

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

7733 CONFERENCE COMMITTEE / FREE CONFERENCE COMMITTEE

287



RECORDS



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Jim Butler

Signature of Camera Operator

8/29/95

Date

1991-1992

CONFERENCE COMMITTEES/FREE CONFERENCE COMMITTEES

LIST OF FILES (PAGE 1)

MICROFICHE :

SB 185 - CONFERENCE COMMITTEE

S B

185

COMMITTEE TAPE LOG

CONFERENCE CMTE.

COMMITTEE: ON SB 185

DATE: 5-4-92

TIME: 10:15 a.m.

SUBJECT: CSSB 185 (Sub) Am & 2^d Hcs CSSB 185 (STA) Am &

SENATE MEMBERS PRESENT: SENATORS COLLINS & HALFORD

MEMBERS: HOUSE MEMBERS PRESENT: REPS FINKELSTEIN, ELLIS, M. W. MILLER (Mike)

MEMBERS ABSENT: SENATOR HAROFF

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
	92-1, Side A	
	001	Called to order by Collins Purpose: sectional overview & respond to questions.
DAVE DIERDORFF	D35	Revision of Statute
Finkelstein		Identify problem areas
Collins		Has three problem areas. No members of Senate have contacted her w/ problems. Requests Dierdorff to go through Sections 1 see if Congress have questions
Dierdorff	092	Begins w/ House version
Halford	106	Question on Sec 2 on defining of leg employee
Halford Dierdorff	185	Exception in Sec 3 broader? - Yes
Collins	230	Not all that different from Senate Doesn't have a problem w/ language.

Conf. Intention B 185 5-4-92

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
	92-1, Side A	
Halford	285	Pg. 4 & pg. 5 concern w/ language broadness of "impair"
Halford	335	Uniform Rules prohibit members from being excluded from voting.
Frankelstein	345	might be able to rewrite (g) on pg. 5.
Dreidoff	365	Doesn't really need to be there.
Halford	400	Restrictions on fundraising - Concerned w/it "as special session" language
Collins	420	Rationale on subparagraph (2) in Sec. 4?
Miller	440	Effect on open meetings law
Halford	500	Question on whether Blue section.
Halford	525	Question "like economic Association"
Dreidoff	530	Section 10 - How to put out limit of lobbyist on floor.
Collins	1000	Concern to know a loophole by taking it out.

Conf Cmte on SB 185 5-4-92

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
92-1, Side B		
Halford	010	Concern w/ gifts in Sec. 1 Pt. 12
Dierdorff	145	Disclosure could be kept confidential Will draft amended language. Also will think about definition for "family" within section.
Collins	240	Why time limit taken out on pg. 10, line 9.?
	275	Discussion on "Representation" section, Sec 16 on pg 11.
		Sec 22 concern on pg. 13
Collins	420	Remove Legal Defers + Election Challenging Issues Section
Dinkelstein		Has no problem w/ removing it
Collins	440	Sec 37 on pg. 25 - Would like to remove it.
Dinkelstein		Agrees w/ removing it.
Halford	460	Concern w/ lobbyist section on pg. 26
Collins	558	Any questions on 2 versions?

COMMITTEE TAPE LOG

CONFERENCE CMTE.

COMMITTEE: ON SB 185

DATE: 5-10-92

TIME: 8:50pm

SUBJECT: CSSB 185 (Sun) am - 2^d HES CSSB 185 (STA) am +

SENATE MEMBERS Present: Collins, Halford

MEMBERS: HOUSE MEMBERS Present: Finkelstein, Elms, Miller

ALSO PRESENT: DAVE Dierdorff, REVISOR

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
	92-4, Side A	
	201	Called to order by chair
Dierdorff	053	Explains Amnt 7-LS0799 F.3 - Go back to current law
Dierdorff	100	Amnt F.4
Halford	110	Can language in F.4 be amended.
Dierdorff	248	Suggests amending language moves language as Amnt 7 Adopted
Finkelstein	270	Moves adoption of Amnt. F.4 U/C - Amnt adopted
Collins	280	Amnt to pg. 6, Line 15 and F.5
Miller		Comfortable w/ lang, but need to look at next year
Miller	295	Moves adoption of Amnt. F.5 U/C - Reordered Amnt F.5



Official Business

Alaska State Legislature

*Proposed
by Collins*
Adopted

State Capitol
Juneau, AK 99801-1182

LETTER OF INTENT

BY THE CONFERENCE COMMITTEE ON SB 185

It is the intent of the Legislature that the provisions of AS 24.45.121 (a) (8) do not cover lobbyist's spouses or family members, prohibit attendance at candidate fund-raising events or prohibit candidate recommendations to the clients of lobbyists. Lobbyists are free to individually support candidates of their choice and make personal campaign contributions, or serve as a campaign volunteer.

Sen. Collins, Chair

Rep. Finkelstein, Chair

Sen. Halford

Rep. Ellis

Sen. Zharoff

Rep. M.W. Miller

F.5

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO:
CSSB 185

Adopted

Page 6, line 15, after "law).:

Insert "The Committee shall develop guidelines for the application of this section to the legislature. The guidelines must permit closed caucuses and private, informal meetings or conversations between legislators in which political strategy is discussed. In a proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee finds that a person acted within the adopted guidelines, the committee shall dismiss the complaint as to that violation."

NOTE; THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Adopted

Page 10, line 5:

Delete "Each gift"

Insert "A gift under (c)(4) of this section [EACH GIFT]

Page 10, line 7, after "committee.":

Insert "Gifts under (c)(6) of this section shall be disclosed to the committee annually on or before April 15 of the following calendar year.

*For purposes
Add need only include
and the nature amounts) in the case of
of
to include the value
only if value exceeds \$200*



Official Business

Alaska State Legislature

*Proposed by
Finkelstein*

State Capitol

Juneau, Alaska 99801-1182

LETTER OF INTENT

BY THE CONFERENCE COMMITTEE ON SB 185

It is the intent of the Legislature that the provisions of AS 24.45.121(a)(8) only prohibit lobbyists from serving in roles in legislative campaigns involving active fundraising, such as the role of campaign manager or director, campaign or deputy campaign treasurer, member of a finance or fundraising committee, or host of a fundraising event, and from collecting or distributing campaign contributions to legislative campaigns. It is further the intent of the Legislature that the provisions of AS 24.45.121(a)(8) do not cover lobbyists' spouses or family members, prohibit attendance at candidate fundraising events or prohibit candidate recommendations to the clients of lobbyists. Lobbyists are free to individually support candidates of their choice and make personal campaign contributions, or serve as campaign volunteers.

Sen. Collins, Chair

Rep. Finkelstein, Chair

Sen. Halford

Rep. Ellis

Sen. Zharoff

Rep. M.W. Miller

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Page 21, line 3:

Delete "(A)"

Page 21, lines 4 - 6:

Delete "; or

(B) \$10,000 per year and is received from a family member of recipient"

NOTE: THE ADOPTION OF THIS AMENDMENT DOES NOT REQUIRE LIMITED POWERS OF FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.

COMMITTEE TAPE LOG

Conference Cmtee
 COMMITTEE: On 185

DATE: 5-6-92 TIME: 6:35pm

SUBJECT: CSSB 185 (Su0) am, 1 2^d H. & CSSB 185 (STA) am H

MEMBERS: Present: Collins, Halford, Ghossein
Present: Ellis, Miller, Jinkhelstein
(Mike)
Members Absent: Ghossein

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
	72-3, Side A	
	001	Called to order by Chair Amnds #1 & #2 adopted this morning. D. amdt by amdt on remaining
Overdorf		Addressed Amdt C.16 which replaces amdt C.12.
Jinkhelstein	048	Moves adoption of amdt C.16. Halford objects. Ho problem w/ whole section in the law. Halford removes objection. Amdt adopted
Jinkhelstein	060	Amdt C.10 - Moves to adopt - No obj Amdt adopted
Ellis		Amdt C.11 - Moves to adopt - No obj. - Amdt adopted
Halford	080	Amdt C.13 - Moves adoption of amdt - No. objects amdt adopted

Conference Cmte on SB 152 5/6/92

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
	92-3, Side A	
Leland		Amnt C. 14 - Moves adoption of amnt. No objection. Amnt C. 14 adopted
Jinkelson		Amnt C. 15 - Move to amend: On second to last line del. "persons" & insert "successors". Amnt to amnt C. 15 adopted
Leland		Move amnt C. 15 - No objection. Amnt C. 15 adopted.
Miller	130	Discuss deletory line 21 & 22 on pg. 20.
Miller		Move to delete all of paragraph (4) lines 16-22. Objection. Have note taken - Motion failed
Miller	290	Must delete subparagraph (B) on line 21 & 21. Objection. Have note taken - Motion failed
Collins	300	Directs attention to fiscal note Pam Stover, Director, Division of Admin Services, IAA, present to answer questions - No questions.

Conference Cmte on JB 185 5-6-92

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
92-3, Side A		
Zhang	315	Raises concern on lobbyist section
Ellis	350	Moves to adopt the Commission CS. Helpful object also to concerns w/ legislation. Discussion on disclosure under APOC.
Dierdorf	476	Clarifies differences in disclosure sections in House & Senate versions of the bill. (Reporting Requirements)
Zhang	505	Significant problem.
	553	Tape Renewal
92-3, Side B		
Broom Mills	54D	Revisiting APOC. clarifies what is now required under regulation
		- Extensive discussion on what options available to committee w/ limited powers of free conference

COMMITTEE TAPE LOG

COMMITTEE: Conference Cmte on AB 185 DATE: 5-6-92 TIME: 8:45 a.m.
 SUBJECT: CSSB 185 (Jud) am v 2^d HCS CSSB 185 (DATA) am v 1

MEMBERS: Senate Members Present: Collins, Zaroff, Halford
House Members Present: Mike Miller, Finkelstein, Ellis
Also Present: David Dierdorff, Revisor

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
	92-2, Side B	
	001	Called to order by Senator Collins @ 8:45 a.m.
<u>David Dierdorff</u>	010	<u>Amnt #1 C.10</u> (C)(10) pg 5, line 7
"	050	<u>Amnt #2 C.11</u> Pg 10, line 8; Pg. 10, line 9
"	100	<u>Amnt #3 C.12</u> Pg 10, line 11; Pg. 10, line 16
"	120	<u>Amnt #4 C.13</u> Pg. 11, line 22
"	148	<u>Amnt #5 C.14</u> Pg 14, line 2
"	170	<u>Amnt #6 C.15</u> Pg 13, lines 5-7
"	190	Language change made "persons" changed to "successors"
<u>Collins</u>	210	<u>Amnt C. 1</u> Pg. 22, lines 1-15 Amendment Discussion

Conference Cmte on B185 5-6-92

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
	92-2, Side A	
Collins	252	Moses Amnt. C.1 - Elli objects → discuss amnt. Elli withdraws objection. Hearing no obj, amnt adopted.
Collins	278	Moses Amnt. C.2. UIC. Hearing no objection, Amnt adopted
Miller	305	Pg. 6, lines 14-15 - propose Amnt - Delete lines 14 + 15. Moses amnt. Collins objects. Amendment discussed. Here note: Miller, Ellis - "Yes" Collins, Halford Jinkulstein - "No" Amnt failed.
Miller	400	Pg 9, line 28 - Delete word "immediate". Moses Amnt. Jinkulstein objects - amnt discussed.
Jinkulstein	475	Amnts amnt. proposed. Miller objects. obj
Halford	485	Should be separate amnt. Jinkulstein

Conference Cmte on HB 185 5-6-97

PAGE: 3

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
	92-2, Side A	
Miller		Pg 9 line 28 - Delete "immediate" (Miller amdt.)
		Yea: Miller, Zharov, Helene Collins.
		Nay: Ginkelstein Ellis
		Amdt failed
Ginkelstein	530	Mo to C-12 amdt. Moves Amdt to Amdt. Withdraws motion.
Ginkelstein	568	Moves ltr. he sent for request of powers of free conference W/obj, motion carries
Collins	583	Adjourns mtg. 9:32 a.m.



Alaska State Legislature

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

Agenda

May 6, 1992

Conference Committee Meeting

CSSB 185(JUD) am and 2d HCS CSSB 185(STA) am H
"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists and to the Select Committee on Legislative Ethics; and providing for an effective date

1. Call To Order.
2. Explanation of Amendments by Dave Dierdorff, Revisor of Statutes.
3. Questions by committee members.
4. Discussion of subject areas for limited powers of free conference.
5. Motion to adopt request for limited powers of free conference.
6. Adjourn



Alaska State Legislature

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

May 6, 1992

Mr. President:

Mr. Speaker:

The Conference Committee considering:

CS FOR SENATE BILL NO. 185(JUDICIARY) am
"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

and 2d HOUSE CS FOR CS FOR SENATE BILL NO. 185(STA) am H
"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

requests limited powers of free conference on the following bill sections:

1. Prohibitions Related to Conflicts of Interest
2. Restrictions on Fund Raising
3. Open Meetings Law
4. Gifts
5. Representation
6. Select Committee on Legislation Ethics
7. Definitions
8. Lobbyists
9. Reports of Financial and Business Interests

Senator Collins, Chair

Representative Finkelstein, Chair

Senator Halford

Representative Ellis

Senator Zharoff

Representative M. W. Miller

AMENDMENT #5

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 14, after line 2:

Insert a new subsection to read:

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

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.

Adopted

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Page 6, line 15, after "law).":

consistent with AS 44.62.310 - 44.62.312

Insert "The committee shall develop guidelines for the application of this section to the legislature. The guidelines must permit caucuses and informal meetings or conversations between legislators in which political strategy is discussed. ~~The guidelines may not permit closed meetings not otherwise permitted under AS 44.62.310(c) in which a commitment, vote, or final disposition is made on a motion or proposal that is to be officially acted upon by the legislature or a committee, subcommittee, or another entity of the legislature.~~ In a proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee finds that a person acted within the adopted guidelines, the committee shall dismiss the complaint as to that violation."

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO: CSSB 185

Page 6, line 15, after "law)":

Insert "The committee shall develop guidelines for the application of this section to the legislature. The guidelines must permit caucuses and informal meetings or conversations between legislators in which political strategy is discussed. The guidelines may not permit closed meetings not otherwise permitted under AS.62.310(c) between legislators who comprise a quorum of a house, committee, subcommittee or other entity of the legislature, in which a commitment, vote, or final disposition is made on a motion or proposal that is to be officially acted upon by the house, committee, subcommittee or other entity of the legislature. In a proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee finds that a person acted within the adopted guidelines, the committee shall dismiss the complaint as to that violation."

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Page 21, line 3:

Delete "(A)"

Page 21, lines 4 - 6:

Delete "; or

(B) \$10,000 per year and is received from a family member of recipient"

NOTE: THE ADOPTION OF THIS AMENDMENT DOES NOT REQUIRE LIMITED POWERS OF
FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Page 10, line 5:

Delete "Each gift"

Insert "A gift under (c)(4) of this section [EACH GIFT]"

Page 10, line 7, after "committee.":

Insert "Gifts under (c)(6) of this section shall be disclosed to the committee annually on or before April 15."

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

May 6, 1992

SUBJECT: Definition of "Immediate Family" for consideration by the conference committee on SB 185

TO: Senator Virginia Collins
Representative David Finkelstein

FROM: David R. Dierdorff *DRD*
Revisor of Statutes

I have rewritten amendment 7-LS0799\C.12 to incorporate the thoughts generally expressed in this morning's meeting. Please note that I have set out for your information the definition of "immediate family" as it applies to the rest of AS 24.60. An option that was discussed, allowing the committee to develop the definition, would require an amendment to page 9, line 28, so that that line would read:

(5) gifts from the immediate family, as that term is defined by the committee,
of a person; or

Alternatively, amendment C.12 could be revised to read:

(g) In this section, "immediate family" has the meaning given in policies adopted by the committee.

DRD:gc
92-357.glc

Enclosure

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185 (STATE AFFAIRS) am H

Page 10, line 11:

Delete "a new subsection"

Insert "new subsections"

Adopted

Page 10, after line 16:

Insert a new subsection to read:

"(g) In this section, "immediate family" has the meaning given in AS 24.60.990(a)(5) and includes the grandparents, aunts, and uncles of a person, and also includes a person described in this subsection or AS 24.60.990(a)(5) who is related to the person by marriage."

NOTE: THE TEXT OF AS 24.60.990(a)(5) THAT DEFINES "IMMEDIATE FAMILY" IS SET OUT BELOW:

(5) "immediate family" means the spouse, parents, children, including a stepchild and an adoptive child, and siblings of a person;

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

COPY

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MEMORANDUM

May 17, 1991

SUBJECT: Sectional analysis of legislative ethics bill (CSSB 185 (JUD) am)

TO: Senator Virginia Collins, Chair
Senate Special Committee on Ethics Reform
ATTN: Shirley Armstrong

FROM: John B. Gaguine
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 adds several prohibitions to the current list of prohibited conduct by a lobbyist. It would prohibit a lobbyist from serving as a campaign treasurer or deputy campaign treasurer for a legislative candidate, from offering gifts (except for food or beverages), loans, and campaign contributions to persons covered by the ethics act during session, and from making a gift or campaign contribution in violation of the ethics act.

Section 2 prohibits a former legislator from lobbying the legislature for one year after the former legislator leaves office.

Section 3 amends and expands the findings and purposes section of the Legislative Ethics Act, AS 24.60.

Section 4 extends the coverage of the Legislative Ethics Act to all employees Range 15 and above (instead of current Range 18) and to the public members of the Select Committee on Legislative Ethics.

Section 5 essentially gathers in one place all of the prohibitions that are currently spread throughout AS 24.60, and adds a couple of new prohibitions, relating to use

Senator Virginia Collins

May 17, 1991

Page 2

of state property and funds for political purposes and to taking action that could substantially affect a person with whom the action-taker is negotiating employment. It retains the provision in current law that an action does not constitute a conflict of interest unless the impact on the legislator or legislative employee is substantial; e.g., a legislator does not need to worry about voting on legislation that would affect the oil industry if he or she owns a couple of shares of Exxon. Section 5 also adds a new subsection (c) to AS 24.60.030 to make clear that the prohibition on conflicts of interest does not prohibit customary constituent contacts by a legislator.

Section 6 prohibits a legislator from soliciting or accepting campaign contributions during a session and from accepting money from an event during a session that is designed to raise money for candidates (such as a political party fundraiser).

Section 7 provides that disclosures of close economic associations must be reasonably specific; it would no longer suffice to just state that a close economic association exists, and provide no details.

Sections 8-11 rework the gift provisions of the ethics law. Section 7 raises the allowable limit from \$50 to \$100, and essentially provides that gifts worth less than \$100 are conclusively presumed to be proper. However, the section also prohibits the acceptance of any gift, except for the ones listed in AS 24.60.080(c), from a lobbyist or employer of a lobbyist during a legislative session. Section 8 broadens AS 24.60.080(c), the exception to the gift prohibition, to include gifts not connected to the recipient's legislative status; this change codifies an ethics committee advisory opinion. Section 9 requires the disclosure of gifts now allowed by Section 8. And Section 10 deals with gifts from foreign governments worth \$100 or more; it allows their receipt, but only on behalf of the legislature.

Section 12 prohibits honoraria; this section too codifies an ethics committee advisory opinion. The payment of actual travel expenses is allowed. There is an exception where the honorarium is not related to the recipient's legislative status, so that, for instance, a legislator who is a professor of biology could accept an honorarium for speaking at a biology symposium. The section also specifically authorizes teaching for compensation at a state-funded school or university.

Section 13 modifies the nepotism prohibition, to allow a legislator's relatives who may be employed in the other house during session to begin employment one week before session and to keep working for one week after session, and to extend the prohibition to a person who is cohabitating with a person covered by the ethics law.

Section 14 places a flat ban on representing clients for compensation before an agency, board, or commission (but not a court) of the state. It also makes clear that appearing before an officer or employee of an agency, board, or commission is prohibited. The section would replace existing law allowing such representation, as long as it is disclosed.

Section 15 states, in order to avoid any possible problems, that the Select Committee on Legislative Ethics is a permanent interim committee.

Section 16 changes the terms of public members of the committee from two years (the duration of one legislature) to three, in order to provide greater stability in the committee's membership.

Section 17 reduces the number of legislative members necessary to make a quorum of the committee.

Section 18 adds two new subsections to AS 24:60.170. Subsection (j) provides that open meetings and public procurement provisions do not apply when their application would be inconsistent with the confidentiality provisions of AS 24.60. (The procurement provisions are included because the committee may need to hire investigators to investigate complaints which are not public during the investigation.) Subsection (k) provides that members of the committee may not have access to closed files of the committee unless a majority of the committee determines that there is a need for such access.

Section 19 changes the statute relating to advisory opinions to give the committee, when the opinion requestor consents, more time to respond to the request. During the interim it is often difficult to assemble a quorum to act on a request.

Section 20 totally overhauls the committee's complaint procedures. Under current law the procedures are totally closed to the public virtually from beginning to end, including the hearing on a complaint. As overhauled, the procedures would be closed to the public during the initial and investigation stages, but would be open if the investigation disclosed probable cause to proceed. This change would bring AS 24.60 into line with the vast majority of ethics statutes in the United States. Section 20 also provides that the subject of a complaint facing a hearing would have rights to ascertain the evidence against him or her.

Section 21 would establish the Select Committee on Legislative Ethics, minus its public members, as the body adjudicating equal employment opportunity grievances by legislative employees.

Section 22 adds a new provision that a person who was covered by the legislative ethics act (legislators and most aides and legislative employees) may not, for one year after leaving service, represent a client for compensation in any forum on a matter that the person personally and substantially participated in while a legislator or legislative employee.

Section 23 states that persons covered by AS 24.60 are not covered by the total ban in AS 39.50.090(c) (part of the 1974 conflict-of-interest initiative) on representing clients for compensation before state agencies, boards, and commissions. This statute.

Senator Virginia Collins

May 17, 1991

Page 4

is inconsistent with current AS 24.60.100, and our office has expressed its opinion that AS 24.60.100 was intended to supersede AS 39.50.090(c) with regard to legislators and legislative employees. Note, though, that AS 24.60.100 as amended by this bill would have the same effect as AS 39.50.090(c).

Section 24 repeals two statutes (AS 24.60.060 and 24.60.120) that were incorporated into new AS 24.60.030, and AS 24.60.080(b), that was incorporated into AS 24.60.080(a).

Section 25 provides that the three current members of the ethics committee just confirmed would serve one, two, and three year terms, with the term length to be determined by lot. The purpose of this is to stagger the three-year terms for public members, so that each year one, and only one, new member would be appointed.

JBG:gc
91-262.glc

DIVISION OF LEGAL SERVICES

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240 Main Street, Suite 590
Juneau, Alaska 99801-2107


House

MEMORANDUM

April 30, 1992

SUBJECT: Sectional Analysis of House-passed Ethics Bill
(2d HCS CSSB 185(STA) am H)

TO: Senator Virginia Collins

FROM: David R. Dierdorff 
Revisor of Statutes

You have requested a sectional analysis of 2d HCS CSSB 185(STA) am H, the version of the ethics bill that was passed by the House on April 27.

Please note that a sectional analysis of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 repeals and reenacts AS 24.60.010, which sets out the legislative findings with respect to ethics and the purpose of AS 24.60, the legislative ethics law.

Section 2 amends AS 24.60.020(a) to change the language used to describe legislative employees and to expressly include the public members of the committee within the coverage of AS 24.60. Technically, the latter change was not required, because the public members are included within the definition of legislative employee, but they were named specifically in this provision to provide good notice of the coverage. Section 2 also amends AS 24.60.020(b) to change the reference to employees and to clarify the relationship of the ethics law to other statutes and the common law.

Section 3 sets out many of the prohibitions that fit within the general category of standards of conduct. AS 24.60.030 is repealed and reenacted and includes prohibitions related to:

- (a)(1) improper benefits from performance of public (legislative) duties;
- (a)(2) misuse of state property and resources for private benefit; certain nominal usage is exempted. as is use of property or a resource that is also available to the general public for private purposes;
- (a)(3) misuse of public funds or falsifying a claim for public funds;
- (a)(4) use of a legislative employee for private benefit;
- (a)(5) misuse of state property and resources for political purposes; again, certain nominal use is exempted;
- (b) employees' partisan political or campaign activity on government time;
- (c) use of state funds (other than the office allowance) for certain purposes 90 days before an election;
- (d) distribution or display of campaign-related material in certain public facilities;
- (e) use of coercive tactics or improper influence.
- (f) service by an employee in a position that requires legislative confirmation; service by legislators or employees on other entities is allowed, but certain service must be disclosed to the committee.

Finally, AS 24.60.030(g) requires that a legislator or employee recuse himself or herself from participation in matters involving a substantial personal financial interest: if the Uniform Rules do not prevent recusal and if the benefit is greater than that accruing to a class of persons to which the legislator or employee belongs (e.g., all attorneys or all residents of Anchorage).

Section 4. Adds five new provisions to AS 24.60. They are:

AS 24.60.031. Prohibits political fund raising by legislators and employees during regular or special sessions and prohibits acceptance or expenditure of certain money that was raised during a session.

AS 24.60.033. Prohibits a legislative employee from filing a declaration of candidacy or letter of intent to become a candidate for the legislature while employed.

AS 24.60.035. Provides a remedy for a person who has suffered reprisals from a legislator or employee because the person filed a good faith report that a legislator or employee violated AS 24.60.

AS 24.60.037. Incorporates the open meetings law within the ethics law by requiring legislators to abide by its provisions. Thus, a violation of the open meetings law by a legislator could result in action being taken against the legislator by the committee.

AS 24.60.039. Incorporates the state employment discrimination law (AS 18.80.220) within the ethics law.

Section 5 extends the prohibition (in AS 24.60.040(a)) against having an interest in certain state contracts or leases to employees and to members of the immediate family of legislators and employees.

Section 6 amends AS 24.60.050, relating to state programs and loans, to change the description of legislative employees, make minor changes in reporting dates, make all reporting to the committee in the first instance, and address the consequences of a finding that a legislator or employee used improper influence in obtaining a benefit or loan. Requires committee to publish a list only of those programs and loans that need to be reported by legislators or employees; current law requires a listing of all state programs and loans, whether or not they need to be reported.

Section 7 clarifies the prohibition against disclosure of confidential information by prohibiting any unauthorized disclosure of information that is made confidential by law, and by clarifying that an unlawful disclosure is a violation of the ethics law and may also be a violation of the criminal law.

Section 8 amends AS 24.60.070, relating to disclosure of close economic associations, to require that all disclosures be made to the committee in the first instance.

Section 9 adds provisions to AS 24.60.070 that require disclosures to be reasonably specific and define "close economic association."

Sections 10 - 13 rework the gift provisions of the ethics law. The allowable limit is raised from \$50 to \$100; gifts less than that are conclusively presumed to be proper except that gifts of any value may not be solicited or accepted during a session if the donor is a lobbyist or the agent of a lobbyist. Subsection (c), in bill section 11, lists the items that a legislator or employee may accept, even from a lobbyist during session. The only changes from current law are to limit the exception for family gifts to the immediate family, and to add to the list gifts that have nothing to do with the legislative status of the recipient (e.g., a retirement watch from the person's employer). Subsection (d), in bill section 12, requires disclosure to the committee of

gifts of travel or hospitality or gifts not connected with legislative status. Section 13 adds a new provision allowing the acceptance of gifts worth more than \$100 from foreign governments, but only on behalf of the legislature

Section 14 prohibits receiving more compensation for personal services provided to another than the amount that would be paid a similarly qualified person for the same work. It also restricts honoraria to reimbursement of actual and necessary travel expenses, unless the speech or appearance is not related to the person's legislative status.

Section 15 amends the nepotism provision of current law to allow a legislator's relatives who are employed in the other house during a session to begin work a week before the session convenes and to keep working for a week after session ends. It also extends the nepotism prohibition to a person who is cohabiting with a person covered by the ethics law.

Section 16 amends AS 24.60.100, relating to disclosures of certain representation of others, to provide for disclosure to the committee in the first instance.

Section 17 makes the committee a permanent interim committee.

Section 18 revises the makeup of the committee. Each subcommittee would be composed of two legislators and the five public members; the full committee would then consist of four legislators and the five public members. One of the legislators from each house must be a member of the minority caucus, if there is one.

Section 19 provides that only one of the five public members may be a former legislator and that no more than two of them may be members of the same political party. Legislator members are no longer included in this subsection, because the new requirement that one member be from each caucus obviates the need to refer to their affiliation.

Section 20 adds the office of vice-chair to each subcommittee and requires that the chair and vice-chair be public members.

Section 21 deletes the power of a subcommittee to employ staff or contract for professional services. That power would be left with the committee. Certain restrictions are placed on other activities or status of employees and contractors. (The restrictions on contractors would apply only when the person was actually under contract to the committee.) Legislative council is directed to provide additional staff support, office space, and equipment for the committee. Provision is made for the submission of a committee budget.

Senator Virginia Collins

April 30, 1992

Page 5

Section 22 expands the term of public members from two years to three. In a transitional provision, bill section 44, the terms are staggered.

Section 23 revises the quorum requirements to reflect the change in committee composition.

Section 24 adds four new subsections to AS 24.60.130. Subsection (j) provides that open meetings and procurement provisions do not apply to the committee when their application would be inconsistent with the confidentiality requirements of AS 24.60.170(l) or other provisions of the chapter. Subsection (k) limits access to closed confidential files of the committee. Subsection (l) provides for meeting at the call of the chair or a majority of the members, and for meetings by teleconference. Subsection (m) makes certain persons ineligible to be committee members.

Section 25 restricts the political and lobbying activities of committee staff, contractors, and public members.

Section 26 authorizes informal advice and sets out required caveats in connection with it.

Section 27 amends AS 24.60.160, relating to advisory opinions, to give the committee more time when the requestor consents to the extension.

Section 28 adds a new provision that prohibits the committee from using against a person information that is voluntarily given to it by that person in connection with a request for informal advice or an advisory opinion.

Section 29 completely overhauls the committee's complaint procedures. Under current law the process is closed to the public from beginning to end. Under the new law, the initial stages of investigation would be closed, but once probable cause to proceed with a formal complaint is found, the process is open. This brings Alaska into line with the vast majority of states with ethics laws. The provision also gives discovery, subpoena, and other "fair hearing" rights to the person who is the subject of a complaint.

Section 30 adds three new sections to AS 24.60. The first two, AS 24.60.174 and 24.60.176, set out the ground rules for recommendations of the committee when a legislator or employee is found to have violated the ethics law. In the case of legislators, a recommendation is forwarded to the presiding officer of the violating member's house; in the case of an employee, the recommendation is forwarded to the appointing authority. The law does not set out recommended sanctions. Those are left up to the legislative body or appointing authority. The third new provision, AS 24.60.178, authorizes the attorney general to bring independent civil actions under AS 24.60, regardless of the outcome of a complaint before the committee.

Senator Virginia Collins

April 30, 1992

Page 6

Section 31 adds AS 24.60.200 - 24.60.250. These provisions replace the disclosure requirements of AS 39.50 for legislators and legislative agency heads and division directors. Disclosure is still made to APOC, but the information that must be disclosed is more detailed than that required by current law. Also added are AS 24.60.260, setting out the consequences of making a false or deliberately misleading disclosure to APOC or the committee; AS 24.60.300, allowing a legislator or employee who is in litigation, being prosecuted, or the subject of administrative action, to establish a legal defense fund; and AS 24.60.990, which enacts definitions for AS 24.60 (the current definition provisions are repealed in bill section 43).

Sections 32 - 36 and 40 - 42 conform other provisions of law to the change in the financial disclosure applicable to legislators and high-level legislative employees.

Section 37 amends the legislative immunity statute to include statements relating to legislative intent within the protection of legislative immunity.

Section 38 adds several prohibitions to the current list of prohibited conduct by a lobbyist, including prohibitions relating to political and fund-raising activity in connection with a legislative candidate and to gifts to legislators.

Section 39 restricts former legislators from lobbying, other than representational and volunteer lobbying, for one year after leaving the legislature.

Section 43 contains the repealers.

Section 44 sets out procedures for the initial appointments of public members to the committee, including the staggering of terms.

Section 45 provides that the new committee procedures apply to proceedings that are in progress when the new law takes effect and to new proceedings relating to violations that occur before January 11, 1993.

Section 46 makes the Act effective on the first day of the first session of the 18th legislature.

DRD:pl
92-315.plm

AMENDMENT

#4

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 11, line 22, after "journal":

Insert "A legislator or legislative employee may not represent another person for compensation before an agency, committee, or other entity of the legislative branch"

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.

Adm

AMENDMENT #2

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 10, line 8, after "receives":

Insert "relating to gifts under (c)(4) of this section"

Page 10, line 9, after "journal":

Insert "Disclosures relating to gifts under (c)(6) of this section shall be maintained, but are confidential and may only be used by the committee and its employees and contractors in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170. If the disclosures become part of the record of a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosures"

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.



AMENDMENT #1

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 5, line 7, after "(3)":

Insert "unless required by the Uniform Rules of the Alaska State Legislature,"

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.

AMENDMENT *ALP*

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 13, lines 5 - 7:

Delete "Each public member serves for a three-year term. A public member whose term has expired continues in office until a successor has been appointed and ratified."

Insert "Each public member serves for a term that commences on the date the member is ratified and ends on the first day of the third regular session that follows the ratification. A public member whose term has expired continues in office until a successor has been appointed and ratified or until the 30th calendar day of the first legislative session that follows the person's appointment, whichever is earlier."

Successor's

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.

Adopted

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

BY SENATOR COLLINS

TO: 2d HCS CSSB 185(STA) am H

Page 25, line 30 through 26, line 10:

Delete all material.

Renumber the following bill sections accordingly.

Adopted

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

BY SENATOR COLLINS

TO: 2d HCS CSSB 185(STA) am H

Page 22, lines 1 through 15:

Delete all material.

Adopted

*Amendments Identified
at 5/4/92 meeting*

FISCAL NOTE

No. 4

Bill Version: 2nd HCSCSSB 185
 (H) Publish Date: 4/23/92 (STA)

STATE OF ALASKA
 1992 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to conduct of legislators, legislative employees...on Legislative Ethics."
 Sponsor: Senate Spec. Comm. on Ethics Reform
 Requestor: House State Affairs

Department Affected: Legislative Affairs Agency
 BRU: Legislative Council
 Component: Council & Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

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

Pamela A. Stoops

Phone: 465-3850
 Date: 3/24/92

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

Warren W. Endicott

Date: 3/24/92

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 3
Bill Version: 2nd HCSCSSB 185
BILL NO. - (H) Publish Date: 4/23/92 (STA)

Revision Date: _____
Title: Legislative Ethics Act

Department Affected: Administration
BRU: Alaska Public Offices Commission
Component: Alaska Public Offices Commission

Sponsor: Senate Special Committee on Ethics Reform
Requestor: _____

COMPONENT SERIAL NO.

		7	0
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	73.1	42.5	43.8	45.1	46.5	47.9
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	1.0	11.0	11.0	11.0	11.0	11.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	74.1	53.5	54.8	56.1	57.5	58.9

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	74.1	53.5	54.8	56.1	57.5	58.9
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	74.1	53.5	54.8	56.1	57.5	58.9

POSITIONS:

FULL-TIME	2	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)
See attached narrative.

Prepared by: Karen Boorman, Executive Director
Division: Alaska Public Offices Commission

Phone: (907) 276-4176
Date: _____

Approved by Commissioner: Nancy Bear Usery
Agency: Administration

Date: 4/16/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ctr., & Impacted Agency(ies).

FISCAL NOTE

No. 3

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HCS CSSB 185 (Fin) am H

4/23/92

HCS CSSB 185 (Finance) am H FISCAL NARRATIVE

This bill establishes new financial disclosure requirements for legislators, candidates for the legislature and legislative directors.

The Alaska Public Offices Commission (Commission) is requesting funds to prepare for implementation of these new requirements and for ongoing administration. A Regulations Specialist II position (range 16) is requested for the first year only to develop forms, manuals, and instructional material and prepare proposed regulation changes for Commission adoption. A modest sum of \$1,000 is requested to supplement manual costs to accommodate the separate disclosure requirements for legislators, candidates, and directors.

An Administrative Assistant (range 12) is proposed to administer the program on an ongoing basis. This would include providing compliance, assisting interpretations of the law, review of statements and assistance with complaint investigations.

The Commission anticipates that potential complaints could include allegations that a legislator or candidate did not reveal complete or accurate information about an income source with a substantial interest in legislative, administration, or political action. The Commission anticipates that one complaint annually could proceed to public hearing before the Commission as required under the Administrative Procedures Act. Funds are requested to absorb the additional expense.

A detailed breakdown of the costs associated with administration and enforcement of this bill is attached.

FISCAL NOTE

no. 3

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HCS CSSB 185 (Fin) am H

4/23/92

HCS CSSB 185 (Finance) am H
Alaska Public Offices Commission Estimated Costs
FY 93

Personnel:

• Regulations Specialist II, Range 16A	\$52,422	
Administrative Assistant, Range 12A	<u>\$20,640</u>	(Starting January 1, 1993)
	\$73,062	

Contractual Services:

<u>Manuals/Forms</u>	\$ 1,000
** <u>Legal Fees</u>	\$10,000

Hearings, witness fees, subpoenas, transcripts, professional services.

- Funding for Regulations Specialist II position required for FY 93 only.
- ** Complaint investigation funds will be necessary after FY 93.

Personnel Services costs projected to increase 3 percent per year for merit increases.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. 1

Bill Version: SB 185

(S) Public Date: 5/8/91

Revision Date: _____
Title: "An Act relating to conduct of
Legislators. and to the Select Comm. on Leg. Ethics."
Sponsor: Senate Judiciary
Requestor: Senate Special Committee on Ethics

Department Affected: Legislative Affairs Agency
BRU: Legislative Council

Component: Council & Subcommittees

COMPONENT SERIAL NO: 783

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

<p>ANALYSIS: (Attach a separate page if necessary)</p> <p style="text-align: center;">Zero fiscal impact.</p>	<p>Changes in <u>CS SB 185 (Jud)</u> have no fiscal impact. This fiscal note is appropriate.</p> <p style="text-align: center;"> <u>5-7-91</u> <u>DB</u> date Comte Aide (initial) </p>
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Prepared By: Pamela A. Stoops, Director Phone: 465-3850
 Division: Administrative Services Date: 3/14/91

Approved By: Warren W. Endicott, Executive Director Date: 3/14/91
 Agency: Legislative Affairs Agency

7-LS0799F'

Dierdorff

5/6/92

CONFERENCE CS FOR SENATE BILL NO. 185
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE CONFERENCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE SPECIAL COMMITTEE ON ETHICS REFORM

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to conduct of legislators, legislative employees, former legislators, former
2 legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics; and
3 providing for an effective date."

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

5 * Section 1. AS 24.60.010 is repealed and reenacted to read:

6 Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that

7 (1) high moral and ethical standards among public servants in the legislative
8 branch of government are essential to assure the trust, respect, and confidence of the people of
9 this state;

10 (2) a fair and open government requires that legislators and legislative employees
11 conduct the public's business in a manner that preserves the integrity of the legislative process
12 and avoids conflicts of interest or even appearances of conflicts of interest;

13 (3) the public's commitment to a part-time citizen legislature requires legislators
14 be drawn from all parts of society and the best way to attract competent people is to

1 acknowledge that they provide their time and energy to the state, often at substantial personal and
2 financial sacrifice;

3 (4) a part-time citizen legislature implies that legislators are expected and
4 permitted to earn outside income and that the rules governing legislators' conduct during and
5 after leaving public service must be clear, fair, and as complete as possible; the rules, however,
6 should not impose unreasonable or unnecessary burdens that will discourage citizens from
7 entering or staying in government service;

8 (5) in order for the rules governing conduct to be respected both during and after
9 leaving public service, the code must be administered fairly without bias or favoritism;

10 (6) no code of conduct, however comprehensive, can anticipate all situations in
11 which violations may occur nor can it prescribe behaviors that are appropriate to every situation;
12 in addition, laws and regulations regarding ethical responsibilities cannot legislate morality,
13 eradicate corruption, or eliminate bad judgment;

14 (7) compliance with a code of ethics is an individual responsibility; thus all who
15 serve the legislature have a solemn responsibility to avoid improper conduct and prevent
16 improper behavior by colleagues and subordinates;

17 (8) the purpose of this chapter is to establish standards of conduct for state
18 legislators and legislative employees and to establish the Select Committee on Legislative Ethics
19 to consider alleged violations of this chapter and to render advisory opinions to persons affected
20 by this chapter.

21 * Sec. 2. AS 24.60.020 is amended to read:

22 Sec. 24.60.020. APPLICABILITY; RELATIONSHIP TO COMMON LAW AND
23 OTHER LAWS. (a) Except as otherwise provided in this subsection, this chapter applies to
24 a member of the legislature, [AND] to a [PERSON EMPLOYED BY THE] legislative employee,
25 and to public members of the committee [BRANCH OF GOVERNMENT]. This chapter does
26 not apply to

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

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

31 (3) A PERSON EMPLOYED BY THE LEGISLATIVE BRANCH OF

1 GOVERNMENT WHOSE POSITION IS ESTABLISHED BELOW RANGE 18 OF THE STATE
2 SALARY SCHEDULE ESTABLISHED IN AS 39.27.011(a)].

3 (b) The provisions of this chapter specifically supersede the provisions of the common
4 law relating to legislative conflict of interest that may apply to a member of the legislature or
5 a [PERSON EMPLOYED BY THE] legislative employee. This chapter does [BRANCH OF
6 GOVERNMENT. THEY DO] not supersede or repeal provisions of the criminal laws of the state.
7 This chapter does not exempt a person from applicable provisions of another law unless the
8 law is expressly superseded or incompatibly inconsistent with the specific provisions of this
9 chapter.

10 * Sec. 3. AS 24.60.030 is repealed and reenacted to read:

11 Sec. 24.60.030. PROHIBITIONS RELATED TO CONFLICTS OF INTEREST. (a) A
12 legislator or legislative employee may not

13 (1) solicit, agree to accept, or accept a benefit other than official compensation
14 for the performance of public duties; this paragraph may not be construed to prohibit lawful
15 solicitation for and acceptance of campaign contributions or the acceptance of a lawful gratuity
16 under AS 24.60.080;

17 (2) use public funds, facilities, equipment, services, or another government asset
18 or resource for a nongovernmental purpose or for the private benefit of either the legislator, legis-
19 lative employee, or another person; this paragraph does not prohibit

20 (A) limited use of state property and resources for personal purposes if the
21 use does not interfere with the performance of public duties and the cost or value related
22 to the use is nominal;

23 (B) the use of mailing lists, computer data, or other information lawfully
24 obtained from a government agency and available to the general public for
25 nongovernmental purposes; or

26 (C) telephone use that does not carry a special charge;

27 (3) knowingly seek, accept, use, allocate, grant, or award public funds for a
28 purpose other than that approved by law, or make a false statement in connection with a claim,
29 request, or application for compensation, reimbursement, or travel allowances from public funds;

30 (4) require a legislative employee to perform services for the private benefit of
31 the legislator or employee at any time, or allow a legislative employee to perform services for

1 the private benefit of a legislator or employee on government time; it is not a violation of this
2 paragraph if the services were performed in an unusual or infrequent situation and the person's
3 services were reasonably necessary to permit the legislator or legislative employee to perform
4 official duties; ,

5 (5) use or authorize the use of state funds, facilities, equipment, services, or
6 another government asset or resource for the purpose of political fund raising or campaigning;
7 this paragraph does not prohibit

8 (A) limited use of state property and resources for personal purposes if the
9 use does not interfere with the performance of public duties and the cost or value related
10 to the use is nominal;

11 (B) the use of mailing lists, computer data, or other information lawfully
12 obtained from a government agency and available to the general public for
13 nongovernmental purposes; or

14 (C) telephone use that does not carry a special charge.

15 (b) A legislative employee may not on government time assist in political party or
16 candidate activities, campaigning, or fund raising. A legislator may not require an employee to
17 perform an act in violation of this subsection.

18 (c) Unless approved by the committee, state funds, other than funds to which a legislator
19 is entitled as an office allowance, may not be used to print or distribute a mass mailing from or
20 about a legislator who is a candidate for reelection to the legislature or another state office during
21 the period beginning 90 days before the primary election in which the legislator is a candidate,
22 and ending the day after a general or special election in which the legislator is a candidate.

23 (d) A legislator, or another person on behalf of the legislator, or a campaign committee
24 of the legislator, may not distribute or post campaign literature, placards, posters, or other
25 communications intended to influence the election of a candidate in an election in public areas
26 in a facility ordinarily used to conduct state government business.

27 (e) A legislator may not directly, or by authorizing another to act on the legislator's
28 behalf,

29 (1) agree to, threaten to, or state or imply that the legislator will take or withhold
30 a legislative, administrative, or political action, including support or opposition to a bill,
31 employment, nominations, and appointments, as a result of a person's decision to provide or not

1 provide a political contribution, donate or not donate to a cause favored by the legislator, or
2 provide or not provide a thing of value;

3 (2) state or imply that the legislator will perform or refrain from performing a
4 lawful constituent service as a result of a person's decision to provide or not provide a political
5 contribution, donate or not donate to a cause favored by the legislator, or provide or not provide
6 a thing of value; or

7 (3) unless required by the Uniform Rules of the Alaska State Legislature, take or
8 withhold official action or exert official influence that could substantially benefit or harm the
9 financial interest of another person with whom the legislator is negotiating for employment.

10 (f) A legislative employee may not serve in a position that requires confirmation by the
11 legislature. A legislator or legislative employee may serve on a board of an organization,
12 including a governmental entity, that regularly has a substantial interest in the legislative
13 activities of the legislator or employee, if the legislator or employee discloses the board
14 membership to the committee.

15 (g) Unless required by the Uniform Rules of the Alaska State Legislature, a legislator or
16 legislative employee may not participate in legislative, administrative, or political action if the
17 legislator or legislative employee has an equity or ownership interest in a business, investment,
18 real property, lease, or other enterprise if the interest is substantial and the effect of the action
19 on that interest is greater than the effect on a substantial class of persons to which the legislator
20 or legislative employee belongs as a member of a profession, occupation, industry, or region.

21 * Sec. 4. AS 24.60 is amended by adding new sections to read:

22 Sec. 24.60.031. RESTRICTIONS ON FUND RAISING. (a) A legislator or legislative
23 employee may not

24 (1) while the legislature is in regular session or special session(s), solicit or accept
25 a contribution or a promise or pledge to make a contribution for a state legislative campaign;

26 (2) accept money from an event held during a legislative session if a substantial
27 purpose of the event is either to raise money on behalf of the member or legislative employee
28 for campaign purposes or to raise money for state legislative political purposes; or

29 (3) expend money in a state legislative campaign that was raised by or on behalf
30 of a legislator during a legislative session under a general letter of intent to become a candidate
31 for public office.

1 (b) In this section, "contribution" has the meaning given in AS 15.13.130.

2 Sec. 24.60.033. RESTRICTIONS ON EMPLOYEE CANDIDACIES. A legislative
3 employee may not file a letter of intent to become a candidate or file a declaration of candidacy
4 for the legislature.

5 Sec. 24.60.035. PROTECTION OF WHISTLE BLOWERS. A legislator or legislative
6 employee may not, directly or indirectly, subject a person who reports to the committee or
7 another government entity conduct the person reasonably believes is a violation of this chapter
8 or another state law, to reprisal, harassment, or discrimination. A legislative employee who is
9 discharged, disciplined, involuntarily transferred, or otherwise penalized by a legislator or another
10 legislative employee in violation of this subsection may

11 (1) bring a complaint before the committee; and

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

14 Sec. 24.60.037. OPEN MEETINGS LAW. Legislators shall abide by AS 44.62.310 -
15 44.62.312 (open meetings law).

16 Sec. 24.60.039. DISCRIMINATION PROHIBITED. A legislator or legislative employee
17 may not engage in acts of discrimination in violation of AS 18.80.220.

18 * Sec. 5. AS 24.60.040(a) is amended to read:

19 (a) A legislator or legislative employee, or a member of the immediate family of a
20 legislator or legislative employee [PERSON TO WHOM THIS CHAPTER APPLIES] may not
21 be a party to or have an interest in a state contract or lease unless the contract or lease is let
22 through competitive sealed bidding under AS 36.30 (State Procurement Code) or the total annual
23 amount of the state contract or lease is \$1,000 or less, or is a standardized contract or lease that
24 [WHICH] was developed under publicly established guidelines and is generally available to the
25 public at large, members of a profession, occupation, or group. A person has an interest in a
26 state contract or lease under this section if the person receives direct or indirect financial benefits.

27 * Sec. 6. AS 24.60.050 is repealed and reenacted to read:

28 Sec. 24.60.050. STATE PROGRAMS AND LOANS. (a) A legislator or legislative
29 employee may, without disclosure to the committee, participate in a state benefit program or
30 receive a loan from the state if the program or loan is generally available to members of the
31 public, is subject to fixed, objective eligibility standards, and requires minimal discretion in

1 determining qualification.

2 (b) The committee shall review state benefit programs and state loans and annually
3 publish a list of programs and loans, designating which ones do not meet the standards of (a) of
4 this section.

5 (c) A legislator or legislative employee who participates in a program or receives a loan
6 that is not exempt from disclosure under (a) of this section shall file a written report with the
7 committee by February 15 of each year stating the amounts of the loans outstanding or benefits
8 received during the preceding calendar year from nonqualifying programs. If the committee
9 requests additional information necessary to determine the propriety of participating in the
10 program or receiving the loan, it shall be promptly provided. The committee shall promptly
11 compile a list of the statements indicating the loans and programs and amounts and send it to the
12 presiding officer of each house who shall have it published in the supplemental journals within
13 three weeks of the filing date.

14 (d) If loan proceeds or other program benefits are received from nonqualifying programs
15 or loans after the end of a calendar year, the legislator or legislative employee shall file a
16 statement with the committee within 30 days after the beginning of participation in the state
17 program or receipt of proceeds from the state loan or by February 15, whichever is later. If the
18 committee receives the statement while the legislature is in session, it shall promptly forward the
19 statement to the chief clerk of the house or the secretary of the senate, as appropriate, who shall
20 cause it to be published in the supplemental journal. If the committee receives a statement while
21 the legislature is not in session, it shall forward the statement to the chief clerk of the house or
22 the secretary of the senate for publication when the legislature next convenes.

23 (e) If the committee determines that a legislator or legislative employee received a state
24 benefit or loan as a result of unfair or improper influence, the committee may initiate a complaint
25 or take other appropriate action. In addition, the committee shall refer the matter to the attorney
26 general for action under other civil or criminal laws.

27 (f) The committee shall annually recommend to the Legislative Budget and Audit
28 Committee the programs and loans to be audited by the division of legislative audit during the
29 following year, including the scope of the audit. The records of the relevant state agencies shall
30 be made available to the division of legislative audit. The division of legislative audit shall
31 prepare a report to the Legislative Budget and Audit Committee on its findings. The report is

1 confidential until it is released by the Legislative Budget and Audit Committee.

2 * Sec. 7. AS 24.60.060 is amended to read:

3 Sec. 24.60.060. CONFIDENTIAL INFORMATION. A legislator or legislative
4 employee may not knowingly make an unauthorized disclosure of [IT IS A CONFLICT OF
5 INTEREST IF A PERSON TO WHOM THIS CHAPTER APPLIES WILLFULLY DISCLOSES,
6 OR KNOWINGLY USES, FOR PERSONAL GAIN OR FOR THE PERSONAL GAIN OF
7 ANOTHER,] information that is made confidential by law [IS NOT AVAILABLE TO THE
8 PUBLIC] and that the person acquired in the course of official duties. A person who violates
9 this section is subject to a proceeding under AS 24.60.170 and may be subject to prosecution
10 under AS 11.56.860 or another law.

11 * Sec. 8. AS 24.60.070 is amended to read:

12 Sec. 24.60.070. DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS
13 [INTERESTS BETWEEN PUBLIC OFFICIALS]. A legislator or legislative employee
14 [PERSON TO WHOM THIS CHAPTER APPLIES] shall disclose [IN THE JOURNAL OF THE
15 APPROPRIATE BODY OR IF THE LEGISLATURE IS NOT IN SESSION] to the committee,
16 which shall maintain a public record of the disclosure and forward the disclosure to the respective
17 house for inclusion in the journal [BY THE FIFTH DAY OF THE SESSION], the formation or
18 maintenance of a close economic association involving a substantial financial matter with

19 (1) a supervisor who is not a member of the legislature who has responsibility or
20 authority, either directly or indirectly, over the person's employment, including preparing or
21 reviewing performance evaluations, or granting or approving pay raises or promotions;

22 (2) legislators;

23 (3) a public official who is required to file a financial disclosure statement under
24 AS 39.50 and is not an appointed municipal officer;

25 (4) a registered lobbyist; or

26 (5) a legislative employee [PERSON TO WHOM THIS CHAPTER APPLIES
27 WHO IS EMPLOYED BY THE LEGISLATIVE BRANCH OF GOVERNMENT] if the person
28 required to make the disclosure [CLOSE ECONOMIC ASSOCIATION] is [WITH] a legislator.

29 * Sec. 9. AS 24.60.070 is amended by adding new subsections to read:

30 (b) A disclosure under this section must be sufficiently detailed that a reader of the
31 disclosure can ascertain the nature of the association.

1 (c) In this section, "close economic association" means a financial relationship that exists
2 between a person covered by this chapter and some other person or entity, including but not
3 limited to relationships where the person covered by this chapter serves as a consultant or advisor
4 to, is a member, or representative of, or has a financial interest in, any association, partnership,
5 business, or corporation.

6 * Sec. 10. AS 24.60.080(a) is amended to read:

7 (a) A legislator or legislative employee [PERSON TO WHOM THIS CHAPTER
8 APPLIES] may not solicit, accept, or receive, directly or indirectly, a gift worth \$100 or more
9 [IN ANY AMOUNT], whether in the form of money, services, a loan, travel, entertainment,
10 hospitality, promise, or other form, or gifts from the same person worth less than \$100 that
11 in a calendar year aggregate to \$100 or more in value, and may not solicit, accept, or
12 receive during a legislative session a gift with any monetary value from a lobbyist or a
13 person acting on behalf of a lobbyist [UNDER CIRCUMSTANCES IN WHICH IT COULD
14 REASONABLY BE INFERRED THAT THE GIFT IS INTENDED TO INFLUENCE THE
15 PERFORMANCE OF OFFICIAL DUTIES, ACTIONS, OR JUDGMENT].

16 * Sec. 11. AS 24.60.080(c) is amended to read:

17 (c) Notwithstanding (a) [(b)] of this section, it is not a violation of this section for a
18 legislator or legislative employee [PERSON TO WHOM THIS CHAPTER APPLIES] to accept

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

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

21 (B) at a social event or meal;

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

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

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

28 (5) gifts from the immediate family of the person; or

29 (6) gifts that are not connected with the recipient's legislative status.

30 * Sec. 12. AS 24.60.080(d) is amended to read:

31 (d) A legislator or legislative employee [PERSON TO WHOM THIS CHAPTER

1 APPLIES] who accepts a gift under (c)(4) or (6) of this section [OF TRAVEL AND
2 HOSPITALITY PRIMARILY FOR THE PURPOSE OF OBTAINING INFORMATION ON
3 MATTERS OF LEGISLATIVE CONCERN] shall disclose the gift if it has a value of \$100 or
4 more. The disclosure must include the name and occupation of the person making the gift and
5 the approximate value of the gift. Each gift required to be disclosed under this subsection shall
6 be disclosed within 30 days of the receipt of the gift [IN THE JOURNAL OF THE APPRO-
7 PRIATE BODY OR, IF THE LEGISLATURE IS NOT IN SESSION,] to the committee. The
8 committee shall maintain a public record of the disclosure it receives relating to gifts under
9 (c)(4) of this section and shall forward the disclosure to the appropriate house for inclusion in
10 the journal. Disclosures relating to gifts under (c)(6) of this section shall be maintained, but
11 are confidential and may only be used by the committee and its employees and contractors
12 in the investigation of a possible violation of this section or in a proceeding under
13 AS 24.60.170. If the disclosures become part of the record of a proceeding under
14 AS 24.60.170, the confidentiality provisions of that section apply to the disclosures [BY THE
15 FIFTH DAY OF THE NEXT REGULAR SESSION].

16 * Sec. 13. AS 24.60.080 is amended by adding new subsections to read:

17 (f) Notwithstanding (a) of this section, a legislator or legislative employee may accept
18 a gift of property worth \$100 or more, other than money, from a foreign government or from an
19 official of a foreign government if the person accepts the gift on behalf of the legislature. The
20 person shall, within 60 days of receiving the gift, deliver the gift to the legislative council, which
21 shall determine the appropriate disposition of the gift.

22 (g) In this section, "immediate family" has the meaning given in AS 24.60.990(a)(5) and
23 includes the grandparents, aunts, and uncles of a person, and also includes a person described in
24 this subsection or AS 24.60.990(a)(5) who is related to the person by marriage.

25 * Sec. 14. AS 24.60 is amended by adding a new section to read:

26 Sec. 24.60.085. RESTRICTIONS ON EARNED INCOME AND HONORARIA. (a) A
27 legislator or legislative employee may not

28 (1) seek or accept compensation for personal services that involves payments that
29 are not commensurate with the services rendered taking into account the higher rates generally
30 charged by specialists in a profession; or

31 (2) accept a payment of anything of value, except for actual and necessarily

1 incurred travel expenses, for an appearance or speech by the legislator or legislative employee;
2 this paragraph does not apply to the salary paid to a legislator or legislative employee for making
3 an appearance or speech as part of the legislator's or legislative employee's normal course of
4 employment.

5 (b) Notwithstanding (a) of this section, a legislator or legislative employee may accept
6 a payment for an appearance or speech if the appearance or speech is not connected with the
7 person's legislative status.

8 * Sec. 15. AS 24.60.090(a) is amended to read:

9 (a) An [A SPOUSE OR AN] individual [OTHER THAN A SPOUSE] who is related to
10 a member of the legislature may not be employed for compensation (1) during the legislative
11 session in the house in which the legislator is a member, (2) by an agency of the legislature
12 established under AS 24.20, (3) [OR] in either house during the interim between sessions, or (4),
13 whether for compensation or not, by the committee. An individual who is related to a
14 legislative employee [AN EMPLOYEE OF THE LEGISLATURE] may not be employed in a
15 position over which the employee has supervisory authority. In this subsection, "an individual
16 who is related to" means a member of the legislator's or legislative employee's immediate
17 family or a person who is a legislator's or legislative employee's spousal equivalent living
18 together in a conjugal relationship not a legal marriage with the legislator or legislative
19 employee, and "interim between sessions" means the period beginning on the eighth day
20 after the legislature adjourns from a regular session, and ending eight days before the date
21 that the legislature shall convene under AS 24.05.090 [CHILD, STEPCHILD, HUSBAND,
22 WIFE, MOTHER, FATHER, SISTER, OR BROTHER].

23 * Sec. 16. AS 24.60.100 is amended to read:

24 Sec. 24.60.100. REPRESENTATION. A legislator or legislative employee [PERSON
25 TO WHOM THIS CHAPTER APPLIES] who represents another person for compensation before
26 an agency, board, or commission of the state shall disclose the name of the person represented,
27 the subject matter of the representation, and the body before which the representation is to take
28 place [IN THE JOURNAL OF THE APPROPRIATE BODY OR IF THE LEGISLATURE IS
29 NOT IN SESSION] to the committee. The committee shall maintain a public record of the
30 disclosure and forward the disclosure to the respective house for inclusion in the journal. A
31 legislator or legislative employee may not represent another person for compensation before

1 an agency, committee, or other entity of the legislative branch [BY THE FIFTH DAY OF
2 THE SESSION].

3 * Sec. 17. AS 24.60.130(a) is amended to read:

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

6 * Sec. 18. AS 24.60.130(b) is amended to read:

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

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

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

18 (3) five [THREE] public members who are selected by the Chief Justice of the
19 Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate
20 and two-thirds of the full membership of the house [, SHALL SERVE ON BOTH THE FULL
21 COMMITTEE AND EACH SUBCOMMITTEE].

22 * Sec. 19. AS 24.60.130(c) is amended to read:

23 (c) No more than one public member may be a former legislator and no [NO] more
24 than two public [LEGISLATIVE] members of the committee [EACH SUBCOMMITTEE] may
25 be members of the same political party [OR THE SAME ORGANIZATIONAL CAUCUS].

26 * Sec. 20. AS 24.60.130(d) is amended to read:

27 (d) The members of each subcommittee shall elect a chair and a vice-chair, who serve
28 a term of two years. Neither a chair nor a vice-chair may [WHO MUST] be a member of
29 the legislature. An officer may not hold the same office for more than two consecutive
30 terms. The vice-chair shall act as chair in the absence of the chair. The chair selected by
31 the senate subcommittee shall chair the full committee beginning the first day of the regular

1 session in odd-numbered years and the chair selected by the house subcommittee shall chair the
2 full committee beginning the first day of the regular session in even-numbered years.

3 * Sec. 21. AS 24.60.130(f) is amended to read:

4 (f) The committee [OR A SUBCOMMITTEE] may contract for professional services and
5 may employ staff as it considers necessary. A committee employee, including a person who
6 provides personal services under a contract with the committee, may not be a legislator, an
7 elected or appointed official of a state or local governmental entity, an officer of a political
8 party, a candidate for public office, or a registered lobbyist. The legislative council shall
9 provide office space, equipment, and additional staff support for the committee. The
10 committee shall submit a budget for each fiscal year to the finance committees of the
11 legislature and shall annually submit an estimated budget to the governor for information
12 purposes in preparation of the state operating budget.

13 * Sec. 22. AS 24.60.130(g) is amended to read:

14 (g) Each legislative member serves for the duration of the legislature during which the
15 member is appointed. Each public member serves for a term that commences on the date
16 the member is ratified and ends on the first day of the third regular session that follows the
17 ratification. A public member whose term has expired continues in office until a successor
18 has been appointed and ratified or until the 30th calendar day of the first legislative session
19 that follows the successor's appointment, whichever is earlier.

20 * Sec. 23. AS 24.60.130(i) is amended to read:

21 (i) A quorum of the [A] committee [ESTABLISHED UNDER THIS SECTION] consists
22 of a majority of the members and must include at least two legislative members and three
23 public members [OF THE COMMITTEE]. A quorum of a subcommittee established under this
24 section consists of a majority of the members of the subcommittee and must include at least
25 one legislative member and three public members. A vote of a majority of the members
26 appointed to the committee or a subcommittee is required for official action [.
27 NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, A COMMITTEE DOES

28 NOT HAVE A QUORUM UNLESS THREE LEGISLATIVE MEMBERS ARE PRESENT AND

29 A SUBCOMMITTEE DOES NOT HAVE A QUORUM UNLESS TWO LEGISLATIVE

30 MEMBERS ARE PRESENT].

31 * Sec. 24. AS 24.60.130 is amended by adding new subsections to read:

1 (j) Except to the extent that a provision would prevent the committee from complying
2 with the confidentiality provisions of this chapter, the committee is subject to AS 44.62.310 -
3 44.62.312 and to the procurement provisions adopted by the legislative council under
4 AS 36.30.020. In this subsection, "committee" includes a subcommittee.

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

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

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

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

18 * Sec. 25. AS 24.60 is amended by adding a new section to read:

19 Sec. 24.60.134. PROHIBITED CONDUCT BY PUBLIC MEMBERS AND
20 COMMITTEE EMPLOYEES AND CONTRACTORS. (a) In addition to the requirements of
21 this chapter, a public member of the committee, an employee of the committee, or a person under
22 contract to provide personal services to the committee may not

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

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

27 (A) a candidate for the legislature;

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

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

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

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

8 * Sec. 26. AS 24.60 is amended by adding a new section to read:

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

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

14 (2) although the advice is given in good faith, the person seeking the advice relies
15 on it at the person's own risk; and

16 (3) the advice is not binding upon the committee.

17 * Sec. 27. AS 24.60.160 is amended to read:

18 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an advisory opinion
19 within 30 days on the request of a person to whom the chapter applies or a person elected to the
20 legislature who at the time of election is not a member of the legislature as to whether the facts
21 and circumstances of a particular case constitute a violation of ethical standards. The 30-day
22 period for issuing an opinion may be extended by the committee [FOR NOT MORE THAN AN
23 ADDITIONAL 10 DAYS] if the person requesting the opinion consents. The opinion issued is
24 binding on the committee in any subsequent proceedings concerning the facts and circumstances
25 of the particular case unless material facts were omitted or misstated in the request for the
26 advisory opinion. Except as provided in this chapter an advisory opinion is confidential but shall
27 [MAY] be made public if a written request by the person who requested the opinion is filed with
28 the committee.

29 * Sec. 28. AS 24.60 is amended by adding a new section to read:

30 Sec. 24.60.165. USE OF INFORMATION SUBMITTED WITH REQUEST FOR
31 ADVICE. The committee may not bring a complaint against a person based upon information

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

9 * Sec. 29. AS 24.60.170 is repealed and reenacted to read:

10 Sec. 24.60.170. PROCEEDINGS BEFORE THE COMMITTEE. (a) The committee
 11 shall consider a complaint alleging a violation of this chapter if the alleged violation occurred
 12 within five years of the date that the complaint is filed with the committee and, when the subject
 13 of the complaint is a former member of the legislature, the complaint is filed within one year of
 14 the subject's departure from the legislature. The committee may not consider a complaint filed
 15 against a person employed by the legislative branch of government after the person has
 16 terminated legislative service. The committee may also initiate complaints on its own motion,
 17 subject to the same time limitations. The time limitations of this subsection do not bar
 18 proceedings against a person who intentionally prevents discovery of a violation of this chapter.

19 (b) A complaint may be initiated by any person. The complaint must be in writing and
 20 signed under oath by the person making the complaint. The committee shall upon request
 21 provide a form for a complaint to a person wishing to file a complaint. The committee shall
 22 immediately provide a copy of the complaint to the person who is the subject of the complaint.

23 (c) When the committee receives a complaint under (a) of this section, it shall determine
 24 whether the allegations of the complaint, if true, constitute a violation of this chapter. If the
 25 committee determines that the allegations, if proven, would not give rise to a violation, or if the
 26 committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall
 27 dismiss the complaint, and shall notify the complainant and the subject of the complaint of the
 28 dismissal.

29 (d) If the committee determines that some or all of the allegations of a complaint, if
 30 proven, would constitute a violation of this chapter, or if the committee has initiated a complaint,
 31 the committee shall investigate the complaint, on a confidential basis. Before beginning an

1 investigation of a complaint, the committee shall adopt a resolution defining the scope of the
2 investigation. A copy of this resolution shall be provided to the complainant and to the subject
3 of the complaint. As part of its investigation, the committee shall afford the subject of the
4 complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

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

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

18 (g) If the committee investigation determines that a probable violation of this chapter
19 exists that may be corrected by action of the subject of the complaint and that does not warrant
20 sanctions other than correction, the committee may issue an opinion recommending corrective
21 action. This opinion shall be provided to the complainant and to the subject of the complaint,
22 and is open to inspection by the public. The subject of the complaint may comply with the
23 opinion or may request a hearing before the committee under (j) of this section. After the
24 hearing the committee may amend or affirm the opinion.

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

1 or denying some or all of the allegations of the charge.

2 (i) A person charged under (b) of this section may engage in discovery in a manner
3 consistent with the Alaska Rules of Civil Procedure. The committee may impose reasonable
4 restrictions on the time for this discovery and on the materials that may be discovered.

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

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

23 (l) Proceedings of the committee relating to complaints before it are confidential until
24 the committee determines that there is probable cause to believe that a violation of this chapter
25 has occurred. The complaint and all documents produced or disclosed as a result of the
26 committee investigation are confidential and not subject to inspection by the public. If in the
27 course of an investigation or probable cause determination the committee finds evidence of
28 probable criminal activity, the committee shall transmit a statement and factual findings limited
29 to that activity to the appropriate law enforcement agency. If the committee finds evidence of
30 a probable violation of AS 15.13, the committee shall transmit a statement to that effect and
31 factual findings limited to the probable violation to the Alaska Public Offices Commission. All

1 meetings of the committee before the determination of probable cause are closed to the public.
2 The confidentiality provisions of this subsection may be waived by the subject of the complaint.

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

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

15 * Sec. 30. AS 24.60 is amended by adding new sections to read:

16 Sec. 24.60.174. RECOMMENDATIONS TO THE LEGISLATURE WHERE VIOLATOR
17 IS A LEGISLATOR. (a) If the person found to have violated this chapter is or was a member
18 of the legislature, the committee's recommendations shall be forwarded by the chair of the
19 committee to the presiding officer of the appropriate house of the legislature.

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

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

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

31 Sec. 24.60.176. RECOMMENDATIONS WHERE VIOLATOR IS A LEGISLATIVE

1 EMPLOYEE. If the person found to have violated this chapter is or was a legislative employee,
2 the committee's recommendations shall be forwarded to the appropriate appointing authority that
3 shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed. The
4 appointing authority may not question the committee's findings of fact. The appointing authority
5 shall assume the validity of the committee's findings, and determine and impose the appropriate
6 sanctions.

7 Sec. 24.60.178. ACTIONS BY THE ATTORNEY GENERAL. The attorney general may
8 independently bring civil actions relating to violations under this chapter regardless of the
9 outcome or settlement of a charge before the committee. This section does not prohibit the
10 attorney general from bringing an action under another civil or criminal law.

11 * Sec. 31. AS 24.60 is amended by adding new sections to read:

12 Sec. 24.60.200. FINANCIAL DISCLOSURE BY LEGISLATORS AND LEGISLATIVE
13 DIRECTORS. A legislator and a legislative director shall file a disclosure statement, under oath
14 and on penalty of perjury, with the Alaska Public Offices Commission giving the following
15 information about the income received by them, their spouses, their dependent children, and their
16 nondependent children who are living with them:

17 (1) the information that a public official is required to report under AS 39.50.030,
18 except that sources of income other than gifts of \$1,000 or less and loans of \$1,000 or less need
19 not be reported;

20 (2) as to income in excess of \$1,000 received as compensation for personal
21 services, the name and address of the source of the income, and a statement describing the nature
22 of the services performed; if the source of income is known or reasonably should be known to
23 have a substantial interest in legislative, administrative, or political action and the recipient of
24 the income is a legislator or a legislative director, the amount of income received from the source
25 shall be disclosed;

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

31 (4) the source of a gift, other than an inheritance, received during the preceding

1 calendar year by the person, the person's spouse or dependent child, or a nondependent child of
2 the person who is living with the person, if the amount of the gift exceeds

3 (A) \$100 and is received from a person who is not a member of the
4 recipient's family; or

5 (B) \$10,000 per year and is received from a family member of the
6 recipient.

7 Sec. 24.60.210. DEADLINES FOR FILING OF DISCLOSURE STATEMENTS. A
8 legislator and a legislative director shall file an annual report with the Alaska Public Offices
9 Commission, covering the previous calendar year, containing the disclosures required by
10 AS 24.60.200, on or before April 15 of each year.

11 Sec. 24.60.220. ADMINISTRATION OF AS 24.60.200 - 24.60.260. The Alaska Public
12 Offices Commission shall

13 (1) adopt regulations to implement and interpret the provisions of AS 24.60.200 -
14 24.60.260;

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

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

19 Sec. 24.60.230. STATEMENTS AS PUBLIC RECORDS. A statement filed with the
20 Alaska Public Offices Commission under AS 24.60.200 is a public record. A person is not
21 required to comply with AS 24.60.200 to the extent that a court of competent jurisdiction of the
22 state determines that legally privileged professional relationships or constitutional privacy
23 considerations would be violated by compliance.

24 Sec. 24.60.240. CIVIL PENALTY FOR LATE FILING. A legislator or a legislative
25 director who fails to file a properly completed report under AS 24.60.200 is subject to a civil
26 penalty of not more than \$10 a day for each day the delinquency continues as the Alaska Public
27 Offices Commission determines, subject to appeal to the superior court. An affidavit stating facts
28 in mitigation may be submitted to the Alaska Public Offices Commission by the person against
29 whom the civil penalty is assessed. However, the imposition of the penalties prescribed in this
30 section does not excuse the person from filing reports required by AS 24.60.200.

31 Sec. 24.60.250. EFFECT OF FAILURE TO FILE BY LEGISLATIVE CANDIDATE.

1 In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission
2 finds that a candidate for the legislature who is an incumbent legislator or a legislative director
3 has failed or refused to file a report under AS 24.60.200 by a deadline established in
4 AS 24.60.210, it shall notify the lieutenant governor. The candidate shall forfeit nomination to
5 office and may not be seated in office. The lieutenant governor may not certify the person's
6 nomination for office or election to office and nomination to the office shall be certified as
7 provided in AS 39.50.060(b).

8 Sec. 24.60.260. PROHIBITED CONDUCT RELATING TO DISCLOSURES. (a) A
9 person required to make a disclosure under this chapter may not knowingly make a false or
10 deliberately misleading or incomplete disclosure to the committee or to the Alaska Public Offices
11 Commission, or file a disclosure after a deadline set by this chapter or by a regulation adopted
12 by the committee or by the Alaska Public Offices Commission.

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

16
17 Sec. 24.60.990. DEFINITIONS. (a) In this chapter,

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

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

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

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

31 (C) contributions to a cause or organization, including a charity, made in

1 response to a direct solicitation from a legislator or a person acting at the legislator's
2 direction; or

3 (D) grants under AS 37.05.316 to named recipients;

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

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

9 (5) "immediate family" means the spouse, parents, children, including a stepchild
10 and an adoptive child, and siblings of a person;

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

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

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

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

21 (10) "legislative employee" means a person, other than a legislator, who is
22 compensated by the legislative branch in return for regular or substantial personal services,
23 regardless of the person's pay level or technical status as a full-time or part-time employee,
24 independent contractor, or consultant; it includes public members and staff of the committee; it
25 does not include individuals who perform functions that are incidental to legislative functions,
26 including security, messenger, maintenance, and print shop employees, and other employees
27 designated by the committee;

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

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

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

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

11 (b) A person has a substantial interest in legislative, administrative, or political action if
12 the person (1) is not a natural person and will be directly and substantially affected financially
13 by a legislative, administrative, or political action; (2) is a natural person and will be directly and
14 substantially affected financially by a legislative, administrative, or political action in a way that
15 is greater than the effect on a substantial class of persons to which the person belongs as a
16 member of a profession, occupation, industry, or region; (3) has or seeks contracts in excess of
17 \$10,000 annually for goods or services with the legislature or with an agency of the state; or (4)
18 is a lobbyist. For the purpose of this subsection, the state, the federal government, and an
19 agency, corporation, or other entity of or owned by the state or federal government do not have
20 a substantial interest in legislative, administrative, or political action.

21 * Sec. 32. AS 15.25.030(b) is amended to read:

22 (b) A person filing a declaration of candidacy under this section, other than a person
23 subject to AS 24.60 who is filing a declaration for a state legislative office, shall
24 simultaneously file with the director a statement of income sources and business interests that
25 complies with the requirements of AS 39.50. A person who is subject to AS 24.60 and is filing
26 a declaration of candidacy for state legislative office shall simultaneously file with the
27 director a disclosure statement that complies with the requirements of AS 24.60.200.

28 * Sec. 33. AS 15.25.030(c) is amended to read:

29 (c) An incumbent public official, other than a legislator, who has a current statement
30 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
31 Commission, or an incumbent legislator who has a current disclosure statement under

1 AS 24.60.200 ~~on file with the Alaska Public Offices Commission,~~ is not required to file a
2 statement of income sources and business interests or a disclosure statement with the
3 declaration of candidacy under (b) of this section.

4 * Sec. 34. AS 15.25.180(b) is amended to read:

5 (b) A person filing a nominating petition under this section, other than a person subject
6 to AS 24.60 who is filing a petition for a state legislative office, shall also file with the
7 director a statement of income sources and business interests that complies with the requirements
8 of AS 39.50 within 30 days of filing the petition. A person who is subject to AS 24.60 and
9 is filing a nominating petition for state legislative office shall file with the director a
10 disclosure statement that complies with the requirements of AS 24.60.200 within 30 days
11 of filing the petition.

12 * Sec. 35. AS 15.25.180(c) is amended to read:

13 (c) An incumbent public official, other than a legislator, who has a current statement
14 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
15 Commission, or an incumbent legislator who has a current disclosure statement under
16 AS 24.60.200 on file with the Alaska Public Offices Commission, is not required to file a
17 statement of income sources and business interests or a disclosure statement with the
18 nominating petition under (b) of this section.

19 * Sec. 36. AS 23.20.526(d)(8) is amended to read:

20 (8) in the employ of the state or a political subdivision of the state if the service
21 is performed by an individual in the exercise of duties

22 (A) as a "public official" as defined in AS 39.50.200(a), [OR] any other
23 elected official, the fiscal analyst of the legislative finance division, the legislative
24 auditor of the legislative audit division, the executive director of the Legislative
25 Affairs Agency, and the directors of the divisions within the Legislative Affairs
26 Agency;

27 (B) as a member of the Alaska Army National Guard or Alaska Air
28 National Guard or Alaska Naval Militia; or

29 (C) as an employee serving on only a temporary basis in case of fire,
30 storm, snow, earthquake, flood, or similar emergency;

31 * Sec. 37. AS 24.45.121(a) is amended to read:

- 1 (a) A lobbyist may not
- 2 (1) engage in any activity as a lobbyist before registering under AS 24.45.041;
- 3 (2) do anything with the intent of placing a public official under personal
- 4 obligation to the lobbyist or to the lobbyist's employer;
- 5 (3) intentionally deceive or attempt to deceive any public official with regard to
- 6 any material fact pertinent to pending or proposed legislative or administrative action;
- 7 (4) cause or influence the introduction of a legislative measure solely for the
- 8 purpose of thereafter being employed to secure its passage or its defeat;
- 9 (5) cause a communication to be sent to a public official in the name of any
- 10 fictitious person or in the name of any real person, except with the consent of that person;
- 11 (6) accept or agree to accept any payment in any way contingent upon the defeat,
- 12 enactment or outcome of any proposed legislative or administrative action;
- 13 (7) serve as a member of a state board, or commission, if the lobbyist's employer
- 14 may receive direct economic benefit from a decision of that board or commission;
- 15 (8) serve as a campaign manager or director, serve as a campaign treasurer
- 16 or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising
- 17 event, or otherwise actively engage in the fund-raising activity of a legislative campaign if
- 18 the lobbyist has registered during the calendar year; this paragraph does not apply to a
- 19 representational lobbyist as defined in the regulations of the Alaska Public Offices
- 20 Commission, and does not prohibit a lobbyist from making personal contributions to or
- 21 personally advocating on behalf of a candidate;
- 22 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
- 23 covered by AS 24.60, during a legislative session, a gift, other than food or beverage for
- 24 immediate consumption;
- 25 (10) make or offer a gift or a campaign contribution whose acceptance by the
- 26 person to whom it is offered would violate AS 24.60.

27 * Sec. 38. AS 24.45.121 is amended by adding a new subsection to read:

28 (c) A former member of the legislature may not engage in activity as a lobbyist before

29 the legislature for a period of one year after the former member has left the legislature. This

30 subsection does not prohibit a former member from acting as a volunteer lobbyist described in

31 AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the commission.

1 * Sec. 39. AS 24.45.171(12) is amended to read:

2 (12) "public official" or "public officer" means a public official as defined in
3 AS 39.50.200(a), a member of the legislature, or a legislative director as defined in
4 AS 24.60.990(a); however, it does not include a judicial officer or an elected or appointed
5 municipal officer.

6 * Sec. 40. AS 39.50.020 is amended to read:

7 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a) A
8 judicial officer, commissioner, chair [CHAIRMAN] or member of a state commission or board
9 specified in AS 39.50.200(b), a person hired or appointed as head or deputy head of, or director
10 of a division within, a department in the executive branch, a person appointed as assistant to the
11 governor, and a municipal officer, shall file a statement giving income sources and business
12 interests, under oath and on penalty of perjury, within 30 days after taking office as a public
13 official. Candidates for state elective office other than a candidate who is subject to AS 24.60
14 shall file such a statement with the director of elections at the time of filing a declaration of
15 candidacy or within 30 days of the filing of a [ANY] nominating petition, or within 30 days of
16 becoming a candidate by any other means. Candidates for elective municipal office shall file
17 such a statement at the time of filing a nominating petition, declaration of candidacy, or other
18 required filing for the elective municipal office. Refusal or failure to file within the time
19 prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or
20 that a previously accepted filing fee be returned and the candidate's name removed from the
21 filing records. A statement shall also be filed by public officials no later than April 15 or 15
22 days after the person files a federal income tax return in each following year, whichever comes
23 first. Persons who, on or after December 11, 1974, were members of boards or commissions not
24 named in AS 39.50.200(b) are not required to file financial statements.

25 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLATURE,] judicial
26 officers, each commissioner, head or deputy head of, or director of a division within, a
27 department in the executive branch, assistant to the governor or chair [CHAIRMAN] or member
28 of a commission or board required to report under this chapter, shall file the statement with the
29 Alaska Public Offices Commission. Candidates for the office of governor and [,] lieutenant
30 governor [,] and, if the candidate is not subject to AS 24.60, the legislature, shall file the
31 statement under AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective

1 municipal office, shall file with the municipal clerk or other municipal official designated to
2 receive their filing for office. All statements required to be filed under this chapter are public
3 records.

4 * Sec. 41. AS 39.50.200(a)(8) is amended to read:

5 (8) "public official" means a judicial officer, [A MEMBER OF THE
6 LEGISLATURE, THE FISCAL ANALYST OF THE LEGISLATIVE FINANCE DIVISION,
7 THE LEGISLATIVE AUDITOR OF THE LEGISLATIVE AUDIT DIVISION, THE
8 EXECUTIVE DIRECTOR OF THE LEGISLATIVE AFFAIRS AGENCY AND THE
9 DIRECTORS OF THE DIVISIONS WITHIN THE LEGISLATIVE AFFAIRS AGENCY,] the
10 governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or
11 director of a division, a department in the executive branch, an assistant to the governor, chair
12 [CHAIRMAN] or member of a state commission or board, the executive director of the Alaska
13 Tourism Marketing Council, and each appointed or elected municipal officer;

14 * Sec. 42. AS 24.55.310, AS 24.60.045, 24.60.080(b), 24.60.090(b), 24.60.090(c), 24.60.110,
15 24.60.120, 24.60.190, AS 39.50.025, and 39.50.120 are repealed.

16 * Sec. 43. COMMITTEE APPOINTMENTS. (a) Notwithstanding AS 24.60.130(g), as amended by
17 sec. 22 of this Act, the terms of the members appointed to the Select Committee on Legislative Ethics
18 by the Chief Justice of the Alaska Supreme Court after January 10, 1993, are as follows:

19 (1) two of the members, determined by lot, serve terms of three years;

20 (2) two of the members, determined by lot, serve terms of two years;

21 (3) the fifth member serves a term of one year.

22 (b) A member serving on the Select Committee on Legislative Ethics under AS 24.60.130 as it
23 read before January 11, 1993, is eligible for appointment to the Select Committee on Legislative Ethics
24 under AS 24.60.130 as amended by this Act.

25 * Sec. 44. TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS AND PROCEEDINGS.
26 Notwithstanding the amendments to AS 24.60 made by this Act, in addition to the provisions of
27 AS 24.60, as amended by this Act, the Select Committee on Legislative Ethics may consider complaints
28 alleging violations of AS 24.60 that occurred before January 11, 1993, and for which proceedings have
29 not been commenced or concluded before January 11, 1993. For the purpose of this section, the Select
30 Committee on Legislative Ethics shall follow the procedures established under AS 24.60, as amended
31 by this Act, but may not recommend a sanction or penalty not authorized under AS 24.60 before

1 January 11, 1993.

2 * Sec. 45. This Act takes effect January 11, 1993.

7-LS0799F
Dierdorff
5/6/92

CONFERENCE CS FOR SENATE BILL NO. 185
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE CONFERENCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE SPECIAL COMMITTEE ON ETHICS REFORM

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to conduct of legislators, legislative employees, former legislators, former
2 legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics; and
3 providing for an effective date."

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

5 * Section 1. AS 24.60.010 is repealed and reenacted to read:

6 Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that

7 (1) high moral and ethical standards among public servants in the legislative
8 branch of government are essential to assure the trust, respect, and confidence of the people of
9 this state;

10 (2) a fair and open government requires that legislators and legislative employees
11 conduct the public's business in a manner that preserves the integrity of the legislative process
12 and avoids conflicts of interest or even appearances of conflicts of interest;

13 (3) the public's commitment to a part-time citizen legislature requires legislators
14 be drawn from all parts of society and the best way to attract competent people is to

1 acknowledge that they provide their time and energy to the state, often at substantial personal and
2 financial sacrifice;

3 (4) a part-time citizen legislature implies that legislators are expected and
4 permitted to earn outside income and that the rules governing legislators' conduct during and
5 after leaving public service must be clear, fair, and as complete as possible; the rules, however,
6 should not impose unreasonable or unnecessary burdens that will discourage citizens from
7 entering or staying in government service;

8 (5) in order for the rules governing conduct to be respected both during and after
9 leaving public service, the code must be administered fairly without bias or favoritism;

10 (6) no code of conduct, however comprehensive, can anticipate all situations in
11 which violations may occur nor can it prescribe behaviors that are appropriate to every situation;
12 in addition, laws and regulations regarding ethical responsibilities cannot legislate morality,
13 eradicate corruption, or eliminate bad judgment;

14 (7) compliance with a code of ethics is an individual responsibility; thus all who
15 serve the legislature have a solemn responsibility to avoid improper conduct and prevent
16 improper behavior by colleagues and subordinates;

17 (8) the purpose of this chapter is to establish standards of conduct for state
18 legislators and legislative employees and to establish the Select Committee on Legislative Ethics
19 to consider alleged violations of this chapter and to render advisory opinions to persons affected
20 by this chapter.

21 * Sec. 2. AS 24.60.020 is amended to read:

22 Sec. 24.60.020. APPLICABILITY; RELATIONSHIP TO COMMON LAW AND
23 OTHER LAWS. (a) Except as otherwise provided in this subsection, this chapter applies to
24 a member of the legislature, [AND] to a [PERSON EMPLOYED BY THE] legislative employee,
25 and to public members of the committee [BRANCH OF GOVERNMENT]. This chapter does
26 not apply to

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

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

31 (3) A PERSON EMPLOYED BY THE LEGISLATIVE BRANCH OF

1 GOVERNMENT WHOSE POSITION IS ESTABLISHED BELOW RANGE 18 OF THE STATE
2 SALARY SCHEDULE ESTABLISHED IN AS 39.27.011(a)].

3 (b) The provisions of this chapter specifically supersede the provisions of the common
4 law relating to legislative conflict of interest that may apply to a member of the legislature or
5 a [PERSON EMPLOYED BY THE] legislative employee. This chapter does [BRANCH OF
6 GOVERNMENT. THEY DO] not supersede or repeal provisions of the criminal laws of the state.
7 This chapter does not exempt a person from applicable provisions of another law unless the
8 law is expressly superseded or incompatibly inconsistent with the specific provisions of this
9 chapter.

10 * Sec. 3. AS 24.60.030 is repealed and reenacted to read:

11 Sec. 24.60.030. PROHIBITIONS RELATED TO CONFLICTS OF INTEREST. (a) A
12 legislator or legislative employee may not

13 (1) solicit, agree to accept, or accept a benefit other than official compensation
14 for the performance of public duties; this paragraph may not be construed to prohibit lawful
15 solicitation for and acceptance of campaign contributions or the acceptance of a lawful gratuity
16 under AS 24.60.080;

17 (2) use public funds, facilities, equipment, services, or another government asset
18 or resource for a nongovernmental purpose or for the private benefit of either the legislator, legis-
19 lative employee, or another person; this paragraph does not prohibit

20 (A) limited use of state property and resources for personal purposes if the
21 use does not interfere with the performance of public duties and the cost or value related
22 to the use is nominal;

23 (B) the use of mailing lists, computer data, or other information lawfully
24 obtained from a government agency and available to the general public for
25 nongovernmental purposes; or

26 (C) telephone use that does not carry a special charge;

27 (3) knowingly seek, accept, use, allocate, grant, or award public funds for a
28 purpose other than that approved by law, or make a false statement in connection with a claim,
29 request, or application for compensation, reimbursement, or travel allowances from public funds;

30 (4) require a legislative employee to perform services for the private benefit of
31 the legislator or employee at any time, or allow a legislative employee to perform services for

1 the private benefit of a legislator or employee on government time; it is not a violation of this
2 paragraph if the services were performed in an unusual or infrequent situation and the person's
3 services were reasonably necessary to permit the legislator or legislative employee to perform
4 official duties;

5 (5) use or authorize the use of state funds, facilities, equipment, services, or
6 another government asset or resource for the purpose of political fund raising or campaigning;
7 this paragraph does not prohibit

8 (A) limited use of state property and resources for personal purposes if the
9 use does not interfere with the performance of public duties and the cost or value related
10 to the use is nominal;

11 (B) the use of mailing lists, computer data, or other information lawfully
12 obtained from a government agency and available to the general public for
13 nongovernmental purposes; or

14 (C) telephone use that does not carry a special charge.

15 (b) A legislative employee may not on government time assist in political party or
16 candidate activities, campaigning, or fund raising. A legislator may not require an employee to
17 perform an act in violation of this subsection.

18 (c) Unless approved by the committee, state funds, other than funds to which a legislator
19 is entitled as an office allowance, may not be used to print or distribute a mass mailing from or
20 about a legislator who is a candidate for reelection to the legislature or another state office during
21 the period beginning 90 days before the primary election in which the legislator is a candidate,
22 and ending the day after a general or special election in which the legislator is a candidate.

23 (d) A legislator, or another person on behalf of the legislator, or a campaign committee
24 of the legislator, may not distribute or post campaign literature, placards, posters, or other
25 communications intended to influence the election of a candidate in an election in public areas
26 in a facility ordinarily used to conduct state government business.

27 (e) A legislator may not directly, or by authorizing another to act on the legislator's
28 behalf,

29 (1) agree to, threaten to, or state or imply that the legislator will take or withhold
30 a legislative, administrative, or political action, including support or opposition to a bill,
31 employment, nominations, and appointments, as a result of a person's decision to provide or not

1 provide a political contribution, donate or not donate to a cause favored by the legislator, or
2 provide or not provide a thing of value;

3 (2) state or imply that the legislator will perform or refrain from performing a
4 lawful constituent service as a result of a person's decision to provide or not provide a political
5 contribution, donate or not donate to a cause favored by the legislator, or provide or not provide
6 a thing of value; or

7 (3) unless required by the Uniform Rules of the Alaska State Legislature, take or
8 withhold official action or exert official influence that could substantially benefit or harm the
9 financial interest of another person with whom the legislator is negotiating for employment.

10 (f) A legislative employee may not serve in a position that requires confirmation by the
11 legislature. A legislator or legislative employee may serve on a board of an organization,
12 including a governmental entity, that regularly has a substantial interest in the legislative
13 activities of the legislator or employee, if the legislator or employee discloses the board
14 membership to the committee.

15 (g) Unless required by the Uniform Rules of the Alaska State Legislature, a legislator or
16 legislative employee may not participate in legislative, administrative, or political action if the
17 legislator or legislative employee has an equity or ownership interest in a business, investment,
18 real property, lease, or other enterprise if the interest is substantial and the effect of the action
19 on that interest is greater than the effect on a substantial class of persons to which the legislator
20 or legislative employee belongs as a member of a profession, occupation, industry, or region.

21 * Sec. 4. AS 24.60 is amended by adding new sections to read:

22 Sec. 24.60.031. RESTRICTIONS ON FUND RAISING. (a) A legislator or legislative
23 employee may not

24 (1) while the legislature is in regular session or special session(s), solicit or accept
25 a contribution or a promise or pledge to make a contribution for a state legislative campaign;

26 (2) accept money from an event held during a legislative session if a substantial
27 purpose of the event is either to raise money on behalf of the member or legislative employee
28 for campaign purposes or to raise money for state legislative political purposes; or

29 (3) expend money in a state legislative campaign that was raised by or on behalf
30 of a legislator during a legislative session under a general letter of intent to become a candidate
31 for public office.