options;

(v) an interest in real property;

(vi) contracts or a promise of a future interest in a contract;

(vii) an interest or a promise of a future interest

in a business;

(viii) meals, beverages, or lodging;

(ix) transportation;

(x) services, including loaned employees;

(xi) loans, loan guarantees, co-signing;

(xii) forgiveness of a debt;

(xiii) discounts or rebates not extended to the public generally;

(xiv) preferential treatment;

(xv) tickets or admissions;

(xvi) free or discounted use of office facilities;

(xvii) loan of office equipment;

(xviii) radio or television time;

(xix) promise or offer of present or future employment;

(xx) use of autos, boats, apartments, or other recreational or lodging facilities;

(xxi) intangible rights such as a cause of action;

(xxii) licenses, patents, copyrights, or an interest in them;

(xxiii) any other item, tangible or intangible, having economic value;

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

(i) unsolicited tokens or awards with a value of less than $100 in the form of a plaque, trophy, clock, desk or wall memento or decoration, or similar item;

(ii) unsolicited advertising items such as calendars, key chains, pens, or samples of merchandise with a

 it doesn't include gifts under

value of less than $50;

(iii) unsolicited publications with a market value of less than $100 during a legislative session;

(iv) discounts afforded to the general public or specified groups or occupations under normal business conditions except that the discounts may not be based on the fact of legislative service unless it is a discount program approved by the commission;

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

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

(3) "close economic association" has the meaning given in AS 24.61.265;

(4) "close personal relationship" is a special relationship between a legislator or legislative employee and another person that creates strong bonds of loyalty, friendship, or love that could potentially conflict with public duties and the obligation to exercise objective independent judgment, or create the appearance that the person may have undue access to confidential information or otherwise receive favored treatment regarding public actions; it includes but is not limited to immediate family, long-term personal friends or former business associates, and persons with whom the legislator or legislative employee has a significant and continuous romantic relationship;

(5) "commission" means the Legislative Ethics Commission;

(6) "confidential information" refers to information made

confidential by law or that is conveyed or accepted with the understanding that it will only be used for official purposes;

(7) "exonerate" means to free from a charge or the imputation of guilt, or to prove blameless;

(8) "financial conflict of interest" has the meaning given in AS 24.61.255;

(9) "immediate family" means the spouse, parents, including parents-in-law, children, including a stepchild and an adoptive child, grandparents, grandchildren, and siblings of a person;

(10) "informal representation" means uncompensated representation including requests for information made with a state or local government entity or an official or employee of the entity, on behalf of a person including clients, constituents, and political contributors;

(11) "intent to influence legislative, administrative, or political action" means that an act, including the offering or conferring of a thing of value to a public official, is done with the purpose of inducing the official to do or refrain from doing an act;

(12) "knowingly" means for a person to be aware with respect to conduct or to a circumstance described by a provision of law that the person's conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is required, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist;

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

inaction;

(14) "legislative assistant" means a legislative employee whose assigned duties involve the exercise of substantial discretion and judgment; it does not include employees who perform purely clerical or ministerial functions; the ~~commission~~ LegCouncil shall develop guidelines for interpreting this definition;

(15) "legislative employee" means a person, other than a legislator, who is compensated by the legislative branch in return for regular or substantial personal services, regardless of the person's pay level or technical status as a full-time or part-time employee, independent contractor, or consultant; it includes members and staff of the commission; it does not include individuals who perform functions that are purely incidental to legislative functions such as security, messengers, maintenance, and print shop employees; for purposes of this paragraph, "regular or substantial" means work that is expected to involve, or does involve, at least 400 hours in a calendar year or 300 hours during a regular legislative session; the commission shall develop ~~guidelines~~ policies for interpreting this definition;

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

(17) "nonpublic information" means nonconfidential information obtained in the course of legislative duties that is not available to the general public, the use or disclosure of which is likely to result in a personal benefit or advantage;

(18) "political action" means conduct in which public officials, including legislators or legislative employees, use their official position or political contacts to exercise informal influence on state and local government employees or entities; it includes but is not limited to intervening on behalf of constituents with a govern-

ment agency, endorsing, and pledging support or actively supporting a legislative matter, a nominee, or a candidate for public office;

(19) "professional representation" means representation for compensation;

(20) "reasonably should know" means that, under the circumstances, a person of reasonable prudence and competence would ascertain or know a fact;

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

(22) "substantial interest in legislative, administrative, or political action" has the meaning given in AS 24.61.260.

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

(a) A person commits the crime of false accusation if the person knowingly or intentionally initiates a false complaint with the [SELECT COMMITTEE ON] Legislative Ethics Commission established under AS 24.61 [IN AS 24.60].

* Sec. 4. AS 24.10.100 is amended to read:

Sec. 24.10.100. SALARY OF LEGISLATORS. The annual [MONTHLY] salary for each member of the legislature is $40,000 [EQUAL TO STEP A, RANGE 10 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU]. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 5. AS 24.10.105 is repealed and reenacted to read:

Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) A member of the legislature is entitled to receive per diem at the short-term rate during a legislative session if the legislator is not living in the

legislator's place of permanent residence during the session.

(b) A legislator is entitled to receive per diem at the long-term rate during a legislative session if the legislator is living in the legislator's place of permanent residence during the session.

(c) In this section,

(1) "long-term rate" means the long-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate for a state employee established in regulations adopted by the commissioner of administration under AS 39.20.160.

* Sec. 6. AS 24.10.110 is repealed and reenacted to read:

Sec. 24.10.110. LEGISLATIVE OFFICE ALLOWANCE. (a) A legislator may be reimbursed for the lawful expenses of maintaining a legislative office to supplement resources generally provided to legislators by the legislature and its agencies. Expenses eligible for reimbursement under this section include those incurred in a district office or an office in the capital city.

(b) Expenses that may be paid with public funds under AS 24.61 (Legislative Ethics Act) are presumed to be lawful.

(c) A representative may voucher up to $6,000 per year under this section, and a senator may voucher up to ~~[$10,000.]~~ 6,000 Vouchers shall be processed under AS 24.10.120 and policies adopted by the legislative council.

(d) ~~Notwithstanding (b) of this section, expenses~~ related to newsletters ~~that meet the requirements of AS 24.61.140(d) and (e)~~ may not be paid under this section. The legislative council shall adopt guidelines under which each legislator may prepare and distribute two newsletters a year that comply with AS 24.61. The guidelines must be

consistent with AS 24.61 and regulations under that chapter adopted by the Legislative Ethics Commission and must provide for the payment of expenses for the newsletters from appropriations to the legislature.

* Sec. 7. AS 24.10.130 is amended by adding a new subsection to read:

(b) During each regular session of the legislature, a member of the legislature may be reimbursed for up to two round trip tickets from Juneau to a city in the district from which the legislator was elected. A trip paid for under this subsection may be for a family, business, or constituent purpose.

Reason

* Sec. 8. AS 24.40.020 is amended to read:

Sec. 24.40.020. CONTINUANCE IN A CRIMINAL PROCEEDING WHERE DEFENDANT [, DEFENSE ATTORNEY] OR WITNESS IS A MEMBER OF THE LEGISLATURE. Upon a showing that [THE ATTORNEY OF RECORD AT THE TIME OF THE DEFENDANT'S FIRST APPEARANCE IN THE COURT OF RECORD OR] a principal witness or a party in a criminal proceeding is a member of the legislature and that the legislature is in session or that a legislative interim committee of which the legislator is a member is meeting or is to meet within the next seven days, the defendant is entitled to a reasonable continuance of the date of trial until at least 15 days after the legislative session or interim committee meeting. However, a continuance for this reason <u>may</u> [SHALL] not exceed 30 days after recess of the legislature or interim committee. A continuance may not be granted for any longer time than it is affirmatively proved the ends of justice require.

* Sec. 9. AS 24.40.031 is amended to read:

Sec. 24.40.031. POSTPONEMENT OF CIVIL PROCEEDINGS WHEN A PARTY [OR ATTORNEY] IS A MEMBER OF THE LEGISLATURE. When it appears that a party [OR AN ATTORNEY OF RECORD OF A PARTY] to a civil action is a member of the legislature of this state [,] and that the legislature

is in session, the action shall be continued until 10 days after the legislature has adjourned, unless the party [OR ATTORNEY] upon the call of the action for trial waives the benefit of this section. When it appears that a party [OR AN ATTORNEY OF RECORD OF A PARTY] to a civil action is a member of the Alaska Legislative Council, the Legislative Budget and Audit Committee, or one of their subcommittees, the action shall be continued when the legislative council, budget and audit committee, or the subcommittee, as the case may be, is holding a meeting, unless the party [OR ATTORNEY] upon the call of the action for trial waives the benefit of this section. When it is necessary to file a brief or memorandum of law in an action that [WHICH] has been continued under the provisions of this section, the action shall be continued for a time sufficient to prepare and file the brief or memorandum.

* Sec. 10. AS 24.45.041(a) is amended to read:

(a) Before engaging in lobbying, a lobbyist shall file a registration statement on a form prescribed by the commission. The commission may not accept the form for filing unless the lobbyist's name has been certified to the commission by the Legislative Ethics Commission under AS 24.61.750(c).

* Sec. 11. AS 24.45.041(f) is amended to read:

(f) Each lobbyist shall renew the registration annually by filing a new registration statement together with a new authorization to act as a lobbyist before engaging in lobbying. The lobbyist also shall file any reports or statements the lobbyist has failed to file for a previous reporting period. The commission may not renew lobbying credentials until this provision is complied with and unless the Legislative Ethics Commission has certified the lobbyist's name to the commission under AS 24.61.750(c) and the lobbyist has complied with

AS 24.61.750(e).

* Sec. 12. AS 24.45.041 is amended by adding a new subsection to read:

(g) Notwithstanding (a) and (f) of this section, a lobbyist whose name has not been certified to the commission under AS 24.61.-750(c) may conditionally register or renew a registration under this section if authorized by the Legislative Ethics Commission under AS 24.61.750(a).

* Sec. 13. AS 24.45.121(a) is amended to read:

Sec. 24.45.121. PROHIBITIONS. (a) A lobbyist may not

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

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

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

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

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

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

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

(8) use state property or resources in the conduct of the lobbyist's business; this paragraph does not apply to a ~~state employee~~ whose official duties require the employee to register as a lobbyist.

* Sec. 14. AS 39.25.110 is amended by adding a new paragraph to read:

(30) executive director and staff of the Legislative Ethics Commission.

* Sec. 15. AS 39.50.025 is amended to read:

Sec. 39.50.025. NOTIFICATION TO CANDIDATES FOR LEGISLATURE. On receipt of a statement under AS 39.50.020 from a candidate for the legislature the commission shall mail, by certified mail, a copy of AS 24.61 (Legislative Ethics Act) [AS 24.60 (STANDARDS OF CONDUCT)] to the candidate at the address shown on the report.

* Sec. 16. AS 39.50.200(a)(8) is amended to read:

(8) "public official" means a judicial officer, a member of the legislature, the fiscal analyst of the legislative finance division, the legislative auditor of the legislative audit division, the executive director of the Legislative Affairs Agency and the directors of the divisions within the Legislative Affairs Agency, the executive director of the Legislative Ethics Commission, the governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or director of a division, a department in the executive branch, an assistant to the governor, chair [CHAIRMAN] or member of a state commission or board, the executive director of the Alaska Tourism Marketing Council, and each appointed or elected municipal officer;

* Sec. 17. AS 39.50.200(b) is amended by adding a new paragraph to read:

(50) Legislative Ethics Commission (AS 24.61).

* Sec. 18. AS 39.52.910(a) is amended to read:

(a) Except as specifically provided, this chapter applies to all public officers within executive-branch agencies, including members of boards or commissions. This chapter does not apply to a former public officer of an executive-branch agency unless a provision specifically states that it so applies. This chapter does not apply to legislators covered by AS 24.61 [AS 24.60].

* Sec. 19. AS 24.60 is repealed.

* Sec. 20. INITIAL COMMISSION APPOINTMENTS. Notwithstanding AS 24.61.-500(b), as added by sec. 2 of this Act, the terms of the members initially appointed to the Legislative Ethics Commission are as follows:

(1) the members appointed by the senate and the house of representatives and one of the members appointed by the Legislative Ethics Commission, determined by lot, serve terms of five years;

(2) the member appointed by the governor and the second member appointed by the Legislative Ethics Commission serve terms of four years;

(3) the member appointed by the Alaska Public Offices Commission serves a term of three years;

(4) the member appointed by the lieutenant governor services a term of two years; and

(5) the member appointed by the supreme court serves a term of one year.

* Sec. 21. INITIAL TRAINING COURSES. The initial courses and seminars required under AS 24.61.730 - 24.61.750, as added by sec. 2 of this Act, shall be offered during January and February 1991.

* Sec. 22. INITIAL RECOMMENDED REGULATIONS. The Alaska Legislative Council shall make its initial recommendations to the Legislative Ethics Commission under AS 24.61.160, as added by sec. 2 of this Act, by January 21, 1991. If the legislative council does not comply with the deadline under this section, the Legislative Ethics Commission shall pro-

ceed to adopt regulations under AS 24.61.160 on its own initiative.

* Sec. 23. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS OF FORMER AS 24.60. Notwithstanding the repeal of AS 24.60 by sec. 19 of this Act, in addition to the provisions of AS 24.61, as added by sec. 2 of this Act, the Legislative Ethics Commission may consider complaints alleging violations of AS 24.60 that occurred prior to January 21, 1991, and for which proceedings have not been commenced or concluded prior to January 21, 1991. For the purpose of this section, the Legislative Ethics Commission shall follow the procedures established under AS 24.61, but may not recommend a sanction or penalty not authorized under former AS 24.60.

* Sec. 24. TRANSITIONAL PROVISIONS RELATING TO REPRESENTATION OF OTHERS. Notwithstanding AS 24.61.330, as added by sec. 2 of this Act, a legislator or legislative assistant who is subject to AS 24.61.330 may, until January 1, 1992, represent a person in a proceeding that would otherwise be prohibited under AS 24.61.330 if the legislator or legislative assistant promptly files a statement with the Legislative Ethics Commission that includes the name of the client, an identifying name or number of the action, a brief description of the nature of the action, and the amount of compensation received or anticipated relating to the representation. The statement shall be published in the journal of the appropriate house. If information contained in the statement changes, a supplemental statement shall be filed every 90 days until the matter is completed or January 1, 1992, at which time the representation must be terminated. In this section, "legislative assistant" has the meaning given in AS 24.61.990, as added by sec. 2 of this Act. Ie be allowed to continue + Grant an Exception as appropriate

* Sec. 25. AS 24.61.160, 24.61.400(d), 24.61.500 - 24.61.720 and 24.-61.990, as added by sec. 2 of this Act, and secs. 20 and 22 of this Act, take effect July 1, 1990.

* Sec. 26. AS 24.61.200 - 24.61.240, as added by sec. 2 of this Act,

take effect November 6, 1990.

* Sec. 27. Except as provided in secs. 25 and 26 of this Act, this Act takes effect January 21, 1991.

Rewrite

6-2007J
Dierdorff
4/27/90

Original sponsor(s): SEN. POURCHOT/Select Committee on Legislative Ethics

IN THE SENATE

CS FOR SENATE BILL NO. 415 ( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act establishing a legislative ethics commission and standards of conduct for legislators and legislative employees, former legislators and employees, and lobbyists; amending legislators' compensation and allowances; and providing for an effective date."

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

* Section 1. SHORT TITLE. This Act may be known as the Legislative Ethics Act of 1990.

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

CHAPTER 61. LEGISLATIVE ETHICS ACT OF 1990.

ARTICLE 1. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES.

Sec. 24.61.010. PURPOSE. This chapter is enacted to

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

(2) provide a comprehensive and unified statement of the ethical principles, considerations, and obligations inherent in the public trust theory of government service and establish specific standards of conduct to ensure that those entrusted with public authority avoid conduct that might undermine the people's respect for the legislature; and

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

Sec. 24.61.015. LEGISLATIVE FINDINGS. The legislature finds that

(1) high moral and ethical standards among public servants in the legislative branch of government are essential to the conduct of fair, open, and responsive representative government;

(2) the people of this state need and deserve a legislature led by outstanding public servants whose devotion and commitment to pursuing the public interest through established democratic processes outweigh any competing personal or political considerations;

(3) state government relies heavily on part-time citizen public servants; it is, therefore, essential to attract talented and principled people willing to provide their time and energy to the state, often with substantial personal and financial sacrifices;

(4) the best way to attract the right people is to ensure that the government is respected for its honesty and integrity and that the rules governing their conduct during and after leaving public service are as clear, fair, and complete as possible; the rules, however, should not impose unreasonable or unnecessary burdens that will discourage citizens from entering or staying in government service;

(5) the political culture of the state is the product of a unique blend of history, geography, climate, population, and ethnic influences that must be taken into account in the development of rules and standards regulating the conduct of legislators, legislative employees, and those who work regularly with the legislature;

(6) the state's commitment to the notion of a citizen legislature requires that legislators be drawn from all parts of society; they cannot and should not be without personal and financial interests in the decisions and policies of government, and they are