

**ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672**

**9037 SENATE STATE AFFAIRS**

1 (1) impose reasonable restrictions on the time for this discovery and on  
2 the materials that may be discovered;

3 (2) permit a person who is the subject of a complaint to engage in  
4 discovery at an earlier stage of the proceedings;

5 (3) impose reasonable restrictions on the release of information that  
6 the subject of a complaint acquires from the committee in the course of discovery,  
7 or on information obtained by use of the committee's authority, in order to  
8 protect the privacy of persons not under investigation to whom the information  
9 pertains; however, the committee may not impose restrictions on the release of  
10 information by the subject of the complaint unless the complainant has agreed to  
11 be bound by similar restrictions and has not made public the information  
12 contained in the complaint, information about the complaint, or the fact of filing  
13 the complaint.

14 • Sec. 40. AS 24.60.170(l) is amended to read:

15 (l) Proceedings of the committee relating to complaints before it are  
16 confidential until the committee determines that there is probable cause to believe that  
17 a violation of this chapter has occurred. The complaint and all documents produced  
18 or disclosed as a result of the committee investigation are confidential and not subject  
19 to inspection by the public. If in the course of an investigation or probable cause  
20 determination the committee finds evidence of probable criminal activity, the  
21 committee shall transmit a statement and factual findings limited to that activity to the  
22 appropriate law enforcement agency. If the committee finds evidence of a probable  
23 violation of AS 15.13, the committee shall transmit a statement to that effect and  
24 factual findings limited to the probable violation to the Alaska Public Offices  
25 Commission. All meetings of the committee before the determination of probable  
26 cause are closed to the public and to legislators who are not members of the  
27 committee. However, the committee shall permit the subject of the complaint and  
28 the subject's attorney to attend any meeting concerning the complaint, including  
29 confidential meetings. The committee shall notify the subject of the complaint of  
30 the schedule of its proceedings. The confidentiality provisions of this subsection may  
31 be waived by the subject of the complaint, except that the subject of the complaint

1 may not waive the confidentiality duty the committee owes to others.

2 \* Sec. 41. AS 24.60.174(a) is amended to read:

3 (a) If the person found to have violated this chapter is or was a member of the  
4 legislature, the committee's recommendations shall be forwarded by the chair of the  
5 committee to the presiding officer of the appropriate house of the legislature. If the  
6 committee recommends sanctions other than expulsion from the legislature, the  
7 committee recommendation

8 (1) must include a suggested timetable for the compliance reports  
9 required under (c) of this section, if any; and

10 (2) may include recommended fines that the legislature may impose  
11 if the legislator who was found to have violated this chapter does not comply with  
12 the sanctions imposed by the legislature in a timely manner.

13 \* Sec. 42. AS 24.60.174 is amended by adding a new subsection to read:

14 (c) When a house of the legislature imposes a sanction other than expulsion  
15 on a member or former member, it shall advise the committee at the time of imposing  
16 the sanction of the terms it has imposed and of the timetable for compliance adopted  
17 with the sanctions. A legislator or former legislator on whom sanctions other than  
18 expulsion have been imposed shall report to the committee as required by the  
19 timetable. If the committee determines that the legislator or former legislator has not  
20 complied fully and in a timely manner with the sanctions imposed by the legislature,  
21 the committee may recommend that the legislature impose a fine or additional  
22 sanctions.

23 \* Sec. 43. AS 24.60.176 is amended to read:

24 Sec. 24.60.176. RECOMMENDATIONS WHERE VIOLATOR IS A  
25 LEGISLATIVE EMPLOYEE. If the person found to have violated this chapter is or  
26 was a legislative employee, the committee's recommendations shall be forwarded to  
27 the appropriate appointing authority that shall, as soon as is reasonably possible,  
28 determine the sanctions, if any, to be imposed. The appointing authority may not  
29 question the committee's findings of fact. The appointing authority shall assume the  
30 validity of the committee's findings (.) and determine and impose the appropriate  
31 sanctions. The appointing authority has the power to impose a sanction

1 recommended by the committee or to impose a different sanction. The appointing  
2 authority shall enforce the sanction and shall report to the committee at a time  
3 specified by the committee concerning the employee's compliance with the  
4 sanction.

5 \* Sec. 44. AS 24 60.176 is amended by adding a new subsection to read:

6 (b) In this section, "appointing authority" means

7 (1) the legislative council for employees of the Legislative Affairs  
8 Agency and of the legislative council and for legislative employees not otherwise  
9 covered under this subsection:

10 (2) the Legislative Budget and Audit Committee for the legislative  
11 fiscal analyst and employees of the division of legislative finance, the legislative  
12 auditor and employees of the division of legislative audit, and employees of the  
13 Legislative Budget and Audit Committee:

14 (3) the appropriate finance committee for employees of the senate or  
15 house finance committees:

16 (4) the appropriate rules committee for employees of standing  
17 committees of the legislature other than the finance committees, for employees of the  
18 senate secretary's office and the office of the chief clerk of the house of  
19 representatives:

20 (5) the legislator who made the hiring decision for employees of  
21 individual legislators, however, the legislator may request the appropriate rules  
22 committee to act in the legislator's stead:

23 (6) the ombudsman for employees of the office of the ombudsman,  
24 other than the ombudsman:

25 (7) the legislature for the ombudsman

26 \* Sec. 45. AS 24 60 is amended by adding a new section to read:

27 Sec. 24 60.178. RECOMMENDED SANCTIONS. (a) When the committee  
28 finds that a person has violated this chapter, the committee may recommend  
29 appropriate sanctions, including sanctions set out in (b) of this section.

30 (b) The sanctions that the committee may recommend include

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

1 offense or twice the amount improperly gained, whichever is greater:

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

4 (3) additional, detailed disclosure, either as a public disclosure or as a  
5 confidential disclosure to the committee;

6 (4) in the case of a legislative employee, suspension of employment  
7 with or without pay for a stated period of time or until stated conditions are met, or  
8 termination from legislative employment;

9 (5) restitution of property or reimbursement of improperly received  
10 benefits;

11 (6) public or private written reprimand;

12 (7) censure, including, in the case of a legislator, removal from a  
13 leadership position or committee membership and a determination that the legislator  
14 will not be appointed to serve in a leadership position or on a committee during the  
15 remainder of that legislature;

16 (8) placing the person on probationary status;

17 (9) in the case of a legislator, expulsion from the house of the  
18 legislature;

19 (10) any other appropriate measure.

20 (c) In addition to or in place of a sanction recommended under (b) of this  
21 section, the committee may recommend that the subject of a complaint be required to  
22 pay all or a portion of the costs related to the investigation and adjudication of a  
23 complaint.

24 \* Sec. 46. AS 24.60.200 is amended to read:

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

31 (1) the information that a public official is required to report under

1 AS 39.50.030; however, a legislator or legislative director is not required to report  
 2 any gifts [ EXCEPT THAT SOURCES OF INCOME OTHER THAN GIFTS OF  
 3 \$1,000 OR LESS, AND LOANS OF \$1,000 OR LESS NEED NOT BE REPORTED];

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

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

15 (4) THE SOURCE OF A GIFT, OTHER THAN AN INHERITANCE,  
 16 RECEIVED DURING THE PRECEDING CALENDAR YEAR BY THE PERSON,  
 17 THE PERSON'S SPOUSE OR DEPENDENT CHILD, OR A NONDEPENDENT  
 18 CHILD OF THE PERSON WHO IS LIVING WITH THE PERSON, IF THE  
 19 AMOUNT OF THE GIFT EXCEEDS \$100 AND IS RECEIVED FROM A PERSON  
 20 WHO IS NOT A MEMBER OF THE RECIPIENT'S FAMILY].

21 \* Sec. 47. AS 24.60.260(a) is amended to read:

22 (a) A person required to make a disclosure under this chapter may not  
 23 knowingly make a false or deliberately misleading or incomplete disclosure to the  
 24 committee or to the Alaska Public Offices Commission. A person who files [ OR  
 25 FILE] a disclosure after a deadline set by this chapter or by a regulation adopted by  
 26 the committee or by the Alaska Public Offices Commission has violated this chapter  
 27 and may be subject to imposition of a fine as provided in (c) of this section or  
 28 AS 24.60.240.

29 \* Sec. 48. AS 24.60.260 is amended by adding a new subsection to read:

30 (c) The committee may impose a fine on a person who files a disclosure after  
 31 a deadline set by this chapter. The amount of the fine imposed under this subsection

1 may not exceed \$2 for each day to a maximum of \$25 per disclosure for an  
 2 inadvertent late disclosure. If the committee finds that a person intentionally waited  
 3 until after a deadline had passed to file a disclosure or, knowing a disclosure was  
 4 required under this chapter, intentionally failed to make the disclosure, the committee  
 5 may impose an additional fine of \$100 under this subsection.

6 \* Sec. 49. AS 24.60.990(a)(5) is amended to read:

7 (5) "immediate family" means

8 (A) the spouse of the person;

9 (B) another person cohabiting with the person in a conjugal  
 10 relationship with the person that is not a legal marriage; or

11 (C) a parent, child [ PARENTS, CHILDREN], including a  
 12 stepchild and an adoptive child, and sibling [SIBLINGS] of a person if the  
 13 parent, child, or sibling resides with the person, is financially dependent  
 14 on the person, or shares a substantial financial interest with the person;

15 \* Sec. 50. AS 39.25.160 is amended by adding a new subsection to read:

16 (j) A state employee, whether in the classified, partially exempt, or exempt  
 17 service, may not campaign on behalf of a political candidate on government time.  
 18 This subsection does not prohibit the employees of the division of elections from  
 19 carrying out duties related to elections or the members and employees of the  
 20 commission on judicial conduct from carrying out duties relating to the evaluation of  
 21 justices and judges.

22 \* Sec. 51. AS 39.50.020 is amended to read:

23 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS.

24 (a) A public official as defined in AS 39.50.200 [JUDICIAL OFFICER,  
 25 COMMISSIONER, CHAIR OR MEMBER OF A STATE COMMISSION OR BOARD  
 26 SPECIFIED IN AS 39.50.200(b), A PERSON HIRED OR APPOINTED AS HEAD  
 27 OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A  
 28 DEPARTMENT IN THE EXECUTIVE BRANCH, A PERSON APPOINTED  
 29 AS ASSISTANT TO THE GOVERNOR, A STATE INVESTMENT OFFICER AND  
 30 TITLE STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, AND A  
 31 MUNICIPAL OFFICER] shall file a statement giving income sources and business

1 interests, under oath and on penalty of perjury, within 30 days after taking office as  
2 a public official. Candidates for state elective office other than a candidate who is  
3 subject to AS 24.60 shall file the [SUCH A] statement with the director of elections  
4 at the time of filing a declaration of candidacy or a nominating petition [.] or  
5 [WITHIN 30 DAYS OF] becoming a candidate by any other means. Candidates for  
6 elective municipal office shall file the [SUCH A] statement at the time of filing a  
7 nominating petition, declaration of candidacy, or other required filing for the elective  
8 municipal office. Refusal or failure to file within the time prescribed shall require that  
9 the candidate's filing fees, if any, and filing for office be refused or that a previously  
10 accepted filing fee be returned and the candidate's name removed from the filing  
11 records. A statement shall also be filed by public officials no later than April 15 or 15  
12 days after the person files a federal income tax return in each following year,  
13 whichever comes first. Persons who are members of boards or commissions not named  
14 in AS 39.50.200(b) are not required to file financial statements.

15 (b) A public official other than an elected or appointed municipal officer  
16 [THE GOVERNOR, LIEUTENANT GOVERNOR, JUDICIAL OFFICERS, EACH  
17 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A  
18 DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH,  
19 ASSISTANT TO THE GOVERNOR, STATE INVESTMENT OFFICERS AND THE  
20 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR  
21 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER  
22 THIS CHAPTER.] shall file the statement with the Alaska Public Offices Commission.  
23 Candidates for the office of governor and lieutenant governor and, if the candidate is  
24 not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or  
25 15.25.180. Municipal officers, and candidates for elective municipal office, shall file  
26 with the municipal clerk or other municipal official designated to receive their filing  
27 for office. All statements required to be filed under this chapter are public records.

28 \* Sec. 52. AS 39.50.030(a) is amended to read:

29 (a) Each statement must [SHALL] be an accurate representation of the  
30 financial affairs of the public official or candidate and must [SHALL] contain the  
31 same information for each member of the person's family, as specified in (b) of this

1 section, to the extent that it is ascertainable by the public official or candidate. [AN  
2 ASSET OR LIABILITY UNDER \$500, HOUSEHOLD GOODS, AND PERSONAL  
3 EFFECTS NEED NOT BE IDENTIFIED.]

4 \* Sec. 53. AS 39.50.030(b) is amended to read:

5 (b) Each statement filed by a public official or candidate under this chapter  
6 must [SHALL] include the following:

7 (1) the source of all income over \$1,000 [\$100] during the preceding  
8 calendar year, including taxable and nontaxable capital gains, received by the person,  
9 the person's spouse or dependent child, or a nondependent child of the person who is  
10 living with that person, except that a source of income that is a gift must be  
11 included if the value of the gift exceeds \$100;

12 (2) the identity, by name and address, of each business in which the  
13 person, the person's spouse or dependent child, or a nondependent child of the person  
14 who is living with that person was a stockholder, owner, officer, director, partner,  
15 proprietor, or employee during the preceding calendar year;

16 (3) the identity and nature of each interest owned in any business  
17 during the preceding calendar year by the person, the person's spouse or dependent  
18 child, or a nondependent child of the person who is living with that person;

19 (4) the identity and nature of each interest in real property, including  
20 an option to buy, owned at any time during the preceding calendar year by the person,  
21 the person's spouse or dependent child, or a nondependent child of the person who is  
22 living with that person;

23 (5) the identity of each trust or other fiduciary relation in which the  
24 person, the person's spouse or dependent child, or a nondependent child of the person  
25 who is living with that person held a beneficial interest exceeding \$1,000 during the  
26 preceding calendar year, a description and identification of the property contained in  
27 each trust or relation, and the nature and extent of the beneficial interest in it;

28 (6) any loan or loan guarantee of more than \$1,000 made to the  
29 person, the person's spouse or dependent child, or a nondependent child of the person  
30 who is living with that person, and the identity of the maker of the loan or loan  
31 guarantor and the identity of each creditor to whom the person, the person's spouse or

1 dependent child, or a nondependent child of the person who lives with that person  
2 owed more than \$1,000; this paragraph requires disclosure of a loan, loan  
3 guarantee, or indebtedness only if the loan or guarantee was made, or the  
4 indebtedness incurred, during the preceding calendar year, or if the amount still  
5 owing on the loan, loan guarantee, or indebtedness was more than \$1,000 at any  
6 time during the preceding calendar year (\$500 OR MORE):

7 (7) a list of all contracts and offers to contract with the state or an  
8 instrumentality of the state during the preceding calendar year held, bid, or offered by  
9 the person, the person's spouse or dependent child, a nondependent child of the person  
10 who is living with that person, a partnership or professional corporation of which  
11 the person is a member [THE PERSON'S MOTHER OR FATHER], or a corporation  
12 in which the person or the person's spouse or children, or a combination of them, hold  
13 a controlling interest; and

14 (8) a list of all mineral, timber, oil, or any other natural resource lease  
15 held, or lease offer made, during the preceding calendar year by the person, the  
16 person's spouse or dependent child, a nondependent child of the person who is living  
17 with that person, [THE PERSON'S MOTHER OR FATHER,] a partnership or  
18 professional corporation of which the person is a member, or a corporation in which  
19 the person or the person's spouse or children, or a combination of them, holds a  
20 controlling interest.

21 • Sec. 54. AS 39.50.070 is amended to read:

22 Sec. 39.50.070. FAILURE TO REPORT BY CERTAIN STATE  
23 EMPLOYEES [DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT  
24 HEADS]. A person hired or appointed as the head or deputy head of, or director of  
25 a division within, a department in the executive branch or another state employee  
26 subject to this chapter who refuses or fails to file a report of financial interests  
27 required under this chapter when due may not hold office, and the person's name may  
28 not be submitted to the legislature for confirmation, until the person complies. The  
29 person may not be confirmed, hired, or appointed, and the person forfeits and may not  
30 be paid any salary, per diem, or travel expenses, until the person complies. If, after  
31 installation as the head or deputy head of, or director of a division within, a

1 department, or, for other state employees, after beginning employment in the  
2 position subject to this chapter, the person refuses or fails to file the required  
3 statement when due, the person is guilty of a misdemeanor and upon conviction is  
4 punishable by a fine of not less than \$100 nor more than \$1,000 and shall be removed  
5 from office if compliance is not made within 30 days after the due date of the report.

6 \* Sec. 55. AS 39.50.080 is amended to read:

7 Sec. 39.50.080. FAILURE TO REPORT BY A COMMISSION OR BOARD  
8 CHAIR [CHAIRMAN] OR MEMBER. A person hired or appointed as a  
9 commissioner, chair, [CHAIRMAN] or member of a state commission or board  
10 specified in AS 39.50.200(b), including the executive director of the Alaska  
11 Tourism Marketing Council, who fails to file a report of financial interests required  
12 under this chapter when due may not hold office, and the person's name may not be  
13 submitted to the legislature until the person complies. The person may not be  
14 confirmed, and the person forfeits and may not be paid any salary, per diem or travel  
15 expenses, until the person complies. If, after being seated as commissioner, chair,  
16 [CHAIRMAN] or member of the [SUCH A] commission or board the person refuses  
17 or fails to file the required statement when due, the person is guilty of a misdemeanor  
18 and upon conviction is punishable by a fine of not less than \$100 nor more than  
19 \$1,000 and shall be removed from office if compliance is not made within 30 days  
20 after the due date.

21 \* Sec. 56. AS 39.50.200(a)(8) is amended to read:

22 (8) "public official" means a judicial officer, the governor, the  
23 lieutenant governor, a person hired or appointed as the head or deputy head of, or  
24 director of a division, a department in the executive branch. [AN ASSISTANT TO  
25 THE GOVERNOR.] chair or member of a state commission or board. [STATE  
26 INVESTMENT OFFICERS AND THE STATE COMPTROLLER IN THE  
27 DEPARTMENT OF REVENUE.] the executive director of the Alaska Tourism  
28 Marketing Council, another state employee subject to this chapter, and each  
29 appointed or elected municipal officer:

30 \* Sec. 57. AS 39.50.200(a) is amended by adding a new paragraph to read:

31 (10) "another state employee subject to this chapter" means a state

1 employee who is employed in a position in the executive branch of state government  
 2 in the exempt or partially exempt service and who is compensated at Range 21 or  
 3 above on the state salary schedule under AS 39.27.011, an assistant to the governor,  
 4 and a state investment officer, and the state comptroller in the Department of Revenue,  
 5 but does not include a state officer or employee who is otherwise included in the  
 6 definition of "public official" under this section.

7 \* Sec. 58. AS 39.52.010(a) is amended to read:

8 (a) It is declared that

9 (1) [THAT] high moral and ethical standards among public officers in  
 10 the executive branch are essential to the conduct of free government; and

11 (2) [THAT] the legislature believes that a code of ethics for the  
 12 guidance of public officers will

13 (A) discourage those officers from acting upon personal or  
 14 financial interests in the performance of their public responsibilities;

15 (B) [, WILL] improve standards of public service; and

16 (C) [, AND WILL] promote and strengthen the faith and  
 17 confidence of the people of this state in their public officers;

18 (3) [. IT IS FURTHER DECLARED THAT] holding public office or  
 19 employment is a public trust and that as one safeguard of that trust, the people require  
 20 public officers to adhere to a code of ethics;

21 (4) high moral and ethical standards among public servants in the  
 22 executive branch of government are essential to assure the trust, respect, and  
 23 confidence of the people of this state;

24 (5) a fair and open government requires that executive branch  
 25 public officers conduct the public's business in a manner that preserves the  
 26 integrity of the governmental process and avoids conflicts of interest or even  
 27 appearances of conflicts of interest;

28 (6) in order for the rules governing conduct to be respected both  
 29 during and after leaving public service, the code of ethics must be administered  
 30 fairly without bias or favoritism;

31 (7) no code of conduct, however comprehensive, can anticipate all

*(new)  
 this  
 sec. 58  
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 Ethic*

1 situations in which violations may occur nor can it prescribe behaviors that are  
2 appropriate to every situation; in addition, laws and regulations regarding ethical  
3 responsibilities cannot legislate morality, eradicate corruption, or eliminate bad  
4 judgment;

5 (8) compliance with a code of ethics is an individual responsibility;  
6 thus all who serve the state have a solemn responsibility to avoid improper  
7 conduct and prevent improper behavior by colleagues and subordinates.

8 \* Sec. 59. AS 39.52.120(b) is amended to read:

9 b) A public officer may not

10 (1) seek other employment or contracts through the use or attempted  
11 use of official position or take or withhold official action or exert official influence  
12 that could substantially benefit or harm the financial interest of a person with  
13 whom the public officer is negotiating for employment;

14 (2) accept, receive, or solicit compensation for the performance of  
15 official duties or responsibilities from a person other than the state; this paragraph  
16 may not be construed to prohibit the governor or the lieutenant governor from  
17 the lawful solicitation for and acceptance of campaign contributions or a public  
18 officer from the acceptance of a lawful gift, other than a campaign contribution,  
19 under AS 39.52.130;

20 (3) use state time, property, equipment, or other facilities to benefit  
21 personal or financial interests;

22 (4) take or withhold official action in order to affect a matter in which  
23 the public officer has a personal or financial interest; [OR]

24 (5) attempt to benefit a personal or financial interest through coercion  
25 of a subordinate;

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

30 (7) require another public officer to perform services for the  
31 private benefit of the public officer at any time, or allow a public officer to

1 perform services for the private benefit of a public officer on government time;  
2 or

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

6 (A) use of state property and resources for personal  
7 purposes if the use does not interfere with the performance of public duties  
8 and either the cost or value related to the use is nominal or the public  
9 officer reimburses the state for the cost; a public officer shall comply with  
10 the policy on use of state property adopted by the public officer's  
11 designated supervisor; this subparagraph does not apply to telephone or  
12 facsimile use;

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

16 (C) telephone or facsimile use; however, a public officer who  
17 incurs a special charge for use of the telephone or facsimile machine shall  
18 reimburse the state for the cost; or

19 (D) maintaining campaign records, including records  
20 required by or relating to the Alaska Public Offices Commission, in a  
21 public officer's office; however, a public employee may not work on  
22 campaign records on government time.

23 \* Sec. 60. AS 39.52.120 is amended by adding new subsections to read:

24 (d) Except for the governor and the lieutenant governor, a public officer may  
25 not on government time assist in political party or candidate activities, campaigning,  
26 or fund raising. A public officer, including the governor and the lieutenant governor,  
27 may not require another public officer to perform an act in violation of this subsection.

28 (e) Unless approved by the personnel board, during a campaign period for an  
29 election in which the public officer is a candidate, a public officer may not use or  
30 permit another to use state funds to print or distribute a political mass mailing to  
31 individuals eligible to vote for the candidate. In this subsection,

1 (1) a "campaign period" is the period that

2 (A) begins 90 days before an election to the board of an electric  
3 or telephone cooperative organized under AS 10.25, a municipal election, or  
4 a primary election or that begins on the date of the governor's proclamation  
5 calling a special election; and

6 (B) ends the day after the cooperative election, municipal  
7 election, or the general or special election;

8 (2) a mass mailing is considered to be political if it is from or about

9 a

10 (A) public officer who is a candidate for election to a federal,  
11 state, or municipal elective office or to the board of a telephone or electric  
12 cooperative;

13 (B) person other than a public officer who is a candidate for  
14 election to a federal, state, or municipal elective office or to the board of a  
15 telephone or electric cooperative.

16 (f) A public officer, or another person on behalf of the public officer, or a  
17 campaign committee of the public officer, may not distribute or post campaign  
18 literature, placards, posters, fund-raising notices, or other communications intended to  
19 influence the election of a candidate in an election in public areas in a facility  
20 ordinarily used to conduct state government business.

21 (g) A public officer may not directly, or by authorizing another to act on the  
22 public officer's behalf,

23 (1) agree to, threaten to, or state or imply that the public officer will  
24 take or withhold an official action as a result of a person's decision to provide or not  
25 provide a political contribution, donate or not donate to a cause favored by the public  
26 officer, or provide or not provide a thing of value; or

27 (2) state or imply that the public officer will perform or refrain from  
28 performing a lawful governmental service as a result of a person's decision to provide  
29 or not provide a political contribution, donate or not donate to a cause favored by the  
30 public officer or provide or not provide a thing of value.

31 (h) A public officer may serve on a board of an organization, including a

1 governmental entity, that regularly has a substantial interest in the official actions of  
2 the public officer, if the public officer discloses the board membership to the personnel  
3 board.

4 (i) In this section, when determining whether a public officer is considered to  
5 be performing a task on government time, the personnel board shall consider the  
6 employee's work schedule as set by the employee's immediate supervisor. A public  
7 officer who engages in political campaign activities other than incidental campaign  
8 activities as described in this subsection during the work day shall take leave for the  
9 period of campaigning. Political campaign activities while on government time are  
10 permissible if the activities are part of the normal governmental duties of the  
11 employee, including answering telephone calls and handling of incoming  
12 correspondence.

13 \* Sec. 61. AS 39.52.130(a) is amended to read:

14 (a) ~~Except as provided in this section, a [A] public officer may not solicit,~~  
15 ~~accept, or receive, directly or indirectly, a gift worth \$250 or more, whether in the~~  
16 ~~form of money, service, loan, travel, entertainment, hospitality, employment, promise,~~  
17 ~~or in any other form, or gifts from the same person worth less than \$250 that in~~  
18 ~~a calendar year aggregate to \$250 or more in value. Except for food or beverage~~  
19 ~~for immediate consumption, a public officer may not solicit, accept, or receive~~  
20 ~~during a legislative session a gift with any monetary value from a lobbyist or a~~  
21 ~~person acting on behalf of a lobbyist [THAT IS A BENEFIT TO THE OFFICER'S~~  
22 ~~PERSONAL OR FINANCIAL INTERESTS, UNDER CIRCUMSTANCES IN WHICH~~  
23 ~~IT COULD REASONABLY BE INFERRED THAT THE GIFT IS INTENDED TO~~  
24 ~~INFLUENCE THE PERFORMANCE OF OFFICIAL DUTIES, ACTIONS, OR~~  
25 ~~JUDGMENT].~~

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ending in  
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26 \* Sec. 62. AS 39.52.130(b) is amended to read:

27 (b) A public officer who accepts [NOTICE OF THE RECEIPT BY A  
28 PUBLIC OFFICER OF] a gift under (a) of this section shall disclose the gift if  
29 (it has [WITH] a value in excess of \$250 (\$50), including the name and occupation  
30 of the giver and a description of the gift and its approximate value [ MUST BE  
31 PROVIDED] to the personnel board [DESIGNATED SUPERVISOR] within 30 days

1 after the date of its receipt. ~~Except as provided in (h) of this section,~~ a gift under  
 2 ~~(e)(6) of this section that has a value of \$250 or more shall be disclosed to the~~  
 3 ~~personnel board annually on or before February 15 of the following calendar~~  
 4 ~~year; the disclosure needs to include only a description of the gift and the identity~~  
 5 ~~of the donor. The personnel board shall maintain a public record of the~~  
 6 ~~disclosures received of gifts under (e)(4) of this section. Disclosures relating to~~  
 7 ~~gifts under (e)(4) of this section shall be maintained but are confidential and may~~  
 8 ~~only be used by the attorney general or the personnel board and its employees~~  
 9 ~~and contractors in the investigation of a possible violation of this section or in a~~  
 10 ~~proceeding under AS 39.52.310 - 39.52.390. If the disclosures become part of the~~  
 11 ~~record of a proceeding under AS 39.52.310 - 39.52.390, the confidentiality~~  
 12 ~~provisions in AS 39.52.340 apply to the disclosures. The personnel board shall~~  
 13 ~~forward disclosures it receives from the governor and the lieutenant governor~~  
 14 ~~concerning gifts under (e)(4) of this section to the Alaska Public Offices~~  
 15 ~~Commission (IF THE PUBLIC OFFICER MAY TAKE OR WITHHOLD OFFICIAL~~  
 16 ~~ACTION THAT AFFECTS THE GIVER).~~

17 \* Sec. 63. AS 39.52.130(c) is amended to read:

18 (c) In accordance with AS 39.52.340, a public officer or a designated  
 19 superior may request guidance from the personnel board (ATTORNEY GENERAL)  
 20 concerning whether acceptance of a particular gift is prohibited.

21 \* Sec. 64. AS 39.52.130 is amended by adding new subsections to read:

22 (e) Notwithstanding (a) of this section, it is not a violation of this section for  
 23 a public officer to accept

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

25 (A) with incidental transportation at the residence of a person,  
 26 however, a vacation home located outside the state is not considered a  
 27 residence for the purposes of this subparagraph, or

28 (B) at a social event or meal,

29 (2) documents that are available

30 (A) generally to the public or to a large class of persons to  
 31 which the person belongs, or

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(B) when on state business:

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

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

(5) gifts from the immediate family of the person, or

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

(f) Notwithstanding (a) of this section, a public officer may accept a gift of property worth \$250 or more, other than money, from a foreign government or from the government of the United States or another state or from an official of a foreign government or of the government of the United States or another state if the person accepts the gift on behalf of the state. The person shall, within 60 days after receiving the gift, deliver the gift to the \_\_\_\_\_, which shall determine the appropriate disposition of the gift.

(g) Notwithstanding (a) of this section, a public officer may solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable organization in accordance with guidelines adopted by the personnel board.

(h) A public officer who receives an inheritance from a person other than a family member shall disclose the fact of the receipt of an inheritance and the identity of the person from whom it was received to the personnel board within 60 days after receiving notice of the inheritance. The personnel board shall maintain a public record of the disclosure. This subsection does not require disclosure of the value of the inheritance.

(i) A public officer or public agency may accept (1) a gift of volunteer services for governmental purposes so long as the person making the gift of services is not receiving compensation from another source for the services or (2) a gift of the services of a trainee who is participating in an educational program approved by the personnel board if the services are used for governmental purposes. The personnel board shall approve training under a program of the University of Alaska and training under 29 U.S.C. 1901 - 1907b (Job Training Partnership Act). A governmental volunteer or educational trainee shall be considered to be a public employee for

1 purposes of compliance with this chapter other than AS 39.52.150, 39.52.155, and  
 2 39.52.160. If a person believes that a governmental volunteer or educational trainee  
 3 has violated the provisions of one of those sections, the person may file a complaint  
 4 under AS 39.52.310. The provisions of AS 39.52.310 - 39.52.390 apply to the  
 5 proceeding. This subsection does not permit a public officer to accept a gift of  
 6 services for nongovernmental purposes.

7 (j) A public officer who knows or reasonably ought to know that a family  
 8 member has received a gift because of the family member's connection with the public  
 9 officer's public office shall report the receipt of the gift by the family member to the  
 10 personnel board if the gift would have to be reported under this section if it had been  
 11 received by the public officer or if receipt of the gift by a public officer would be  
 12 prohibited under this section.

13 (k) In this section, the value of a gift shall be determined by the fair market  
 14 value of the gift to the extent that the fair market value can be determined.

15 (l) In this section, "immediate family" or "family member" means

- 16 (1) the spouse of the person;
- 17 (2) another person cohabiting with the person in a conjugal relationship  
 18 with the person that is not a legal marriage;
- 19 (3) a child, including a stepchild or an adoptive child, of the person;
- 20 (4) a parent, sibling, grandparent, aunt, or uncle of the person; and
- 21 (5) a parent, sibling, grandparent, aunt, or uncle of the person's spouse.

22 \* Sec. 65. AS 39.52 is amended by adding new sections to read:

23 Sec. 39.52.132. RESTRICTIONS ON FUND RAISING. (a) A public officer,  
 24 including the governor and the lieutenant governor, may not

25 (1) on a day when either house of the legislature is in regular or special  
 26 session, solicit or accept a contribution or a promise or pledge to make a contribution  
 27 for a state legislative campaign;

28 (2) accept money from an event held on a day when either house of the  
 29 legislature is in regular or special session if a substantial purpose of the event is to  
 30 raise money on behalf of the public officer for state legislative purposes; or

31 (3) expend money in a state legislative campaign that was raised by or

1 on behalf of a public officer on a day when either house of the legislature was in a  
2 legislative session under a declaration of candidacy or general letter of intent to  
3 become a candidate for public office.

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

5 Sec. 39.52.134. RESTRICTIONS ON EMPLOYEE CANDIDACIES. A public  
6 officer in the exempt, partially exempt, or classified service, other than the governor  
7 and the lieutenant governor, may not file a letter of intent to become a candidate or  
8 file a declaration of candidacy for the legislature.

9 Sec. 39.52.136. OPEN MEETINGS LAW. Public officers shall abide by the  
10 open meetings law under AS 44.62.310 - 44.62.312.

11 \* Sec. 66. AS 39.52.150(d) is amended to read:

12 (d) A public officer shall report in writing to the personnel board and the  
13 designated supervisor a personal or financial interest held by the officer, or an  
14 immediate family member, in a state grant, contract, lease, or loan that is awarded,  
15 executed, or administered by the agency the officer serves.

16 \* Sec. 67. AS 39.52 is amended by adding a new section to read:

17 Sec. 39.52.155. DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS.

18 (a) A public officer shall disclose to the officer's designated supervisor and to the  
19 personnel board, which shall maintain a public record of the disclosure, the formation  
20 or maintenance of a close economic association involving a substantial financial matter  
21 with

22 (1) a supervisor who is not a public officer who has responsibility or  
23 authority, either directly or indirectly, over the person's employment, including  
24 preparing or reviewing performance evaluations, or granting or approving pay raises  
25 or promotions:

26 (2) legislators.

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

29 (4) a registered lobbyist; or

30 (5) a public officer if the person required to make the disclosure is the  
31 governor or the lieutenant governor.

1 (b) A public officer required to make a disclosure under this section shall  
2 make an annual disclosure no later than February 15 of each year of the individual's  
3 close economic associations then in existence. If the public officer forms a close  
4 economic association after that date, the disclosure must be made within 60 days after  
5 forming the association. A disclosure under this section must be sufficiently detailed  
6 that a reader of the disclosure can ascertain the nature of the association.

7 (c) When making a disclosure under (a) of this section concerning a  
8 relationship with a lobbyist to whom the public officer is married or who is the public  
9 officer's spousal equivalent, the public officer shall also disclose the name and address  
10 of each employer of the lobbyist and the total monetary value received from the  
11 lobbyist's employer. The public officer shall report changes in the employer of the  
12 spouse or spousal equivalent within 48 hours after the change. In this subsection,

13 (1) "employer of the lobbyist" means the person from whom the  
14 lobbyist received amounts or things of value for engaging in lobbying on behalf of  
15 the person;

16 (2) "spousal equivalent" means a person with whom the public officer  
17 is living in a conjugal relationship not a legal marriage.

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

23 \* Sec. 6B. AS 39.52.170 is amended to read:

24 Sec. 39.52.170. OUTSIDE EMPLOYMENT RESTRICTED. (a) A public  
25 employee may not render services to benefit a personal or financial interest or engage  
26 in or accept employment outside the agency which the employee serves, if the outside  
27 employment or service is incompatible or in conflict with the proper discharge of  
28 official duties or if the compensation sought or accepted for the personal services  
29 is significantly greater than the value of the services rendered, taking into account  
30 the higher rates generally charged by specialists in a profession

31 (b) A public employee rendering services for compensation, or engaging in

1 employment outside the employee's agency, shall report by July 1 of each year the  
2 outside services or employment to the personnel board and to the employee's  
3 designated supervisor. During the year, any change in an employee's outside service  
4 or employment activity must be reported to the designated supervisor as it occurs.

5 • Sec. 69. AS 39.52.170 is amended by adding a new subsection to read:

6 (c) A public officer may not accept a payment of anything of value, except for  
7 actual and necessarily incurred travel expenses, for an appearance or speech by the  
8 public officer; this paragraph does not apply to the salary paid to a public officer for  
9 making an appearance or speech as part of the public officer's normal course of  
10 employment.

11 • Sec. 70. AS 39.52.180(b) is amended to read:

12 (b) Except as provided in (d) of this section, this [THIS] section does not  
13 prohibit an agency from contracting with a former public officer to act on a matter on  
14 behalf of the state.

15 • Sec. 71. AS 39.52.180(c) is amended to read:

16 (c) Except as provided in (d) of this section, and after the elapse of one  
17 year from the date the public officer left state service, the [THE] head of an agency  
18 may waive application of (a) of this section after determining that representation by  
19 a former public officer is not adverse to the public interest. The waiver must be in  
20 writing and a copy of the waiver must be provided to the attorney general for approval  
21 or disapproval.

22 • Sec. 72. AS 39.52.180 is amended by adding a new subsection to read:

23 (d) An agency may not enter into a contract with a public officer who has left  
24 state service and the head of an agency may not waive application of (a) of this section  
25 if the purpose of the proposed contract or representation includes lobbying before a  
26 state agency or the state legislature.

27 • Sec. 73. AS 39.52.210 is amended to read:

28 Sec. 39.52.210 DECLARATION OF POTENTIAL VIOLATIONS BY  
29 PUBLIC EMPLOYEES. (a) A public employee who is involved in a matter that may  
30 result in a violation of AS 39.52.110 - 39.52.190 shall

31 (1) refrain from taking any official action relating to the matter until

1 a determination is made under this section; and

2 (2) immediately disclose the matter in writing to the designated  
3 supervisor and the personnel board.

4 (b) A public employee's designated supervisor shall make a written  
5 determination whether an employee's involvement violates AS 39.52.110 - 39.52.190  
6 and shall provide a copy of the written determination to the public employee and  
7 to the personnel board. If the supervisor determines that a violation could exist or  
8 will occur, the supervisor shall,

9 (1) reassign duties to cure the employee's potential violation, if feasible;  
10 or

11 (2) direct the divestiture or removal by the employee of the personal  
12 or financial interests that give rise to the potential violation.

13 (c) A public officer or a designated supervisor may request guidance from the  
14 personnel board [ATTORNEY GENERAL], in accordance with AS 39.52.240, when  
15 determining whether a public employee is involved in a matter that may result in a  
16 violation of AS 39.52.110 - 39.52.190.

17 • Sec. 74. AS 39.52.220 is amended to read:

18 Sec. 39.52.220. DECLARATION OF POTENTIAL VIOLATIONS BY  
19 MEMBERS OF BOARDS OR COMMISSIONS. (a) A member of a board or  
20 commission who is involved in a matter that may result in a violation of AS 39.52.110  
21 - 39.52.190 shall disclose the matter on the public record and in writing to the  
22 designated supervisor and to the personnel board. The supervisor shall determine  
23 whether the member's involvement violates AS 39.52.110 - 39.52.190 and shall  
24 provide a copy of the written determination to the board or commission member  
25 and to the personnel board. If a member of the board or commission objects to the  
26 ruling of the supervisor, or if the supervisor discloses an involvement requiring a  
27 determination, the members present at a meeting, excluding the involved member, shall  
28 vote on the matter. If the supervisor or a majority of the members voting determine  
29 that a violation will exist if the member continues to participate, the member shall  
30 refrain from voting, deliberating, or participating in the matter.

31 (b) The member of the board or commission, the designated supervisor, or

1 the board or commission may request guidance from the personnel board  
2 [ATTORNEY GENERAL], in accordance with AS 39.52.240, when determining  
3 whether a member of a board or commission is involved in a matter that may result  
4 in a violation of AS 39.52.110 - 39.52.190.

5 • Sec. 75. AS 39.52.230 is amended to read:

6 Sec. 39.52.230. REPORTING OF POTENTIAL VIOLATIONS. A person may  
7 report to a public officer's designated supervisor, under oath and in writing, a potential  
8 violation of AS 39.52.110 - 39.52.190 by the public officer. The supervisor shall  
9 provide a copy of the report to the officer who is the subject of the report and to the  
10 personnel board, and shall review the report to determine whether a violation may  
11 exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the  
12 supervisor determines that the matter may result in a violation of AS 39.52.110 -  
13 39.52.190.

14 • Sec. 76. AS 39.52.240(a) is amended to read:

15 (a) Upon the written request of a public officer, designated supervisor, or a  
16 board or commission, the personnel board [ATTORNEY GENERAL] shall issue  
17 opinions interpreting this chapter. The requester must supply any additional  
18 information requested by the personnel board [ATTORNEY GENERAL] in order to  
19 issue the opinion. Within 60 days after receiving a complete request, the personnel  
20 board [ATTORNEY GENERAL] shall issue an advisory opinion on the question.

21 • Sec. 77. AS 39.52.240(b) is amended to read:

22 (b) The personnel board [ATTORNEY GENERAL] may offer oral advice if  
23 delay would cause substantial inconvenience or detriment to the requesting party.

24 • Sec. 78. AS 39.52.240(c) is amended to read:

25 (c) In the case of a request for advice from a designated supervisor or a  
26 board or commission, the [THE] designated supervisor or the [A] board or  
27 commission shall make a written determination based on the advice of the personnel  
28 board [ATTORNEY GENERAL]. If the advice [OF THE ATTORNEY GENERAL]  
29 provides more than one way for a public officer to avoid or correct a problem found  
30 under AS 39.52.110 - 39.52.190, the designated supervisor or the board or commission  
31 shall, after consultation with the officer, determine the alternative that is most

1 appropriate and advise the officer of any action required of the officer to avoid or  
2 correct the problem.

3 • Sec. 79. AS 39.52.240(e) is amended to read:

4 (e) The personnel board [ATTORNEY GENERAL] may reconsider, revoke,  
5 or modify an advisory opinion at any time, including upon a showing that material  
6 facts were omitted or misstated in the request for the opinion.

7 • Sec. 80. AS 39.52.240(h) is amended to read:

8 (h) The personnel board [ATTORNEY GENERAL] shall publish in the  
9 Alaska Administrative Journal, with sufficient deletions to prevent disclosure of the  
10 persons whose identities are confidential under (g) of this section, the advisory  
11 opinions issued under this section that the personnel board [ATTORNEY GENERAL]  
12 determines to be of major import because of their general applicability to executive  
13 branch officers.

14 • Sec. 81. AS 39.52.250 is amended to read:

15 Sec. 39.52.250. ADVICE TO FORMER PUBLIC OFFICERS. (a) A former  
16 public officer may request, in writing, an opinion from the personnel board  
17 [ATTORNEY GENERAL] interpreting this chapter. The personnel board  
18 [ATTORNEY GENERAL] shall give advice in accordance with AS 39.52.240(a) or  
19 (b) and publish opinions in accordance with AS 39.52.240(h).

20 (b) A former public officer is not liable under this chapter for any action  
21 carried out in accordance with the advice of the personnel board [ATTORNEY  
22 GENERAL] issued under this section, if the public officer fully disclosed all relevant  
23 facts reasonably necessary to the issuance of the advice.

24 • Sec. 82. AS 39.52.260 is amended to read:

25 Sec. 39.52.260. DESIGNATED SUPERVISOR'S REPORT AND  
26 PERSONNEL BOARD [ATTORNEY GENERAL] REVIEW. (a) A designated  
27 supervisor shall quarterly submit a report to the personnel board ~~that~~ [ATTORNEY  
28 GENERAL WHICH] states the facts, circumstances, and disposition of any disclosure  
29 made under AS 39.52.210 - 39.52.240.

30 (b) The personnel board [ATTORNEY GENERAL] shall review  
31 determinations reported under this section. The personnel board [ATTORNEY

1 GENERAL] may request additional information from a supervisor concerning a  
2 specific disclosure and its disposition.

3 (c) The report prepared under this section is confidential and not available for  
4 public inspection unless formal proceedings under AS 39.52.350 are initiated based on  
5 the report. If formal proceedings are initiated, the relevant portions of the report are  
6 public documents open to inspection. The personnel board [ATTORNEY  
7 GENERAL] shall, however, make available to the public a summary of the reports  
8 received under this section, with sufficient deletions to prevent disclosure of a person's  
9 identity.

10 \* Sec. 83. AS 39.52.920 is amended to read:

11 Sec. 39.52.920. AGENCY POLICIES. Subject to the review and approval of  
12 the personnel board [ATTORNEY GENERAL], an agency may adopt a written policy  
13 that, in addition to the requirements of this chapter, limits the extent to which a public  
14 officer in the agency or an administrative unit of the agency may

15 (1) acquire a personal interest in an organization or a financial interest  
16 in a business or undertaking that may benefit from official action taken or withheld by  
17 the agency or unit;

18 (2) have a personal or financial interest in a state grant, contract, lease,  
19 or loan administered by the agency or unit; or

20 (3) accept a gift.

21 \* Sec. 84. AS 39.52.950 is amended to read:

22 Sec. 39.52.950. REGULATIONS. The attorney general may adopt regulations  
23 under AS 44.62 ( [THE] Administrative Procedure Act) necessary to interpret and  
24 implement the provisions concerning complaints under this chapter. The personnel  
25 board may adopt regulations under AS 44.62 (Administrative Procedure Act)  
26 necessary to interpret and implement the other provisions of this chapter.

27 \* Sec. 85. AS 39.52.960(11) is amended to read:

28 (11) "immediate family member" means

29 (A) the spouse of the person;

30 (B) another person cohabiting with the person in a conjugal  
31 relationship with the person that is not a legal marriage; or

1                    (C) a parent, child including a stepchild and an adoptive  
2                    child, and sibling of a person if the parent, child, or sibling resides with  
3                    the person, is financially dependent on the person, or shares a substantial  
4                    financial interest with the person [A PUBLIC OFFICER'S SPOUSE, A  
5                    RELATION BY BLOOD WITHIN AND INCLUDING THE SECOND  
6                    DEGREE OF KINDRED, AND A REGULAR MEMBER OF THE OFFICER'S  
7                    HOUSEHOLD];

8                    \* Sec. 86. AS 44.62.175(a) is amended to read:

9                    (a) The lieutenant governor shall publish or contract for the publication of the  
10                    Alaska Administrative Journal. The journal shall be published weekly. The journal  
11                    must include

12                    (1) notices of proposed actions given under AS 44.62.190(a);

13                    (2) notices of state agency meetings required under AS 44.62.310(e),  
14                    even if the meeting has been held;

15                    (3) notices of solicitations to bid issued under AS 36.30.130;

16                    (4) notices of state agency requests for proposals issued under  
17                    AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and  
18                    AS 43.40.010;

19                    (5) executive orders and administrative orders issued by the governor;

20                    (6) written delegations of authority made by the governor or the head  
21                    of a principal department unde: AS 44.17.010;

22                    (7) the text or a summary of the text of a regulation or order of repeal  
23                    of a regulation for which notice is given under AS 44.62.190(a), including an  
24                    emergency regulation or repeal whether or not it has taken effect;

25                    (8) a summary of the text of recently issued formal opinions and  
26                    memoranda of advice of the attorney general;

27                    (9) a list of vacancies on boards, commissions, and other bodies whose  
28                    members are appointed by the governor; and

29                    (10) in accordance with AS 39.52.240(h), advisory opinions of the  
30                    personnel board (ATTORNEY GENERAL).

31                    \* Sec. 87. Notwithstanding the amendments made to AS 39.52.240 - 39.52.250 by secs.

1 76 - 81 of this Act, a public officer or a former public officer may rely on an advisory opinion  
 2 given by the attorney general under AS 39.52.240 - 39.52.250 before the effective date of this  
 3 bill section to the same extent that the public officer or former public officer could have relied  
 4 on the opinion if those sections had not been amended by this Act.

5 \* Sec. 88. Section 25 of this Act takes effect only if an initiative relating to election  
 6 campaign financing and the Alaska Public Offices Commission is approved by the voters in  
 7 1996.

8 \* Sec. 89. If sec. 25 of this Act takes effect, it takes effect on the day after the initiative  
 9 described in sec. 88 of this Act takes effect.

10 \* Sec. 90. Except as provided in sec. 89 of this Act, this Act takes effect January 1, 1997.

*new*

*Done the 1st  
 have to make  
 the bill  
 the 1st day  
 of the  
 month  
 of the  
 year 1997*

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 3/28/95

FURTHER:

Date of 5-Day Notice: 4/13/95  
(in accordance with Uniform Rule 23)  
1/25/96

DATE TURNED INTO OFFICE: 4/2/96

State Affairs Committee considered SB 141

Legislative ethics, etd.

and recommends:

- be replaced with CS SB 141 (STA)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by Senate State Affairs Committee
- further referral to the          Committee

Senate Bill:

- same title
  - new title
- House Bill:
- same title
  - technical title
  - new: SCR\*

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<u>Roller, E. K.</u>	<input checked="" type="checkbox"/>	<u>Loren A. Leman</u>	<input checked="" type="checkbox"/>		
		<u>[Signature]</u>	<input checked="" type="checkbox"/>		
		<u>[Signature]</u>	<input checked="" type="checkbox"/>		
		<u>[Signature]</u>	<input checked="" type="checkbox"/>		
CHAIR:		<u>[Signature]</u>	<input checked="" type="checkbox"/>		

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<u>LAA</u>	<u>4/6</u>	<input checked="" type="checkbox"/>	
<u>ADMIN</u>	<u>4/10</u>	<input checked="" type="checkbox"/>	
<u>LAA</u>	<u>1/25/96</u>	<input type="checkbox"/>	
<u>ADMINISTRATION (HPCC)</u>	<u>2/23/96</u>	<input type="checkbox"/>	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill



# Alaska State Legislature

Session:  
State Capitol  
Juneau AK 99801-1182

Senate State Affairs

Interim:  
716 W 4th Avenue  
Anchorage AK 99501-2133

LETTER OF INTENT  
CSSB 141 (STA)  
April 2, 1996

It is the intent of the legislature that nothing in this legislation shall be construed as prohibiting a legislator from being employed or being retained on a contractual basis by any political subdivision of the state.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 141

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to legislative ethics and providing for an effective date."  
 Sponsor: Senate Rules  
 Requestor: (S) STA

Dept. Affected: Administration  
 BRU: Alaska Public Offices Commission  
 Component: Alaska Public Offices Commission  
 COMPONENT SERIAL NO. 70

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
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<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ 0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)

There is no fiscal impact to the Alaska Public Offices Commission.

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

Phone: 276-4176  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 11/21/95

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# FISCAL NO. :

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

NO. \_\_\_\_\_  
BILL VERSION: SB 141  
PUBLISH DATE: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An Act relating to legislative ethics; and providing for an effective date."  
Sponsor: Senate Rules Committee by request...  
Requestor: Senate State Affairs

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

COMPONENT SERIAL NO:

**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**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: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852  
Division: Administrative Services Date: 1/25/96

Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*  
Agency: Legislative Affairs Agency Date: 1/25/96

CS FOR SENATE BILL NO. 141(STA)  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:  
 Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL FOR  
 THE SELECT COMMITTEE ON LEGISLATIVE ETHICS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative ethics; prohibiting the spouses and cohabitants  
 2 of legislators from serving as legislative lobbyists; relating to campaigning by  
 3 state employees; relating to the filing of financial disclosures by certain state  
 4 employees and officials; and providing for an effective date."

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

6 • Section 1. AS 24.25.010(e) is amended to read:

7 (e) This section does not apply to the legislative council, the Select  
 8 Committee on Legislative Ethics, or [NOR TO] the Legislative Budget and Audit  
 9 Committee.

10 • Sec. 2. AS 24.45 is amended by adding a new section to read:

11 Sec. 24.45.165. SPOUSES AND COHABITANTS OF LEGISLATORS. (a)  
 12 A spouse of or a person cohabitating with a legislator may not engage in lobbying the  
 13 legislature during the legislator's term of office.

14 (b) In this section,

1 (1) "engage in lobbying" means to act as a lobbyist;

2 (2) "person cohabitating with a legislator" means a person who is  
3 cohabitating with the legislator in a conjugal relationship that is not a legal marriage.

4 • Sec. 3. AS 24.60.030(a) is amended to read:

5 (a) A legislator or legislative employee may not

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

10 (2) use public funds, facilities, equipment, services, or another  
11 government asset or resource for a nongovernmental purpose or for the private benefit  
12 of either the legislator, legislative employee, or another person; this paragraph does not  
13 prohibit

14 (A) [LIMITED] use of state property and resources for personal  
15 purposes if the use does not interfere with the performance of public duties and  
16 either the cost or value related to the use is nominal or the legislator or  
17 legislative employee reimburses the state for the cost; a legislative  
18 employee shall comply with the policy on use of state property adopted by  
19 the employee's supervisor; this subparagraph does not apply to telephone  
20 or facsimile use;

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

24 (C) telephone or facsimile use; however, a legislator or  
25 legislative employee who incurs a special charge for use of the telephone  
26 or facsimile machine shall reimburse the state for the cost [THAT DOES  
27 NOT CARRY A SPECIAL CHARGE];

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

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

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

10 (A) [LIMITED] use of state property and resources for personal  
11 purposes if the use does not interfere with the performance of public duties and  
12 either the cost or value related to the use is nominal or the legislator or  
13 legislative employee reimburses the state for the cost; a legislative  
14 employee shall comply with the policy on use of state property adopted by  
15 the employee's supervisor; this subparagraph does not apply to telephone  
16 or facsimile use;

17 (B) the use of mailing lists, computer data, or other information  
18 lawfully obtained from a government agency and available to the general public  
19 for nongovernmental purposes; [OR]

20 (C) telephone or facsimile use; however, a legislator or  
21 legislative employee who incurs a special charge for use of the telephone  
22 or facsimile machine shall reimburse the state for the cost; or

23 (D) maintaining campaign records, including records  
24 required by or relating to the Alaska Public Offices Commission, in a  
25 legislator's office; however, an employee may not work on campaign  
26 records on government time [THAT DOES NOT CARRY A SPECIAL  
27 CHARGE].

28 \* Sec. 4. AS 24.60.030(c) is repealed and reenacted to read:

29 (c) Unless approved by the committee, during a campaign period for an  
30 election in which the legislator or legislative employee is a candidate, a legislator or  
31 legislative employee may not use or permit another to use state funds, other than funds

1 to which the legislator is entitled as an office allowance, to print or distribute a  
2 political mass mailing to individuals eligible to vote for the candidate. In this  
3 subsection.

4 (1) a "campaign period" is the period that

5 (A) begins 90 days before an election to the board of an electric  
6 or telephone cooperative organized under AS 10.25, a municipal election or a  
7 primary election or that begins on the date of the governor's proclamation  
8 calling a special election; and

9 (B) ends the day after the cooperative election, municipal  
10 election, or the general or special election.

11 (2) a mass mailing is considered to be political if it is from or about a

12 (A) legislator who is a candidate for reelection to the legislature  
13 or election to another federal, state, or municipal office or to the board of a  
14 telephone or electric cooperative.

15 (B) legislative employee who is a candidate for election to the  
16 legislature or another federal, state, or municipal elective office or to the board  
17 of a telephone or electric cooperative.

18 (C) person other than a legislator or a legislative employee who  
19 is a candidate for election to the legislature.

20 \* Sec. 5. AS 24.60.030(d) is amended to read

21 (d) A legislator, legislative employee, or another person on behalf of the  
22 legislator or legislative employee, or a campaign committee of the legislator or  
23 legislative employee, may not distribute or post campaign literature, placards, posters,  
24 fund-raising notices, or other communications intended to influence the election of  
25 a candidate in an election in public areas in a facility ordinarily used to conduct state  
26 government business. For purposes of this subsection, the office of a legislator is  
27 not considered to be a public area.

28 \* Sec. 6. AS 24.60.030(f) is amended to read

29 (f) A legislative employee may not serve in a position that requires  
30 confirmation by the legislature. A legislator or legislative employee may serve on a  
31 board of an organization, including a governmental entity, that regularly has a

1 substantial interest in the legislative activities of the legislator or employee, if the  
2 legislator or employee discloses the board membership to the committee. A legislator  
3 or legislative employee who is required to make a disclosure under this subsection  
4 shall file an annual written report with the committee by February 15 of each  
5 year stating the name of each organization on whose board the person serves. If  
6 the legislator or legislative employee becomes a member of a board after filing the  
7 annual disclosure statement, or after February 15 if no annual disclosure  
8 statement is filed, the legislator or legislative employee shall file a supplemental  
9 disclosure within 60 days after appointment or election to the board. The  
10 committee shall maintain a public record of the disclosure and forward the  
11 disclosure to the appropriate house for inclusion in the journal. This subsection  
12 does not require a legislator or legislative employee who is appointed to a board  
13 by the presiding officer to make a disclosure of the appointment to the committee  
14 if the appointment has been published in the appropriate legislative journal  
15 during the calendar year.

16 \* Sec. 7. AS 24.60.030(g) is repealed and reenacted to read:

17 (g) A legislator or legislative employee who has a substantial financial interest  
18 that may be affected by legislative, administrative, or political action may not take the  
19 legislative, administrative, or political action unless the legislator or legislative  
20 employee first discloses the financial interest as required by this subsection. Before  
21 acting on a matter subject to this subsection in a legislative committee or a house of  
22 the legislature, a legislator or legislative employee shall orally disclose the financial  
23 interest to the committee or the legislative house, as appropriate. The disclosure shall  
24 be reported in the journal or in the committee minutes, as appropriate. If the action  
25 is not taken in a legislative committee or a house of the legislature, the legislator or  
26 legislative employee shall disclose the financial interest to the committee in writing,  
27 to be received by the committee within seven days after the legislator or legislative  
28 employee took the action. This written disclosure is a public document. The  
29 committee shall promptly forward the disclosure to the clerk of the house or the senate  
30 secretary for publication in the journal. A disclosure under this subsection, whether  
31 written or oral, must include the nature of the financial interest and a short description

1 of how the action taken affects the interest. In this subsection, a financial interest  
2 includes

3 (1) an equity or ownership interest in a business, investment, real  
4 property, lease, or other enterprise if the effect of the action on that interest is greater  
5 than the effect on a substantial class of persons to which the legislator or legislative  
6 employee belongs as a member of a profession, occupation, industry, or region;

7 (2) an interest based on employment of the legislator or legislative  
8 employee or the spouse or dependent child of the legislator or legislative employee;

9 (3) an interest based on a contract in which the legislator or legislative  
10 employee or the spouse or dependent child of the legislator or legislative employee is  
11 entitled to receive a benefit from a business or other entity, including a personal  
12 services contract;

13 (4) an interest created by membership on the board of directors of a  
14 corporation regardless of whether the effect of the action on that interest is greater than  
15 the effect on a substantial class of persons to which the legislator or legislative  
16 employee belongs as a member of a profession, occupation, industry, or region.

17 • Sec. 8. AS 24.60.030 is amended by adding a new subsection to read:

18 (h) In this section, when determining whether an employee is considered to be  
19 performing a task on government time, the committee shall consider the employee's work  
20 schedule as set by the employee's immediate supervisor. An employee who engages in  
21 political campaign activities other than incidental campaign activities as described in this  
22 subsection during the employee's work day shall take leave for the period of  
23 campaigning. Political campaign activities while on government time are permissible if  
24 the activities are part of the normal legislative duties of the employee, including  
25 answering telephone calls and handling of incoming correspondence.

26 • Sec. 9. AS 24.60.031(a) is amended to read:

27 (a) A legislator or legislative employee may not

28 (1) ~~on a day when either house of~~ (WHILE) the legislature is in regular  
29 or special session, solicit or accept a contribution or a promise or pledge to make a  
30 contribution for a state legislative campaign;

31 (2) accept money from an event held ~~on a day when either house of the~~  
32 ~~legislature is in regular or special~~ (DURING A LEGISLATIVE) session if a substantial

1 purpose of the event is [EITHER] to raise money on behalf of the member or legislative  
2 employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR] state legislative  
3 political purposes; or

4 (3) expend money in a state legislative campaign that was raised by or  
5 on behalf of a legislator on a day when either house of the legislature was in  
6 [DURING] a legislative session under a declaration of candidacy or a general letter of  
7 intent to become a candidate for public office.

8 • Sec. 10. AS 24.60.039 is amended by adding a new subsection to read:

9 (b) If a person files a complaint with the committee under AS 24.60.170  
10 alleging a violation of this section, the committee may refer the complainant to the State  
11 Commission on Human Rights and may defer its consideration of the complaint until  
12 after the complainant establishes to the satisfaction of the committee that the commission  
13 has completed its proceedings in the matter.

14 • Sec. 11. AS 24.60.040(a) is amended to read:

15 (a) A legislator or legislative employee, or a member of the immediate family  
16 of a legislator or legislative employee may not be a party to or have an interest in a state  
17 contract or lease unless the contract or lease is let [THROUGH COMPETITIVE  
18 SEALED BIDDING] under AS 36.30 (State Procurement Code) or, for agencies that  
19 are not subject to AS 36.30, under similar procedures or the total annual amount of  
20 the state contract or lease is \$5,000 (\$1,000) or less, or is a standardized contract or lease  
21 that was developed under publicly established guidelines and is generally available to the  
22 public at large, members of a profession, occupation, or group. A person has an interest  
23 in a state contract or lease under this section if the person receives direct or indirect  
24 financial benefits. A legislator or legislative employee who participates in, or who  
25 knows or reasonably ought to know that a family member is participating in, a state  
26 contract or lease that has an annual value of \$5,000 or more shall disclose the  
27 participation to the committee by February 15 of each year. The disclosure must  
28 state the amount of the contract or lease and the name of the state agency issuing  
29 the contract or lease, and must identify the procedures under which the contract  
30 or lease was issued. If the disclosure concerns a contract or lease in which a family  
31 member of the discloser is participating, the disclosure must identify the  
32 relationship between the participant and the discloser.

1 • Sec. 12. AS 24.60.040 is amended by adding a new subsection to read:

2 (c) This section does not apply to a contract or lease issued under a state  
3 program or loan that is subject to AS 24.60.050. A grant that results in a contract but  
4 that is not subject to AS 24.60.050 is subject to this section.

5 • Sec. 13. AS 24.60.050(c) is amended to read:

6 (c) A legislator or legislative employee who participates in a program or receives  
7 a loan that is not exempt from disclosure under (a) of this section shall file a written  
8 report with the committee by February 15 of each year stating the amounts of the loans  
9 outstanding or benefits received during the preceding calendar year from nonqualifying  
10 programs. If the committee requests additional information necessary to determine the  
11 propriety of participating in the program or receiving the loan, it shall be promptly  
12 provided. The committee shall promptly compile a list of the statements indicating the  
13 loans and programs and amounts and send it to the presiding officer of each house who  
14 shall have it published in the supplemental journals within three weeks after [OF] the  
15 filing date. A legislator or legislative employee who believes that disclosure of  
16 participation in a program would be an invasion of the participant's right to  
17 privacy under the state constitution may request the committee to keep the  
18 disclosure confidential. If the committee finds that publication would constitute an  
19 invasion of privacy, the committee shall publish only the fact that a person has  
20 participated in the program and the amount of benefit that the unnamed person  
21 received. The committee shall maintain the disclosure of the name of the person  
22 as confidential and may only use the disclosure in a proceeding under AS 24.60.170.  
23 If the disclosure becomes part of the record of a proceeding under AS 24.60.170,  
24 the disclosure may be made public as provided in that section.

25 • Sec. 14. AS 24.60.060 is amended by adding a new subsection to read:

26 (b) A legislator or legislative employee who is the subject of a complaint under  
27 AS 24.60.170 violates this section if the legislator or legislative employee violates a  
28 protective order issued under AS 24.60.170(i).

29 • Sec. 15. AS 24.60.070(b) is amended to read:

30 (b) A legislator or legislative employee required to make a disclosure under  
31 this section shall make an annual disclosure no later than February 15 of each year  
32 of the legislator's or legislative employee's close economic associations then in

1 existence. If the legislator or legislative employee forms a close economic association  
2 after that date, the disclosure must be made within 60 days after forming the  
3 association. A disclosure under this section must be sufficiently detailed that a reader  
4 of the disclosure can ascertain the nature of the association.

5 \* Sec. 16. AS 24.60.070 is amended by adding a new subsection to read:

6 (d) When making a disclosure under (a) of this section concerning a relationship  
7 with a lobbyist to whom the legislator or legislative employee is married or who is the  
8 legislator's or legislative employee's spousal equivalent, the legislator or legislative  
9 employee shall also disclose the name and address of each employer of the lobbyist and  
10 the total monetary value received from the lobbyist's employer. The legislator or  
11 legislative employee shall report changes in the employer of the spouse or spousal  
12 equivalent within 48 hours after the change. In this subsection,

13 (1) "employer of the lobbyist" means the person from whom the lobbyist  
14 received amounts or things of value for engaging in lobbying on behalf of the person;

15 (2) "spousal equivalent" means a person with whom the legislator or  
16 legislative employee is living in a conjugal relationship not a legal marriage.

17 \* Sec. 17. AS 24.60.080(a) is amended to read:

18 (a) Except as provided in (c) and (h) of this section, [A] legislator or  
19 legislative employee may not solicit, accept, or receive, directly or indirectly, a gift worth  
20 \$250 [\$100] or more, whether in the form of money, services, a loan, travel,  
21 entertainment, hospitality, promise, or other form, or gifts from the same person worth  
22 less than \$250 [\$100] that in a calendar year aggregate to \$250 [\$100] or more in value,  
23 Except for food or beverage for immediate consumption, a legislator or legislative  
24 employee [, AND] may not solicit, accept, or receive during a legislative session a gift  
25 with any monetary value from a lobbyist or a person acting on behalf of a lobbyist.

26 \* Sec. 18. AS 24.60.080(c) is amended to read:

27 (c) Notwithstanding (a) of this section, it is not a violation of this section for a  
28 legislator or legislative employee to accept

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

30 (A) with incidental transportation at the residence of a person;  
31 however, a vacation home located outside the state is not considered a  
32 residence for the purposes of this subparagraph; or

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(B) at a social event or meal;

(2) discounts that are available

(A) generally to the public or to a large class of persons to which the person belongs; ~~or~~

(B) when on state business;

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

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

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

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

\* Sec. 19. AS 24.60.080(d) is amended to read:

(d) A legislator or legislative employee who accepts a gift under (c)(4) [OR (6)] of this section shall disclose the gift if it has a value of \$250 [S100] or more; ~~the [~~ THE] disclosure must include the name and occupation of the person making the gift and the approximate value of the gift. A gift under (c)(4) of this section required to be disclosed under this subsection shall be disclosed to the committee within 30 days ~~after~~ [OF] the receipt of the gift. Except as provided in (j) of this section, a gift [TO THE COMMITTEE. GIFTS] under (c)(6) of this section that has a value of \$250 or more shall be disclosed to the committee annually on or before February 15 [APRIL 15] of the following calendar year; ~~the~~ [AND THE] disclosure needs to include only a description of the gift and the identity of the donor [THE VALUE ONLY IF THE VALUE OF THE GIFT EXCEEDS \$250]. The committee shall maintain a public record of the disclosure it receives relating to gifts under (c)(4) of this section and shall forward the disclosure to the appropriate house for inclusion in the journal. 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. The committee shall forward disclosures it receives from legislators concerning gifts under (c)(4) of this section to the Alaska Public Offices Commission.

1 \* Sec. 20. AS 24.60.080(f) is amended to read:

2 (f) Notwithstanding (a) of this section, a legislator or legislative employee may  
3 accept a gift of property worth \$250 [ \$100 ] or more, other than money, from a foreign  
4 government or from the government of the United States or another state or from  
5 an official of a foreign government or of the government of the United States or  
6 another state if the person accepts the gift on behalf of the legislature. The person shall,  
7 within 60 days after [ OF ] receiving the gift, deliver the gift to the legislative council,  
8 which shall determine the appropriate disposition of the gift.

9 \* Sec. 21. AS 24.60.080(g) is amended to read:

10 (g) In this section, "immediate family" or "family member"

11 (1) means

12 (A) the spouse of the person;

13 (B) another person cohabiting with the person in a conjugal  
14 relationship with the person that is not a legal marriage;

15 (C) a child, including a stepchild and an adoptive child, of the  
16 person;

17 (D) a parent, sibling, grandparent, aunt, or uncle of the  
18 person; and

19 (E) a parent, sibling, grandparent, aunt, or uncle of the  
20 person's spouse [HAS THE MEANING GIVEN IN AS 24.60.990(a)(5) AND  
21 INCLUDES THE GRANDPARENTS, AUNTS, AND UNCLES OF A PERSON,  
22 AND ALSO INCLUDES A PERSON DESCRIBED IN THIS SUBSECTION OR  
23 AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON BY MARRIAGE].

24 \* Sec. 22. AS 24.60.080 is amended by adding new subsections to read:

25 (h) Notwithstanding (a) of this section, a legislator or legislative employee may  
26 solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable  
27 organization in accordance with guidelines adopted by the committee.

28 (i) A legislator or legislative employee who receives an inheritance from a  
29 person other than a family member shall disclose the fact of the receipt of an  
30 inheritance and the identity of the person from whom it was received to the committee  
31 within 60 days after receiving notice of the inheritance. The committee shall maintain  
32 a public record of the disclosure. This subsection does not require disclosure of the

1 value of the inheritance.

2 (j) A legislator, a legislative committee other than the Select Committee on  
3 Legislative Ethics, or a legislative agency may accept (1) a gift of volunteer services  
4 for legislative purposes so long as the person making the gift of services is not  
5 receiving compensation from another source for the services or (2) a gift of the  
6 services of a trainee who is participating in an educational program approved by the  
7 committee if the services are used for legislative purposes. The committee shall  
8 approve training under a program of the University of Alaska and training under 29  
9 U.S.C. 1501 - 1792b (Job Training Partnership Act). A legislative volunteer or  
10 educational trainee shall be considered to be a legislative employee for purposes of  
11 compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158  
12 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative volunteer  
13 or educational trainee has violated the provisions of one of those sections, the person  
14 may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to  
15 the proceeding. This subsection does not permit a legislator or legislative employee  
16 to accept a gift of services for nonlegislative purposes.

17 (k) A legislator or legislative employee who knows or reasonably ought to  
18 know that a family member has received a gift because of the family member's  
19 connection with the legislator or legislative employee shall report the receipt of the gift  
20 by the family member to the committee if the gift would have to be reported under this  
21 section if it had been received by the legislator or legislative employee or if receipt of  
22 the gift by a legislator or legislative employee would be prohibited under this section.

23 (l) In this section, the value of a gift shall be determined by the fair market  
24 value of the gift to the extent that the fair market value can be determined.

25 • Sec. 23. AS 24.60.085(a) is amended to read:

26 (a) A legislator or legislative employee may not

27 (1) seek or accept compensation for personal services that is  
28 significantly greater than the value of [INVOLVES PAYMENTS THAT ARE NOT  
29 COMMENSURATE WITH] the services rendered taking into account the higher rates  
30 generally charged by specialists in a profession; or

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

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

5 \* Sec. 24. AS 24.60.100 is amended to read:

6 Sec. 24.60.100. REPRESENTATION. A legislator or legislative employee  
7 who represents another person for compensation before an agency, board, or  
8 commission of the state shall disclose the name of the person represented, the subject  
9 matter of the representation, and the body before which the representation is to take  
10 place to the committee. The disclosure shall be made within 60 days after  
11 beginning the representation. In addition, a legislator or legislative employee  
12 shall, no later than February 15, make an annual disclosure of all of the clients  
13 represented during the previous calendar year. The committee shall maintain a  
14 public record of a [THE] disclosure under this section and forward the disclosure to  
15 the respective house for inclusion in the journal. A legislator or legislative employee  
16 may not represent another person for compensation before an agency, committee, or  
17 other entity of the legislative branch.

18 \* Sec. 25. AS 24.60 is amended by adding a new section to article 2 to read:

19 Sec. 24.60.111. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS.

20 (a) A legislator or legislative employee may establish a fund to assist with the  
21 payment of attorney fees and other costs arising from the legislator's or employee's  
22 defense of a civil, criminal, or administrative action brought against the legislator or  
23 employee, or from the prosecution or defense of an administrative or judicial action  
24 concerning a contested election in which the legislator or employee is a candidate.  
25 Contributions to a fund under this section are not subject to the restrictions of  
26 AS 24.60.080.

27 (b) The Alaska Public Offices Commission shall adopt regulations relating to  
28 the methods of establishing a fund under this section, the accounting requirements for  
29 a fund, the uses for which money from the fund may be expended, and the disposition  
30 of surplus money in the fund. A person who violates these regulations is guilty of a  
31 class B misdemeanor and is subject to civil sanctions as recommended by the

1 committee under AS 24.60.178.

2 \* Sec. 26. AS 24.60.111 is repealed and reenacted to read:

3 Sec. 24.60.111. LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS.

4 (a) A legislator or legislative employee may establish a fund to assist with the  
5 payment of attorney fees and other costs arising from the legislator's or employee's  
6 defense of a civil, criminal, or administrative action brought against the legislator or  
7 employee, or from the prosecution or defense of an administrative or judicial action  
8 concerning a contested election in which the legislator or legislative employee was a  
9 candidate.

10 (b) Notwithstanding the deadlines imposed by AS 15.13.070(d), contributions  
11 to the fund may be solicited, offered, and accepted at any time permitted under this  
12 chapter. Notwithstanding AS 15.13.070(e), a legislator or legislative employee may  
13 solicit and accept contributions to a fund established under this section at any time  
14 whether or not the legislature is in session. Notwithstanding AS 15.13.072, a legislator  
15 or legislative employee may use the fund for the purposes set out in (a) of this section.  
16 Notwithstanding AS 15.13.073, a legislator or legislative employee may distribute  
17 money in the candidate's campaign fund or other assets of the campaign remaining  
18 after the date of an election to a fund established under this section.

19 (c) Contributions to a fund under this section are not subject to the restrictions  
20 of AS 24.60.031 or 24.60.080.

21 (d) The Alaska Public Offices Commission shall adopt regulations relating to  
22 the methods of establishing a fund under this section, the accounting requirements for  
23 a fund, the uses for which money from the fund may be expended, and the disposition  
24 of surplus money in the fund. A person who violates these regulations is guilty of a  
25 class B misdemeanor and is subject to civil sanctions as recommended by the  
26 committee under AS 24.60.178.

27 \* Sec. 27. AS 24.60.130(f) is amended to read:

28 (f) The committee may contract for professional services and may employ staff  
29 as it considers necessary. A committee employee, including a person who provides  
30 personal services under a contract with the committee, may not be a legislator, an  
31 elected or appointed official of a state or local governmental entity, an officer of a

1 political party, a candidate for public office, or a registered lobbyist. The legislative  
2 council shall provide office space, equipment, and additional staff support for the  
3 committee. The committee shall submit a budget for each fiscal year to the finance  
4 committees of the legislature and shall annually submit an estimated budget to the  
5 governor for information purposes in preparation of the state operating budget. Public  
6 members of the committee serve without compensation for their services, but are  
7 entitled to travel and per diem expenses authorized for members of state boards  
8 and commissions under AS 39.20.180.

9 \* Sec. 28. AS 24.60.130(h) is amended to read:

10 (h) A member is disqualified from participating as a member in any  
11 proceeding before the committee involving a complaint against the member or an  
12 employee whose work is supervised by the member or an advisory opinion  
13 requested by the member. If a regular legislative member is disqualified under this  
14 subsection, an alternate shall be appointed under (o) of this section. [IF THE  
15 LEGISLATURE IS IN SESSION WHEN A LEGISLATIVE MEMBER IS  
16 DISQUALIFIED UNDER THIS SUBSECTION, THE PRESIDING OFFICER OF  
17 THAT MEMBER'S HOUSE SHALL, WITH THE CONCURRENCE BY ROLL  
18 CALL VOTE OF TWO-THIRDS OF THE FULL MEMBERSHIP OF THAT HOUSE,  
19 APPOINT ANOTHER MEMBER FROM THAT HOUSE TO ACT AS A MEMBER  
20 OF THE COMMITTEE IN THE PROCEEDING. IF THE LEGISLATURE IS NOT  
21 IN SESSION WHEN A LEGISLATIVE MEMBER IS DISQUALIFIED, THE  
22 PRESIDING OFFICER OF THE HOUSE OF WHICH THE DISQUALIFIED  
23 LEGISLATOR IS A MEMBER SHALL APPOINT ANOTHER MEMBER FROM  
24 THAT HOUSE, WITH A RECORDED CONCURRENCE OF A MAJORITY VOTE  
25 OF THE SUBCOMMITTEE OF THAT HOUSE, TO ACT AS A MEMBER OF THE  
26 COMMITTEE IN THE PROCEEDING.]

27 \* Sec. 29. AS 24.60.130 is amended by adding a new subsection to read:

28 (o) When appointing members of the legislature to serve on the committee, the  
29 speaker of the house or the president of the senate, as appropriate, shall appoint an  
30 alternate member for each regular member. An alternate must have the same  
31 qualifications as the regular member for whom the alternate stands as alternate and is

1 subject to confirmation as required for the regular member. If a regular legislative  
2 member of the committee or a subcommittee is disqualified under (h) of this section  
3 from serving on the committee or the subcommittee during a proceeding under  
4 AS 24.60.170, the chair of the committee or a subcommittee shall appoint the regular  
5 member's alternate to serve in place of the regular member in the proceeding unless  
6 the alternate is also disqualified from serving. The appointment shall be treated as  
7 confidential to the same extent that the identity of the subject of a complaint is  
8 required to be kept confidential.

9 \* Sec. 30. AS 24.60.134(a) is amended to read:

10 (a) Except as provided in (d) of this section, in [IN] addition to the  
11 requirements of this chapter, a public member of the committee, an employee of the  
12 committee, or a person under contract to provide personal services to the committee  
13 may not, during the person's term of office or employment or during the life of  
14 the contract, participate in

15 (1) [PARTICIPATE IN] political management or in a political  
16 campaign for a candidate for election to federal, state, or local office, regardless  
17 of whether the campaign is partisan or nonpartisan, or for a ballot measure of  
18 any type [DURING THE PERSON'S TERM OF OFFICE, EMPLOYMENT, OR  
19 CONTRACT];

20 (2) [PARTICIPATE IN] the campaign of, attend campaign fund-raising  
21 events for, or make a financial contribution to

22 (A) a candidate for the legislature;

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

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

27 (3) [PARTICIPATE IN] lobbying activities that would require the  
28 person to register as a lobbyist except as required to inform the legislature concerning  
29 legislation requested by the committee or other matters related to the committee.

30 \* Sec. 31. AS 24.60.134 is amended by adding new subsections to read:

31 (c) In addition to the prohibitions under (a) of this section, a public member

1 of the committee, an employee of the committee, or a person under contract to provide  
2 personal services to the committee may not, during the duration of the person's term  
3 of office or employment, or during the life of the contract, participate in or attend a  
4 fund-raising event held on behalf of a political party.

5 (d) A person under contract to provide personal services to the committee who  
6 is part of a corporation or partnership that includes individuals who will not be  
7 participating directly in the work performed by the entity for the committee may  
8 request the committee to exclude members of the entity from some or all of the  
9 provisions of this section. The committee may grant the request if it finds that doing  
10 so will not lead to the appearance that the committee is subject to undue political  
11 influence and if there is no appearance of impropriety.

12 \* Sec. 32. AS 24.60.150(b) is amended to read:

13 (b) The committee may

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

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

20 (3) adopt guidelines to implement this chapter; in adopting  
21 guidelines, the committee shall provide notice of its intended action and an  
22 opportunity for public comment; a person who reasonably relies on a guideline  
23 adopted by the committee may not be penalized for having violated a conflicting  
24 provision of this chapter.

25 \* Sec. 33. AS 24.60.160 is amended to read:

26 Sec. 24.60.160. ADVISORY OPINIONS. (a) The committee shall issue an  
27 advisory opinion within 60 [30] days on the request of a person to whom the chapter  
28 applies or a person elected to the legislature who at the time of election is not a  
29 member of the legislature as to whether the facts and circumstances of a particular case  
30 constitute a violation of ethical standards. If it finds that it is advisable to do so, the  
31 committee may issue an opinion under this section on the request of a person who

1 reasonably expects to become subject to this chapter within the next 45 days. The  
2 60-day [30-DAY] period for issuing an opinion may be extended by the committee if  
3 the person requesting the opinion consents.

4 (b) An [THE] opinion issued under this section is binding on the committee  
5 in any subsequent proceedings concerning the facts and circumstances of the particular  
6 case unless material facts were omitted or misstated in the request for the advisory  
7 opinion. Except as provided in this chapter, an advisory opinion is confidential but  
8 shall be made public if a written request by the person who requested the opinion is  
9 filed with the committee. A person who requested an opinion, including a  
10 legislator, may not require admittance to an executive session of the committee  
11 when it is deliberating concerning the advisory opinion request.

12 \* Sec. 34. AS 24.60.170(a) is amended to read:

13 (a) The committee shall consider a complaint alleging a violation of this  
14 chapter if the alleged violation occurred within five years before [OF] the date that the  
15 complaint is filed with the committee and, when the subject of the complaint is a  
16 former member of the legislature, the complaint is filed within one year after [OF] the  
17 subject's departure from the legislature. The committee may not consider a complaint  
18 filed against all members of the legislature, against all members of one house of  
19 the legislature, or against a person employed by the legislative branch of government  
20 after the person has terminated legislative service. However, the committee may  
21 reinstitute proceedings concerning a complaint that was closed because a former  
22 employee terminated legislative service or because a legislator left the legislature  
23 if the former employee or legislator resumes legislative service, whether as an  
24 employee or legislator, within five years after the alleged violation. The committee  
25 may also initiate complaints on its own motion, subject to the same time limitations.  
26 The time limitations of this subsection do not bar proceedings against a person who  
27 intentionally prevents discovery of a violation of this chapter.

28 \* Sec. 35. AS 24.60.170(b) is amended to read:

29 (b) A complaint may be initiated by any person. The complaint must be in  
30 writing and signed under oath by the person making the complaint. The committee  
31 shall upon request provide a form for a complaint to a person wishing to file a

1 complaint. The committee shall immediately provide a copy of the complaint to the  
2 person who is the subject of the complaint. The committee shall advise the  
3 complainant of the provisions concerning release of confidential information set  
4 out in (i) of this section.

5 \* Sec. 36. AS 24.60.170(c) is amended to read:

6 (c) When the committee receives a complaint under (a) of this section, it may  
7 assign the complaint to a staff person. The staff person shall conduct a  
8 preliminary examination of the complaint and recommend to the committee  
9 whether the allegations of the complaint, if true, constitute a violation of this  
10 chapter and whether there is credible information to indicate that a further  
11 investigation and proceeding is warranted. The recommendation shall be based  
12 on the information and evidence contained in the complaint as supplemented by  
13 the complainant and the subject of the complaint, if requested to do so by the  
14 staff member. The committee shall consider the recommendation of the staff  
15 member and shall determine whether the allegations of the complaint, if true,  
16 constitute a violation of this chapter. If the committee determines that the allegations,  
17 if proven, would not give rise to a violation, that the complaint is frivolous on its  
18 face, that there is insufficient credible information that can be uncovered to  
19 warrant further investigation by the committee, or that (IF) the committee's lack  
20 of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the  
21 complaint (.) and shall notify the complainant and the subject of the complaint of the  
22 dismissal. The committee may ask the complainant to provide clarification or  
23 additional information before it makes a decision under this subsection and may  
24 request information concerning the matter from the subject of the complaint. The  
25 subject of a complaint is not obligated to provide the information. A proceeding  
26 conducted under this subsection, documents that are part of a proceeding, and a  
27 dismissal under this subsection are confidential as provided in (l) of this section  
28 unless the subject of the complaint waives confidentiality as provided in that  
29 subsection.

30 \* Sec. 37. AS 24.60.170(f) is amended to read:

31 (f) If the committee determines after investigation that there is not probable

1 cause to believe that the subject of the complaint has violated this chapter, the  
2 committee shall dismiss the complaint. The committee may also dismiss portions of  
3 a complaint if it finds no probable cause to believe that the subject of the complaint  
4 has violated this chapter as alleged in those portions. The committee shall issue a  
5 decision explaining its dismissal. Committee deliberations and vote on the  
6 dismissal order and decision are not open to the public or the subject of the  
7 complaint. A copy of the dismissal order and decision shall be sent to the  
8 complainant and to the subject of the complaint. Notwithstanding (l) of this section,  
9 a dismissal order and decision is open to inspection and copying by the public.

10 • Sec. 38. AS 24.60.170(g) is amended to read:

11 (g) If the committee investigation determines that a probable violation of this  
12 chapter exists that may be corrected by action of the subject of the complaint and that  
13 does not warrant sanctions other than correction, the committee may issue an opinion  
14 recommending corrective action. This opinion shall be provided to the complainant  
15 and to the subject of the complaint, and is open to inspection by the public. The  
16 subject of the complaint may comply with the opinion or may request a hearing before  
17 the committee under (j) of this section. After the hearing the committee may amend  
18 or affirm the opinion. If the subject of the complaint agrees to comply with the  
19 opinion but later fails to complete the corrective action in a timely manner, the  
20 committee may formally charge the person as provided in (h) of this section or  
21 may refer the matter to the appropriate house of the legislature, in the case of a  
22 legislator, or, in the case of a legislative employee, to the employee's appointing  
23 authority. The appropriate house of the legislature or the appointing authority,  
24 as appropriate, may take action to enforce the corrective action or may decline  
25 to take action and refer the matter to the committee. In that case, the committee  
26 may formally charge the person under (h) of this section.

27 • Sec. 39. AS 24.60.170(h) is amended to read:

28 (h) If the subject of a complaint fails to comply with an opinion and the  
29 committee formally charges the person [ISSUED] under (g) of this section, or if the  
30 committee determines after investigation that there is probable cause to believe that the  
31 subject of the complaint has committed a violation of this chapter that may require

1 sanctions instead of or in addition to corrective action, the committee shall formally  
2 charge the person. The charge shall be served on the person charged, in a manner  
3 consistent with the service of summons under the rules of civil procedure, and a copy  
4 of the charge shall be sent to the complainant. The person charged may file a  
5 responsive pleading to the committee admitting or denying some or all of the  
6 allegations of the charge.

7 \* Sec. 40. AS 24.60.170(i) is amended to read:

8 (i) A person charged under (h) [(b)] of this section may engage in discovery  
9 in a manner consistent with the Alaska Rules of Civil Procedure. The committee may  
10 adopt procedures that

11 (1) impose reasonable restrictions on the time for this discovery and on  
12 the materials that may be discovered;

13 (2) permit a person who is the subject of a complaint to engage in  
14 discovery at an earlier stage of the proceedings;

15 (3) impose reasonable restrictions on the release of information that  
16 the subject of a complaint acquires from the committee in the course of discovery,  
17 or on information obtained by use of the committee's authority, in order to  
18 protect the privacy of persons not under investigation to whom the information  
19 pertains; however, the committee may not impose restrictions on the release of  
20 information by the subject of the complaint unless the complainant has agreed to  
21 be bound by similar restrictions and has not made public the information  
22 contained in the complaint, information about the complaint, or the fact of filing  
23 the complaint.

24 \* Sec. 41. AS 24.60.170(l) is amended to read:

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

1 appropriate law enforcement agency. If the committee finds evidence of a probable  
2 violation of AS 15.13, the committee shall transmit a statement to that effect and  
3 factual findings limited to the probable violation to the Alaska Public Offices  
4 Commission. All meetings of the committee before the determination of probable  
5 cause are closed to the public and to legislators who are not members of the  
6 committee. However, the committee shall permit the subject of the complaint and  
7 the subject's attorney to attend any meeting concerning the complaint, including  
8 confidential meetings. The committee shall notify the subject of the complaint of  
9 the schedule of its proceedings. The confidentiality provisions of this subsection may  
10 be waived by the subject of the complaint, except that the subject of the complaint  
11 may not waive the confidentiality duty the committee owes to others.

12 \* Sec. 42. AS 24.60.174(a) is amended to read:

13 (a) If the person found to have violated this chapter is or was a member of the  
14 legislature, the committee's recommendations shall be forwarded by the chair of the  
15 committee to the presiding officer of the appropriate house of the legislature. If the  
16 committee recommends sanctions other than expulsion from the legislature, the  
17 committee recommendation

18 (1) must include a suggested timetable for the compliance reports  
19 required under (e) of this section, if any; and

20 (2) may include recommended fines that the legislature may impose  
21 if the legislator who was found to have violated this chapter does not comply with  
22 the sanctions imposed by the legislature in a timely manner.

23 \* Sec. 43. AS 24.60.174 is amended by adding a new subsection to read:

24 (e) When a house of the legislature imposes a sanction other than expulsion  
25 on a member or former member, it shall advise the committee at the time of imposing  
26 the sanction of the terms it has imposed and of the timetable for compliance adopted  
27 with the sanctions. A legislator or former legislator on whom sanctions other than  
28 expulsion have been imposed shall report to the committee as required by the  
29 timetable. If the committee determines that the legislator or former legislator has not  
30 complied fully and in a timely manner with the sanctions imposed by the legislature,  
31 the committee may recommend that the legislature impose a fine or additional

1 sanctions.

2 \* Sec. 44. AS 24.60.176 is amended to read:

3 Sec. 24.60.176. RECOMMENDATIONS WHERE VIOLATOR IS A  
4 LEGISLATIVE EMPLOYEE. If the person found to have violated this chapter is or  
5 was a legislative employee, the committee's recommendations shall be forwarded to  
6 the appropriate appointing authority that shall, as soon as is reasonably possible,  
7 determine the sanctions, if any, to be imposed. The appointing authority may not  
8 question the committee's findings of fact. The appointing authority shall assume the  
9 validity of the committee's findings (.) and determine and impose the appropriate  
10 sanctions. The appointing authority has the power to impose a sanction  
11 recommended by the committee or to impose a different sanction. The appointing  
12 authority shall enforce the sanction and shall report to the committee at a time  
13 specified by the committee concerning the employee's compliance with the  
14 sanction.

15 \* Sec. 45. AS 24.60.176 is amended by adding a new subsection to read:

16 (b) In this section, "appointing authority" means

17 (1) the legislative council for employees of the Legislative Affairs  
18 Agency and of the legislative council and for legislative employees not otherwise  
19 covered under this subsection;

20 (2) the Legislative Budget and Audit Committee for the legislative  
21 fiscal analyst and employees of the division of legislative finance, the legislative  
22 auditor and employees of the division of legislative audit, and employees of the  
23 Legislative Budget and Audit Committee;

24 (3) the appropriate finance committee for employees of the senate or  
25 house finance committees.

26 (4) the appropriate rules committee for employees of standing  
27 committees of the legislature other than the finance committees, for employees of the  
28 senate secretary's office and the office of the chief clerk of the house of  
29 representatives;

30 (5) the legislator who made the hiring decision for employees of  
31 individual legislators; however, the legislator may request the appropriate rules

1 committee to act in the legislator's stead;

2 (6) the ombudsman for employees of the office of the ombudsman,  
3 other than the ombudsman;

4 (7) the legislature for the ombudsman.

5 • Sec. 46. AS 24.60 is amended by adding a new section to read:

6 Sec. 24.60.178. RECOMMENDED SANCTIONS. (a) When the committee  
7 finds that a person has violated this chapter, the committee may recommend  
8 appropriate sanctions, including sanctions set out in (b) of this section.

9 (b) The sanctions that the committee may recommend include

10 (1) imposition of a civil penalty of not more than \$5,000 for each  
11 offense or twice the amount improperly gained, whichever is greater;

12 (2) divestiture of specified assets or withdrawal from specified  
13 associations;

14 (3) additional, detailed disclosure, either as a public disclosure or as a  
15 confidential disclosure to the committee;

16 (4) in the case of a legislative employee, suspension of employment  
17 with or without pay for a stated period of time or until stated conditions are met, or  
18 termination from legislative employment;

19 (5) restitution of property or reimbursement of improperly received  
20 benefits;

21 (6) public or private written reprimand;

22 (7) censure, including, in the case of a legislator, removal from a  
23 leadership position or committee membership and a determination that the legislator  
24 will not be appointed to serve in a leadership position or on a committee during the  
25 remainder of that legislature;

26 (8) placing the person on probationary status;

27 (9) in the case of a legislator, expulsion from the house of the  
28 legislature;

29 (10) any other appropriate measure.

30 (c) In addition to or in place of a sanction recommended under (b) of this  
31 section, the committee may recommend that the subject of a complaint be required to

1 pay all or a portion of the costs related to the investigation and adjudication of a  
2 complaint.

3 \* Sec. 47. AS 24.60.200 is amended to read:

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

10 (1) the information that a public official is required to report under  
11 AS 39.50.030; however, a legislator or legislative director is not required to report  
12 [. EXCEPT THAT] sources of income [OTHER THAN GIFTS] of \$1,000 or less,  
13 [AND] loans of \$1,000 or less, or any gifts [NEED NOT BE REPORTED];

14 (2) as to income in excess of \$1,000 received as compensation for  
15 personal services, the name and address of the source of the income, and a statement  
16 describing the nature of the services performed; if the source of income is known or  
17 reasonably should be known to have a substantial interest in legislative, administrative,  
18 or political action and the recipient of the income is a legislator or a legislative  
19 director, the amount of income received from the source shall be disclosed:

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

25 (4) THE SOURCE OF A GIFT, OTHER THAN AN INHERITANCE,  
26 RECEIVED DURING THE PRECEDING CALENDAR YEAR BY THE PERSON,  
27 THE PERSON'S SPOUSE OR DEPENDENT CHILD, OR A NONDEPENDENT  
28 CHILD OF THE PERSON WHO IS LIVING WITH THE PERSON, IF THE  
29 AMOUNT OF THE GIFT EXCEEDS \$100 AND IS RECEIVED FROM A PERSON  
30 WHO IS NOT A MEMBER OF THE RECIPIENT'S FAMILY].

31 \* Sec. 48. AS 24.60.260(a) is amended to read:

1 (a) A person required to make a disclosure under this chapter may not  
2 knowingly make a false or deliberately misleading or incomplete disclosure to the  
3 committee or to the Alaska Public Offices Commission. A person who files [, OR  
4 FILE] a disclosure after a deadline set by this chapter or by a regulation adopted by  
5 the committee or by the Alaska Public Offices Commission has violated this chapter  
6 and may be subject to imposition of a fine as provided in (c) of this section or  
7 AS 24.60.240.

8 • Sec. 49. AS 24.60.260 is amended by adding a new subsection to read:

9 (c) The committee may impose a fine on a person who files a disclosure after  
10 a deadline set by this chapter. The amount of the fine imposed under this subsection  
11 may not exceed \$2 for each day to a maximum of \$25 per disclosure for an  
12 inadvertent late disclosure. If the committee finds that a person intentionally waited  
13 until after a deadline had passed to file a disclosure or, knowing a disclosure was  
14 required under this chapter, intentionally failed to make the disclosure, the committee  
15 may impose an additional fine of \$100 under this subsection.

16 • Sec. 50. AS 24.60.990(a)(5) is amended to read:

17 (5) "immediate family" means

18 (A) the spouse of the person;

19 (B) another person cohabiting with the person in a conjugal  
20 relationship with the person that is not a legal marriage; or

21 (C) a parent, child [, PARENTS, CHILDREN], including a  
22 stepchild and an adoptive child, and sibling [SIBLINGS] of a person if the  
23 parent, child, or sibling resides with the person, is financially dependent  
24 on the person, or shares a substantial financial interest with the person;

25 • Sec. 51. AS 39.25.160 is amended by adding a new subsection to read:

26 (j) A state employee, whether in the classified, partially exempt, or exempt  
27 service, may not campaign on behalf of a political candidate on government time.  
28 This subsection does not prohibit the employees of the division of elections from  
29 carrying out duties related to elections or the members and employees of the  
30 commission on judicial conduct from carrying out duties relating to the evaluation of  
31 justices and judges.

1 \* Sec. 52. AS 39.50.020 is amended to read:

2 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS.

3 (a) A public official as defined in AS 39.50.200 [JUDICIAL OFFICER,  
4 COMMISSIONER, CHAIR OR MEMBER OF A STATE COMMISSION OR BOARD  
5 SPECIFIED IN AS 39.50.200(b), A PERSON HIRED OR APPOINTED AS HEAD  
6 OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A  
7 DEPARTMENT IN THE EXECUTIVE BRANCH, A PERSON APPOINTED  
8 AS ASSISTANT TO THE GOVERNOR, A STATE INVESTMENT OFFICER AND  
9 THE STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, AND A  
10 MUNICIPAL OFFICER] shall file a statement giving income sources and business  
11 interests, under oath and on penalty of perjury, within 30 days after taking office as  
12 a public official. Candidates for state elective office other than a candidate who is  
13 subject to AS 24.60 shall file the [SUCH A] statement with the director of elections  
14 at the time of filing a declaration of candidacy or a nominating petition, or within 30  
15 days after [OF] becoming a candidate by any other means. Candidates for elective  
16 municipal office shall file the [SUCH A] statement at the time of filing a nominating  
17 petition, declaration of candidacy, or other required filing for the elective municipal  
18 office. Refusal or failure to file within the time prescribed shall require that the  
19 candidate's filing fees, if any, and filing for office be refused or that a previously  
20 accepted filing fee be returned and the candidate's name removed from the filing  
21 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,  
23 whichever comes first. Persons who are members of boards or commissions not named  
24 in AS 39.50.200(b) are not required to file financial statements.

25 (b) A public official other than an elected or appointed municipal officer  
26 [THE GOVERNOR, LIEUTENANT GOVERNOR, JUDICIAL OFFICERS, EACH  
27 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A  
28 DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH,  
29 ASSISTANT TO THE GOVERNOR, STATE INVESTMENT OFFICERS AND THE  
30 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR  
31 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER

1 THIS CHAPTER,) shall file the statement with the Alaska Public Offices Commission.  
2 Candidates for the office of governor and lieutenant governor and, if the candidate is  
3 not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or  
4 15.25.180. Municipal officers, and candidates for elective municipal office, shall file  
5 with the municipal clerk or other municipal official designated to receive their filing  
6 for office. All statements required to be filed under this chapter are public records.

7 \* Sec. 53. AS 39.50.070 is amended to read:

8 Sec. 39.50.070. FAILURE TO REPORT BY CERTAIN STATE  
9 EMPLOYEES [DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT  
10 HEADS]. A person hired or appointed as the head or deputy head of, or director of  
11 a division within, a department in the executive branch or another state employee  
12 subject to this chapter who refuses or fails to file a report of financial interests  
13 required under this chapter when due may not hold office, and the person's name may  
14 not be submitted to the legislature for confirmation, until the person complies. The  
15 person may not be confirmed, hired, or appointed, and the person forfeits and may not  
16 be paid any salary, per diem, or travel expenses, until the person complies. If, after  
17 installation as the head or deputy head of, or director of a division within, a  
18 department, or, for other state employees, after beginning employment in the  
19 position subject to this chapter, the person refuses or fails to file the required  
20 statement when due, the person is guilty of a misdemeanor and upon conviction is  
21 punishable by a fine of not less than \$100 nor more than \$1,000 and shall be removed  
22 from office if compliance is not made within 30 days after the due date of the report.

23 \* Sec. 54. AS 39.50.080 is amended to read:

24 Sec. 39.50.080. FAILURE TO REPORT BY A COMMISSION OR BOARD  
25 CHAIR [CHAIRMAN] OR MEMBER. A person hired or appointed as a  
26 commissioner, chair, [CHAIRMAN] or member of a state commission or board  
27 specified in AS 39.50.200(b), including the executive director of the Alaska  
28 Tourism Marketing Council, who fails to file a report of financial interests required  
29 under this chapter when due may not hold office, and the person's name may not be  
30 submitted to the legislature until the person complies. The person may not be  
31 confirmed, and the person forfeits and may not be paid any salary, per diem or travel

1 expenses, until the person complies. If, after being seated as commissioner, chair,  
2 [CHAIRMAN] or member of the [SUCH A] commission or board the person refuses  
3 or fails to file the required statement when due, the person is guilty of a misdemeanor  
4 and upon conviction is punishable by a fine of not less than \$100 nor more than  
5 \$1,000 and shall be removed from office if compliance is not made within 30 days  
6 after the due date.

7 \* Sec. 55. AS 39.50.200(a)(8) is amended to read:

8 (8) "public official" means a judicial officer, the governor, the  
9 lieutenant governor, a person hired or appointed as the head or deputy head of, or  
10 director of a division, a department in the executive branch. [AN ASSISTANT TO  
11 THE GOVERNOR.] chair or member of a state commission or board, [STATE  
12 INVESTMENT OFFICERS AND THE STATE COMPTROLLER IN THE  
13 DEPARTMENT OF REVENUE.] the executive director of the Alaska Tourism  
14 Marketing Council, another state employee subject to this chapter, and each  
15 appointed or elected municipal officer;

16 \* Sec. 56. AS 39.50.200(a) is amended by adding a new paragraph to read:

17 (10) "another state employee subject to this chapter" means a state  
18 employee who is employed in a position in the executive branch of state government  
19 in the exempt or partially exempt service and who is compensated at Range 21 or  
20 above on the state salary schedule under AS 39.27.011, an assistant to the governor,  
21 and a state investment officer, and the state comptroller in the Department of Revenue,  
22 but does not include a state officer or employee who is otherwise included in the  
23 definition of "public official" under this section.

24 \* Sec. 57. Section 26 of this Act takes effect only if an initiative relating to election  
25 campaign financing and the Alaska Public Offices Commission is approved by the voters in  
26 1996.

27 \* Sec. 58. If sec. 26 of this Act takes effect, it takes effect on the day after the initiative  
28 described in sec. 57 of this Act takes effect.

29 \* Sec. 59. This Act takes effect January 1, 1997.

April 2, 1976

TO: Ann Ringstad, Senate State Affairs Committee Aide

FROM: Margie Mac Neille, Chair, Legislative Ethics Committee 

SUBJECT: Comments on CS for SB141, version U

Thank you for faxing me this behemoth. I very much appreciate one last opportunity to comment. It's unfortunately the nature of things that my comments on the 59 sections of the bill are just on the things I don't like; the large number of useful provisions I'll be quiet about in the interest of brevity.

Sec. 3: AS 24.60.030(a)(2)(A) (page 2, lines 17-20). The committee doesn't have a problem with reimbursed personal use of state telephone or fax facilities (if it doesn't interfere with the user's work). My concern here is that the language might mean that the legislative employee is not required to comply with the office policy on telephone and fax use.

AS 24.60.030(a)(5)(A) (page 3, lines 13-16). This is an exception to the prohibition on use of state resources for political fund raising and campaigning. In addition to the concern mentioned under (a)(2) above, I am worried about condoning unlimited use of state phones and faxes for campaign work. The line between the legislative and the political is hard enough to draw already. Will we see campaign press releases with legislative fax headers?

Sec. 4: AS 24.60.030(d) (page 4, lines 26-27). I am concerned about the definition of "office" here. Certainly a legislator's office in his or her home is not a public area; maybe the inner sanctum in the Juneau office is not a public area. However, I think allowing the display of campaign material in the outer offices of legislators in Juneau and their home districts is inappropriate, and I believe the committee shares my view. Perhaps using the phrase "home office" would be sufficient.

Sec. 8: AS 24.60.030(h) (page 6, line 23). I believe the word "incidental" was deleted from the beginning of the sentence on line 23. Without it, there could appear to be a conflict between the sentence before, which requires leave to be taken for more-than-incidental political work, and this sentence, which seems to permit political work as part of the job description. The goal is to permit nominal political work that's inextricably part of doing the mail and answering the phone; I am concerned that this deletion might allow much more, or create uncertainty.

Sec. 15: AS 24.60.070(d) (page 9, lines 5-16). If this section and section 2 both survive, the references to legislators can be deleted.

Page 2

Sec. 40: AS 4.60.170(1)(3) (page 21, lines 19-23) I understand how unfair it must feel to a legislator embroiled in an ethics complaint to have a gadfly complainant filing a complaint with the media before giving it to the committee. However, this amendment ties the committee's ability to protect the privacy of someone not under investigation to the behavior of the person filing the complaint, a person over whom the committee has no control. In the instances where complainants have gone public in the past, it is almost always before the complaints are filed.

Sec. 41: AS 4.60.170(1) (page 22, lines 6-9) I am very worried about the impact of this amendment on the public's view of the Ethics Committee as an effective institution. When the public sees the committee and the legislator charged going behind closed doors at each stage of a complaint, any result short of the death penalty will be seen as a whitewash. This is more important to me than the practical problems of maintaining confidentiality of complaints (why is that legislator going into the closed meeting?) or conducting deliberations.

Sections 51-56: AS 19.25.160 Needless to say, the committee has no position on these amendments.

Again, thank you for your help. I hope these comments are of some use.



# Alaska State Legislature

Session:  
State Capitol  
Juneau AK 99801-1182

Senate State Affairs

Interim:  
716 W 4th Avenue  
Anchorage AK 99501-2133

CSSB 141 (STA)

AN ACT RELATING TO ETHICS

## PACKET CONTAINS:

1. Brief summary overview of CSSB 141 (STA) dated 4/2/96;
2. Detailed sectional analysis of CSSB 141 (STA);
3. CSSB 141 (STA) version "U" dated 4/2/96

# Alaska State Legislature

## Select Committee on Legislative Ethics

716 W. 4th, Suite 230  
Anchorage AK  
(907) 258-8172  
FAX: 258-2106

Mailing Address:  
P.O.Box 101468  
Anchorage, AK  
99510 - 1468

DATE: April 2, 1996

RE: Review of CS SB 141(STA) Dated 4/2/96  
Ethics Legislation  
Brief Summary overview

This document is intended to supplement CS SB 141(STA), relating to changes to the Ethics Code, AS 24.60., AS 39.25 and AS 39.50. A more detailed summary is attached herewith. The purpose of this document is to provide an ethics committee analysis of the bill. (Herein, "committee" refers to ethics committee.) The \*asterisks indicate sections amended by the Senate State Affairs Committee.

*"An Act relating to legislative ethics; \*prohibiting the spouses and cohabitants of legislators from serving as legislative lobbyists; relating to campaigning by state employees; relating to the filing of financial disclosures by certain state employees and officials; and providing for an effective date. "*

**SECTION 1: AS 24.25.010(e) SUBPOENA POWERS:** Sets out general guidance for legislative subpoenas; includes reference requiring concurrence of the Senate President or Speaker of the House.

**\*SECTION 2: AS 24.45.165: APOC REGULATION OF LOBBYING:**  
Adds a new section to the lobbying law which prohibits the spouse of a legislator or another person cohabiting with a legislator from engaging in lobbying the legislature. *(These individuals can still act as Representational lobbyists or testify before committees, provided they are not compensated for such services.)*

**\*SECTION 3: AS 24.60.030(a) TELEPHONE/FAX USE:**

\* Would allow the use of state resources for personal purposes if it doesn't interfere with performance of public duties and either the cost is nominal or the legislator/legislative employee reimburses the state for cost. Requires employee to comply with supervisor's policy on state

resource use. \*Allows campaign records, including APOC reports, to be kept in a legislator's office; prohibits a legislative employee from working on campaign records on government time.

**SECTION 4: AS 24.60.030(c) MASS MAILING:** Expands prohibition of mass mailing from/about a legislator during campaign period; includes legislators/legislative employees who are candidates for federal/municipal offices or other elected offices. Provides guidelines for those who issue mailings during those times.

**\*SECTION 5: AS 24.60.030(d) CAMPAIGN LITERATURE:** Adds fundraising notices to list of current prohibitions on distributing/posting campaign literature in state facilities. Offices of individual legislators are not public areas for the purposes of this section.

**SECTION 6: AS 24.60.030(f) BOARD MEMBERSHIP:** Clarifies current practice for board membership disclosure, with exceptions.

**\*SECTION 7: AS 24.60.030(g) CONFLICTS OF INTEREST:** Changes the *prohibition* on taking legislative, administrative or political action to a *disclosure requirement* prior to taking action if one has certain "interests". Disclosure to be publicly announced, and include the nature of the financial interest and a short description of how action taken affects the interest, whether written or oral.

**\*SECTION 8: AS 24.60.030 GOVERNMENT TIME:** Requires an employee to take leave for the period of time he/she is engaged in political campaign activities, other than incidental campaign activities. Political campaign activities are permissible on government time if the activities are part of the normal legislative duties, including answering phone calls and handling incoming correspondence, (both of which the employee has no control.)

**SECTION 9: AS 24.60.031(a) FUNDRAISING DURING SESSION:** Clarifies that restrictions on fundraising during session are in effect on a day when either house is in regular or special session. Retains restrictions on fundraising during session for state legislative political purposes.

**SECTION 10: AS 24.60.039 EMPLOYMENT DISCRIMINATION:** Gives the committee the option to refer complaints of employment discrimination to the Human Rights Commission and defer consideration of the complaint until after the commission has completed its proceedings.

**SECTION 11: AS 24.60.040(a) CONTRACTS AND LEASES:** Broadens the contract and lease criteria beyond the current code, which restricts a

legislator/legislative employee from having a financial interest in a state contract or lease with certain prerequisites/restrictions. Allows participation in contracts/leases let under State Procurement Code, with disclosure; allows participation in contracts/leases let under similar procedures e.g.: University and the Railroad. Sets a new reporting threshold at \$5000, currently \$1000. Eases 'family member' disclosure requirement re: "reasonably ought to know", that a family member is participating in a state contract/lease.

**SECTION 12: AS 24.60.040, CONTRACTS AND LEASES:** A grant, contract or lease that falls under one of the State Loan or Benefit Programs in AS 24.60.050, is not subject to this section.

**SECTION 13: AS 24.60.050(c) REFRAIN FROM PUBLICATION:** Allows the committee to protect an individual's right to privacy concerning participation in state loan and benefit programs.

**SECTION 14: AS 24.60.060(b) PROTECTIVE ORDER:** The subject of an ethics complaint would be in violation of the code for releasing information deemed confidential under a protective order issued by the committee. This change would allow the committee to broaden discovery by the subject while still protecting any innocent, or 'not involved' parties.

**SECTION 15: AS 24.60.070(b) DEADLINE FOR CLOSE ECONOMIC ASSOCIATION:** The current code required disclosure but did not set a deadline. The February 15 deadline is in line with others and the 60 day disclosure for new associations matches the new language for disclosures throughout the bill.

**\*SECTION 16: AS 24.60.070 (d) DISCLOSURE OF CLOSE ECONOMIC ASSOCIATION:** Adds a new subsection re: disclosure of a close economic association with a lobbyist by legislators or legislative employees. Changes in employment of spouse/spousal equivalent would be reported within 48 hours of the change.

**SECTION 17: AS 24.60.080(a): GIFTS:** Increases gift limit from \$100 to \$250 annually. Gifts re: hospitality, discounts, food, and certain gifts are exceptions to the general prohibition. Gifts on behalf of a charitable organization are exempted. Restricts legislators/legislative employees from accepting, from a lobbyist during session, anything of monetary value other than food or beverage for immediate consumption. This mirrors the restrictions currently in the APOC statutes for lobbyists.

**\*SECTION 18: AS 24.60.080(c) GIFT EXEMPTIONS:** This language clarifies that a stay in a vacation home located outside the state is not

an exempted gift. Would allow legislators and legislative employees to accept discounts while on state business.

**SECTION 19: AS 24.60.080(d) GIFT REPORTING:** Currently, a legislator/legislative employee who receives a gift of over \$100 "not related to legislative status" is required to report, confidentially, the name of donor and description of the gift received under this category. If the gift has a value of over \$250, the actual value must also be reported. The new language follows the type of reporting previously required by APOC, which is reporting only the name of donor and description of gift for all gifts, regardless of purpose or status, over \$250. (Exception for certain gifts.) Removes APOC out from under the responsibility of dealing with reports of gifts received by legislators and legislative directors in an effort to ease confusion over what is reported to whom.

**\*SECTION 20: AS 24.60.080(f) Foreign Gifts:** Allows acceptance of gift from a foreign government, the U.S. government or another state government for protocol purposes so long as the gift is delivered to the legislative council within 60 days. This bill increases the threshold to \$250 to correspond with other changes relating to gifts.

**\*SECTION 21: AS 24.60.080(g) FAMILY:** Defines the terms in the Gifts Section "Immediate family or family member"; inheritance from a family member (i) or gifts received by a family member (k).

**\*SECTION 22: AS 24.60.080 GIFTS:**

(h) Permits soliciting and accepting gifts on behalf of charitable organizations under committee guidelines. (i) Requires reporting of receipt, but not value of, an inheritance from a person other than a family member. \*(j) Restriction on accepting volunteer 'services' over \$100 in value; allows a legislator/legislative committee/legislative agency to accept a UA Intern/ JTPA trainee or other educational trainees the committee approves. Requires volunteers, interns, and educational trainees to generally comply with the ethics code, with some exceptions. (k) Requires disclosure by a legislator/legislative employee who knows, or reasonably ought to know, that a family member has received a gift because of the family member's connection to the legislator/legislative employee and provides guidelines. (l) Sets out that the value of the gift is "fair market value."

**SECTION 23: AS 24.60.085(a) EARNED INCOME AND HONORARIA:** Allows legislators/legislative employees to accept compensation that is less than fees generally charged. Allows an attorney to do pro bono work or an engineer to charge a reduced rate for review of plans for a non-profit organization.

**SECTION 24: AS 24.60.100 REPRESENTATION:** Sets reporting deadlines for representation before a state agency to February 15 and 60 days for new representation.

**\*SECTION 25: AS 24.60.111: LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS:** Allows a legislator/legislative employee to establish a Legal Defense and Election Challenge Fund to assist with payment of attorney fees and other costs related to defense of a civil, criminal or administrative action or related to the prosecution of defense of an administrative or judicial action *concerning an ethics complaint or* a contested election.

**\*SECTION 26: AS 24.60.111 LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS:** New section allows a legislator or legislative employee to establish a Legal Defense and Election Challenge Fund to assist with payment of attorney fees and other costs re: a contested election. Would only take effect if an initiative relating to election campaign financing is approved by the voters in 1996; otherwise, this section sunsets and Section 25 would remain in statute. (Also see Sections 57 and 58 regarding effective dates of this section.)

**SECTION 27: AS 24.60.130(f). COMMITTEE PER DIEM AND TRAVEL:** Formalizes the public members' entitlement to receive per diem and travel compensation.

**SECTION 28: AS 24.60.130(h). MEMBER DISQUALIFICATION:** The process for appointing a new member to serve on ethics committee in place of a disqualified member is in new subsection AS 24.60.130(o). Prohibits ethics committee member from participating in a complaint proceeding against a subject of a complaint that is supervised by the member.

**SECTION 29: AS 24.60.130(o) APPOINTMENT OF COMMITTEE ALTERNATES:** Sets out procedures for alternate appointment measures under certain situations.

**SECTION 30: AS 24.60.134(a) RESTRICTIONS ON PUBLIC MEMBERS OF THE COMMITTEE:** Strengthens political restrictions on public members, staff to the committee and those under contract to the committee, by clarifying that prohibitions of participation in political management or political campaign extend to ballot initiatives and to campaigns for federal, state and local offices.

**SECTION 31: AS 24.60.134 RESTRICTIONS: NEW SUBSECTIONS** Further restricts public members, employees and contractors of the committee from participating in or attending a political fundraising

event held on behalf of a political party. Permits a contractor with the ethics committee to request the committee to exempt some members of the corporation or partnership from having to comply with some or all prohibitions against political activity. (A strict reading of current law prohibits all employees of that law firm to comply with the restrictions in the Alaska legislative ethics code.)

**SECTION 32: AS 24.60.150(b) GUIDELINES** Permits the committee to adopt guidelines under a public process.

**SECTION 33: AS 24.60.160 ADVISORY OPINIONS** Allows the committee to issue an advisory opinion to a person who anticipates becoming a legislative employee; allows committee 60 days to respond. Committee retains the authority to restrict attendance during deliberations in executive session on an advisory opinion. Allows the committee to return complaint without action or reinstate a complaint that was closed upon an employee's termination, if the employee was rehired within five years of date the complaint was filed.

**\*SECTION 35: AS 24.60.170(b) COMPLAINTS:** Requires the committee to inform the subject of a complaint of the procedures relating to discovery of confidential information as set out in AS 24.60.170(i).

**SECTION 36: AS 24.60.170(c) COMPLAINTS:** Puts into law the current adopted procedure of the committee to assign complaints to staff for preliminary examination for sufficiency and credibility of information. Staff would then make a recommendation to the committee; permits dismissal of frivolous complaints for lack of credible information. Clarifies proceedings under this subsection are confidential and that confidentiality may be waived by the subject in compliance with AS 24.60.170(i), the subsection dealing with discovery by the subject. (Also see by CS changes to AS 24.60.170(i))

**SECTION 37: AS 24.60.170(f) LACK OF PROBABLE CAUSE:** Deliberations and vote on the dismissal order and decision on a finding of "lack of probable cause that a violation of the ethics code occurred" are not open to the public or to the subject of the complaint.

**\*SECTION 38: AS 24.60.170(g) CORRECTIVE ACTIONS:** Clarifies procedures in the event a person, after a finding of probable cause of a violation of the ethics code, agrees to comply with the committee's recommended corrective actions but later fails to complete the corrective action. It empowers legislature/appointing authority to enforce the actions or to decline to enforce and refer the matter back to the

committee. If referred back, the committee maintains the power to formally charge the person.

**\*SECTION 39: AS 24.60.170(h) CORRECTIVE ACTIONS:** Complies with new language in AS 24.60.170(g), empowering the committee to formally charge a person who fails to complete corrective actions.

**\*SECTION 40: AS 24.60.170(i) DISCOVERY:** Permits committee to adopt procedures concerning discovery. Committee could not impose restrictions on discovery by the subject unless the person filing the complaint agreed to be bound by similar restrictions concerning release of information and the person has not made public the information in or about the complaint or the filing of a complaint.

**\*SECTION 41: AS 24.60.170(j) ATTENDANCE AT EXECUTIVE SESSIONS and WAIVER OF CONFIDENTIALITY:** Clarifies that all meetings of committee concerning complaints are closed to the public and to legislators who are not committee members. Committee must permit the subject of the complaint and the subject's attorney to attend any meeting concerning the complaint, including confidential meetings and to notify the subject of any meetings on the complaint.

**\*SECTION 42: AS 24.60.174(a) TIMETABLE FOR SANCTIONS:** This sets out a procedure for the ethics committee and the legislature to follow concerning sanctions on legislators.

**\*SECTION 43: AS 24.60.174 TIMETABLE FOR SANCTIONS:** Requires the legislative body to report to the committee the sanctions and timetable for compliance it has adopted. If sanctions are not followed, committee may impose additional fines, etc.

**\*SECTION 44: AS 24.60.176: RECOMMENDATIONS WHERE VIOLATOR IS A LEGISLATIVE EMPLOYEE:** "Appointing authority" defined re: legislative employees; sets out timetables, sanctions.

**\*SECTION 45: AS 24.60.176(b): APPOINTING AUTHORITY:** Defines which body/person is the appointing authority for each set of legislative employees.

**\*SECTION 46 AS 24.60.178 SANCTIONS:** Lists recommendations to be made by the committee for violators of the code for the legislature to impose or require.

**SECTION 47: AS 24.60.200 FINANCIAL DISCLOSURE BY LEGISLATORS:** Removes responsibility for dealing with reports of any gifts from APOC; places responsibility solely with the ethics committee.

**SECTION 48: AS 24.60.260(a) FINES:** Would allow a person to file a late disclosure but that person would be subject to a fine or having a complaint filed against them.

**SECTION 49: AS 24.60.260(c) FINES:** Permits committee to impose fines for late disclosures, not to exceed \$2 per day to a maximum of \$25/disclosure for inadvertent late filing. The committee may impose an additional fine of \$100 for intentionally not filing a disclosure.

**\*SECTION 50: AS 24.60.990(a)(5) IMMEDIATE FAMILY:** The change to the definition of immediate family affects, in current law, the contracts and leases section (24.60.040), the gifts section (24.60.080 (c)(5) and (g)) and the Legislative Financial Disclosure reporting requirements (AS 24.60.200(4)).

**\*SECTION 51: AS 39.25.160 STATE PERSONNEL ACT:** Amends State Personnel Act; adds specific prohibition on state employees engaging in campaign activities on behalf of political candidates on government time, with exception of Elections division employees for purposes of conducting elections.

**\*SECTIONS 52, 53, 54, 55, 56: AS 39.50: CONFLICT OF INTEREST FOR PUBLIC OFFICERS AND EMPLOYEES:** Amends Conflict of Interest statute by adding state employees employed at Range 21 or above, assistants to the governor, state investment officers, director of the Tourism Marketing Council and state comptrollers to the list of those that must file a report of financial and business interests with APOC and to the list of those subject to penalties for non-compliance.

**\*SECTIONS 57 AND 58:** Section 26 will only take effect if an initiative relating to election campaign financing and the APOC is approved by the voters. If the initiative passes, Section 26 becomes effective the day after the initiative takes effect.

**\*SECTION 59: EFFECTIVE DATE:** January 1, 1997.

*Also included:* Letter of Intent regarding local government contracts and no prohibition of legislator working for such entities under contract or providing services to such. (Disclosure provisions would remain in place.)

# STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

ALASKA PUBLIC OFFICES COMMISSION

TONY KNOWLES, GOVERNOR

2221 E. NORTHERN LIGHTS, ROOM 128  
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March 28, 1996

The Honorable Bert Shary  
Chair  
Senate State Affairs  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

Re: Working draft CSSB141(STA) version R

Dear Mr. Chair:

Thank you for the opportunity to submit these comments. Several years ago the Alaska Public Offices Commission proposed legislative changes to AS 19.50, the Conflict of Interest Law. These were subsumed within another bill which did not pass. These proposed amendments are housekeeping in nature, providing consistency within AS 19.50 and changing thresholds so that financial disclosure filings are reported at the same \$1000.00 threshold. As the Senate State Affairs Committee has expanded its review to AS 19.50, these amendments seem appropriate and are attached.

The Commission has not had an opportunity to review the working draft of CSSB141(STA) version R or the legislative amendments not yet included in version R. However, a few questions and comments may be helpful to the Committee in finalizing the bill.

Page 13, line 12. Sec. 24. AS 24.60.111 Legal Defense and Election Challenge Funds. This provision appears to require APOC to adopt regulations pertaining to these funds and the Select Committee on Legislative Ethics and the Department of Law to enforce them. Was this the intention? Are there any restrictions on the amount that can be contributed to a legal defense or election challenge fund? Could these funds be used for any civil, criminal, or administrative matter? A divorce?

If AS 19.50.200(b)(49) is amended to read, "(49) Alaska Tourism Marketing Council and its executive director", then the wording in bold on page 27, line 27-28 Sec. 52. AS 19.50.080, "including the executive director of the Alaska Tourism Marketing

Council" and the wording on page 28, line 13-14, "the executive director of the Alaska Tourism Marketing Council" could be deleted and the executive director would still be required to file.

Page 28, line 16. Sec. 54. AS 39.50.200(a) creates a new class of state employee filer subject to the Conflict of Interest Law. Currently there are approximately 800 state officials annually subject to AS 39.50. The inclusion of partially exempt and exempt employees at range 21 and over would add an additional 600 filers annually, almost doubling the number of state filers. This provision would have significant fiscal impact for APOC not reflected in the \$0 fiscal note attached to the original version of this bill. The Commission has not yet had the opportunity to prepare a fiscal note, but would need to do so if this provision is approved by the Committee.

One final question, amendments M/M.1 include a new Section 2. which amends AS 24.45.161(a) of the Lobbying Law. This section of statute establishes an exemption from the requirement of the Lobbying Law for certain activities. The amendment adds an exception to the exemption for spouses and spousal equivalents of legislators. Does this mean that spouses cannot testify on their own behalf before a legislative committee or as an employee of the state or municipality cannot testify on an issue of importance to their employer? Is that what was intended?

Sincerely,



Karen Boorman  
Director

cc:  
Commission members  
attachment

PROPOSED AMENDMENTS

BILL NO. CSHB 141(8TA)V.B  
WORKING DRAFT

March 28, 1996

AS 39.50.020(a) is amended to read:

Candidates for state elective office other than a candidate who is subject to AS 24.60 shall file such a statement with the director of elections at the time of filing a declaration of candidacy or a nominating petition, or [WITHIN 30 DAYS OF] becoming a candidate by any other means. Candidates for elective municipal office shall file such a statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that a previously accepted statement shall also be filed by public officials no later than April 15 or 15 days after the person files a federal income tax return in each following year, whichever comes first. Persons who are members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.

AS 39.50.030(a) is amended to read:

(a) Each statement shall be an accurate representation of the financial affairs of the public official or candidate and shall contain the same information for each member of the person's family, as specified in (b) of this section, to the extent that it is ascertainable by the public official or candidate. [AN ASSET OR LIABILITY UNDER \$500.00 HOUSEHOLD GOODS, AND PERSONAL EFFECTS NEED NOT BE IDENTIFIED.]

AS 39.50.030(b) is amended to read:

(b) Each statement filed by a public official or candidate under this chapter shall include the following:

(1) the source of all income over ~~\$1000.00~~ [\$100.00] during the preceding calendar year, including taxable and nontaxable capital gains, received by the person, the person's spouse or dependent child, or a nondependent child of the person who is living with that person, except that a source of income that is a gift must be included if the value of the gift exceeds \$100.00.

(2) the identity, by name and address, of each business in which the person, the person's spouse or dependent child, or a nondependent child of the person who is living with that person was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year;

(3) the identity and nature of each interest owned in any business during the preceding calendar year by the person, the person's spouse or dependent child, or a nondependent child of the person who is living with that person;

(4) the identity and nature of each interest in real

property, including an option to buy, owned at any time during the preceding calendar year by the person, the person's spouse or dependent child, or a nondependent child of the person who is living with that person;

(5) the identity of each trust or other fiduciary relation in which the person, the person's spouse or dependent child, or a nondependent child of the person who is living with that person held a beneficial interest exceeding \$1000.00 during the preceding calendar year, a description and identification of the property contained in each trust or relations, and the nature and extent of the beneficial interest in it;

(6) any loan or loan guarantee made to the person, the person's spouse or dependent child, or a nondependent child of the person who is living with that person, and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the person, the person's spouse or dependent child, of a nondependent child of the person who lives with that person owed more than \$1000.00 [\$500.00 OR MORE];

(7) a list of all contracts and offers to contract with the state or an instrumentality of the state during the preceding calendar year held, bid, or offered by the person, the person's spouse or dependent child, a nondependent child of the person who is living with that person, a partnership or professional corporation of which the person is a member [THE PERSON'S MOTHER OR FATHER], or a corporation in which the person or the person's spouse or children, or a combination of them, hold a controlling interest; and

(8) a list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar year by the person, the person's spouse or dependent child, a nondependent child of the person who is living with that person, [THE PERSON'S MOTHER OR FATHER] a partnership or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse or children, or a combination of them, holds a controlling interest.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

March 28, 1996

**SUBJECT:** Does the amendment prohibiting spouses of legislators from lobbying prohibit them from testifying before the legislature?  
(CSSB 141(STA))

**TO:** Senator Randy Phillips  
Attn: Jerry Burnett

**FROM:** Teresa B. Cramer *TBC*  
Legislative Counsel

You have asked whether the amendment to CSSB 141 (STA), prohibiting spouses of legislators from engaging in lobbying the legislature during the legislator's term of office, would also prohibit spouses from testifying before the legislature.

Because of your question, I have redrafted the amendment and removed changes to AS 24.45.161(a). The new amendment should clarify that spouses are only prohibited from testifying before the legislature or talking with legislators about issues if the conduct would be considered to be lobbying under AS 24.45. This is the chapter, under the jurisdiction of the Alaska Public Offices Commission, that regulates lobbying.

Section 2, added by the amendment, prohibits a spouse of a legislator or a person cohabiting with a legislator from "engaging in lobbying." "Engage in lobbying" is defined in AS 24.45.165(b)(1) to mean "to act as a lobbyist." Under AS 24.45.171(8), "lobbyist" is defined as

(A) a person who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which the person receives consideration is for the purpose of influencing legislative or administrative action; or

(B) a person who represents oneself as engaging in the influencing of legislative or administrative action as a business, occupation, or profession[.]

Senator Randy Phillips

March 28, 1996

Page 2

So long as the spouse does not meet the definition of lobbyist, the spouse should not be held to be prohibited from testifying or otherwise communicating with legislators.

Please let me know if you have additional questions about this amendment.

TC:pl

96-097.plm

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR PHILLIPS

TO: CSSB 141(STA), Version "R" dated 3/25/96

1 Page 1, line 1, after ";;":

2 Insert "prohibiting the spouses and cohabitants of legislators from serving as  
3 legislative lobbyists;"

4 Page 1, after line 8:

5 Insert a new bill section to read:

6 \*\* Sec. 2. AS 24.45 is amended by adding a new section to read:

7 Sec. 24.45.165. SPOUSES AND COHABITANTS OF LEGISLATORS. (a)

8 A spouse of or a person cohabitating with a legislator may not engage in lobbying the  
9 legislature during the legislator's term of office.

10 (b) In this section,

11 (1) "engage in lobbying" means to act as a lobbyist;

12 (2) "person cohabitating with a legislator" means a person who is  
13 cohabitating with the legislator in a conjugal relationship that is not a legal marriage."

14 Renumber the following bill sections accordingly.

9-LS0174R ✓  
Cramer  
3/25/96

CS FOR SENATE BILL NO. 141(STA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL FOR THE SELECT COMMITTEE ON LEGISLATIVE ETHICS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative ethi ; relating to campaigning by state  
2 employees; relating to the filing of financial disclosures by certain state  
3 employees and officials; and providing for an effective date."

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

5 \* Section 1. AS 24.25.010(e) is amended to read:

6 (e) This section does not apply to the legislative council, the Select  
7 Committee on Legislative Ethics, or [NOR TO] the Legislative Budget and Audit  
8 Committee.

9 \* Sec. 2. AS 24.60.030(a) is amended to read:

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

1 (2) use public funds, facilities, equipment, services, or another  
2 government asset or resource for a nongovernmental purpose or for the private benefit  
3 of either the legislator, legislative employee, or another person; this paragraph does not  
4 prohibit

5 (A) [LIMITED] use of state property and resources for personal  
6 purposes if the use does not interfere with the performance of public duties and  
7 either the cost or value related to the use is nominal or the legislator or  
8 legislative employee reimburses the state for the cost; a legislative  
9 employee shall comply with the policy on use of state property adopted by  
10 the employee's supervisor; this subparagraph does not apply to telephone  
11 or facsimile use;

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

15 (C) telephone or facsimile use; however, a legislator or  
16 legislative employee who incurs a special charge for use of the telephone  
17 or facsimile machine shall reimburse the state for the cost [THAT DOES  
18 NOT CARRY A SPECIAL CHARGE];

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

23 (4) require a legislative employee to perform services for the private  
24 benefit of the legislator or employee at any time, or allow a legislative employee to  
25 perform services for the private benefit of a legislator or employee on government  
26 time; it is not a violation of this paragraph if the services were performed in an  
27 unusual or infrequent situation and the person's services were reasonably necessary to  
28 permit the legislator or legislative employee to perform official duties;

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

1 (A) [LIMITED] use of state property and resources for personal  
2 purposes if the use does not interfere with the performance of public duties and  
3 either the cost or value related to the use is nominal ~~or the legislator or~~  
4 legislative employee reimburses the state for the cost; a legislative  
5 employee shall comply with the policy on use of state property adopted by  
6 the employee's supervisor; this subparagraph does not apply to telephone  
7 or facsimile use:

8 (B) the use of mailing lists, computer data, or other information  
9 lawfully obtained from a government agency and available to the general public  
10 for nongovernmental purposes; [OR]

11 (C) telephone or facsimile use; however, a legislator or  
12 legislative employee who incurs a special charge for use of the telephone  
13 or facsimile machine shall reimburse the state for the cost; or

14 (D) maintaining campaign records, including records  
15 required by or relating to the Alaska Public Offices Commission, in a  
16 legislator's office; however, an employee may not work on campaign  
17 records on government time [THAT DOES NOT CARRY A SPECIAL  
18 CHARGE].

19 \* Sec. 3. AS 24.60.030(c) is repealed and reenacted to read:

20 (c) Unless approved by the committee, during a campaign period for an  
21 election in which the legislator or legislative employee is a candidate, a legislator or  
22 legislative employee may not use or permit another to use state funds, other than funds  
23 to which the legislator is entitled as an office allowance, to print or distribute a  
24 political mass mailing to individuals eligible to vote for the candidate. In this  
25 subsection,

26 (1) a "campaign period" is the period that

27 (A) begins 90 days before an election to the board of an electric  
28 or telephone cooperative organized under AS 10.25, a municipal election or a  
29 primary election or that begins on the date of the governor's proclamation  
30 calling a special election; and

31 (B) ends the day after the cooperative election, municipal

1 election, or the general or special election;

2 (2) a mass mailing is considered to be political if it is from or about a

3 (A) legislator who is a candidate for reelection to the legislature  
4 or election to another federal, state, or municipal office or to the board of a  
5 telephone or electric cooperative;

6 (B) legislative employee who is a candidate for election to the  
7 legislature or another federal, state, or municipal elective office or to the board  
8 of a telephone or electric cooperative;

9 (C) person other than a legislator or a legislative employee who  
10 is a candidate for election to the legislature.

11 \* Sec. 4. AS 24.60.030(d) is amended to read:

12 (d) A legislator, a legislative employee, or another person on behalf of the  
13 legislator or legislative employee, or a campaign committee of the legislator or  
14 legislative employee, may not distribute or post campaign literature, placards, posters,  
15 fund-raising notices, or other communications intended to influence the election of  
16 a candidate in an election in public areas in a facility ordinarily used to conduct state  
17 government business. *of the member public areas*

18 \* Sec. 5. AS 24.60.030(f) is amended to read:

19 (f) A legislative employee may not serve in a position that requires  
20 confirmation by the legislature. A legislator or legislative employee may serve on a  
21 board of an organization, including a governmental entity, that regularly has a  
22 substantial interest in the legislative activities of the legislator or employee, if the  
23 legislator or employee discloses the board membership to the committee. A legislator  
24 or legislative employee who is required to make a disclosure under this subsection  
25 shall file an annual written report with the committee by February 15 of each  
26 year stating the name of each organization on whose board the person serves. If  
27 the legislator or legislative employee becomes a member of a board after filing the  
28 annual disclosure statement, or after February 15 if no annual disclosure  
29 statement is filed, the legislator or legislative employee shall file a supplemental  
30 disclosure within 60 days after appointment or election to the board. The  
31 committee shall maintain a public record of the disclosure and forward the

1 disclosure to the appropriate house for inclusion in the journal. This subsection  
2 does not require a legislator or legislative employee who is appointed to a board  
3 by the presiding officer to make a disclosure of the appointment to the committee  
4 if the appointment has been published in the appropriate legislative journal  
5 during the calendar year.

6 \* Sec. 6. AS 24.60.030(g) is repealed and reenacted to read:

7 (g) A legislator or legislative employee who has a substantial financial interest  
8 that may be affected by legislative, administrative, or political action may not take the  
9 legislative, administrative, or political action unless the legislator or legislative  
10 employee first discloses the financial interest as required by this subsection. Before  
11 acting on a matter subject to this subsection in a legislative committee or a house of  
12 the legislature, a legislator or legislative employee shall orally disclose the financial  
13 interest to the committee or the legislative house, as appropriate. The disclosure shall  
14 be reported in the journal or in the committee minutes, as appropriate. If the action  
15 is not taken in a legislative committee or a house of the legislature, the legislator or  
16 legislative employee shall disclose the financial interest to the committee in writing,  
17 to be received by the committee within seven days after the legislator or legislative  
18 employee took the action. This written disclosure is a public document and must  
19 include the nature of the financial interest and a short description of how the action  
20 taken affects the interest. The committee shall promptly forward the disclosure to the  
21 clerk of the house or the senate secretary for publication in the journal. In this  
22 subsection, a financial interest includes

23 (1) an equity or ownership interest in a business, investment, real  
24 property, lease, or other enterprise if the effect of the action on that interest is greater  
25 than the effect on a substantial class of persons to which the legislator or legislative  
26 employee belongs as a member of a profession, occupation, industry, or region;

27 (2) an interest based on employment of the legislator or legislative  
28 employee or the spouse or dependent child of the legislator or legislative employee;

29 (3) an interest based on a contract in which the legislator or legislative  
30 employee or the spouse or dependent child of the legislator or legislative employee is  
31 entitled to receive a benefit from a business or other entity, including a personal

1 services contract;

2 (4) an interest created by membership on the board of directors of a  
3 corporation regardless of whether the effect of the action on that interest is greater than  
4 the effect on a substantial class of persons to which the legislator or legislative  
5 employee belongs as a member of a profession, occupation, industry, or region.

6 \* Sec. 7. AS 24.60.030 is amended by adding a new subsection to read:

7 (h) In this section, when determining whether an employee is considered to be  
8 performing a task on government time, the committee shall consider the employee's work  
9 schedule as set by the employee's immediate supervisor. An employee who engages in  
10 political campaign activities other than ~~minimal~~, incidental campaign activities as  
11 described in this subsection during the employee's work day shall take leave for the  
12 period of campaigning. Incidental political campaign activities while on government  
13 time are permissible if the activities are part of the normal legislative duties of the  
14 employee, including answering short telephone calls and incidental handling of incoming  
15 correspondence. ~~Incidental political campaign activities shall be kept to a minimum.~~

16 \* Sec. 8. AS 24.60.031(a) is amended to read:

17 (a) A legislator or legislative employee may not

18 (1) on a day when either house of [WHILE] the legislature is in regular  
19 or special session, solicit or accept a contribution or a promise or pledge to make a  
20 contribution for a state legislative campaign;

21 (2) accept money from an event held on a day when either house of the  
22 legislature is in regular or special [DURING A LEGISLATIVE] session if a substantial  
23 purpose of the event is [EITHER] to raise money on behalf of the member or legislative  
24 employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR] state legislative  
25 political purposes; or

26 (3) expend money in a state legislative campaign that was raised by or  
27 on behalf of a legislator on a day when either house of the legislature was in  
28 [DURING] a legislative session under a declaration of candidacy or a general letter of  
29 intent to become a candidate for public office.

30 \* Sec. 9. AS 24.60.039 is amended by adding a new subsection to read:

31 (b) If a person files a complaint with the committee under AS 24.60.170  
32 alleging a violation of this section, the committee may refer the complainant to the State

1 Commission on Human Rights and may defer its consideration of the complaint until  
2 after the complainant establishes to the satisfaction of the committee that the commission  
3 has completed its proceedings in the matter.

4 \* Sec. 10. AS 24.60.040(a) is amended to read:

5 (a) A legislator or legislative employee, or a member of the immediate family  
6 of a legislator or legislative employee may not be a party to or have an interest in a state  
7 contract or lease unless the contract or lease is let [THROUGH COMPETITIVE  
8 SEALED BIDDING] under AS 36.30 (State Procurement Code) or, for agencies that  
9 are not subject to AS 36.30, under similar procedures or the total annual amount of  
10 the state contract or lease is \$5,000 [~~\$1,000~~] or less, or is a standardized contract or lease  
11 that was developed under publicly established guidelines and is generally available to the  
12 public at large, members of a profession, occupation, or group. A person has an interest  
13 in a state contract or lease under this section if the person receives direct or indirect  
14 financial benefits. A legislator or legislative employee who participates in, or who  
15 knows or reasonably ought to know that a family member is participating in, a state  
16 contract or lease that has an annual value of \$5,000 or more shall disclose the  
17 participation to the committee by February 15 of each year. The disclosure must  
18 state the amount of the contract or lease and the name of the state agency issuing  
19 the contract or lease, and must identify the procedures under which the contract  
20 or lease was issued. If the disclosure concerns a contract or lease in which a family  
21 member of the discloser is participating, the disclosure must identify the  
22 relationship between the participant and the discloser.

23 \* Sec. 11. AS 24.60.040 is amended by adding a new subsection to read:

24 (c) This section does not apply to a contract or lease issued under a state  
25 program or loan that is subject to AS 24.60.050. A grant that results in a contract but  
26 that is not subject to AS 24.60.050 is subject to this section.

27 \* Sec. 12 AS 24.60.050(c) is amended to read:

28 (c) A legislator or legislative employee who participates in a program or receives  
29 a loan that is not exempt from disclosure under (a) of this section shall file a written  
30 report with the committee by February 15 of each year stating the amounts of the loans  
31 outstanding or benefits received during the preceding calendar year from nonqualifying  
32 programs. If the committee requests additional information necessary to determine the

1 propriety of participating in the program or receiving the loan, it shall be promptly  
2 provided. The committee shall promptly compile a list of the statements indicating the  
3 loans and programs at amounts and send it to the presiding officer of each house who  
4 shall have it published in the supplemental journals within three weeks after [OF] the  
5 filing date. A legislator or legislative employee who believes that disclosure of  
6 participation in a program would be an invasion of the participant's right to  
7 privacy under the state constitution may request the committee to keep the  
8 disclosure confidential. If the committee finds that publication would constitute an  
9 invasion of privacy, the committee shall publish only the fact that a person has  
10 participated in the program and the amount of benefit that the unnamed person  
11 received. The committee shall maintain the disclosure of the name of the person  
12 as confidential and may only use the disclosure in a proceeding under AS 24.60.170.  
13 If the disclosure becomes part of the record of a proceeding under AS 24.60.170,  
14 the disclosure may be made public as provided in that section.

15 \* Sec. 13. AS 24.60.060 is amended by adding a new subsection to read:

16 (b) A legislator or legislative employee who is the subject of a complaint under  
17 AS 24.60.170 violates this section if the legislator or legislative employee violates a  
18 protective order issued under AS 24.60.170(i).

19 \* Sec. 14. AS 24.60.070(b) is amended to read:

20 (b) A legislator or legislative employee required to make a disclosure under  
21 this section shall make an annual disclosure no later than February 15 of each year  
22 of the legislator's or legislative employee's close economic associations then in  
23 existence. If the legislator or legislative employee forms a close economic association  
24 after that date, the disclosure must be made within 60 days after forming the  
25 association. A disclosure under this section must be sufficiently detailed that a reader  
26 of the disclosure can ascertain the nature of the association.

27 \* Sec. 15. AS 24.60.070 is amended by adding a new subsection to read:

28 (d) When making a disclosure under (a) of this section concerning a relationship  
29 with a lobbyist to whom the legislator or legislative employee is married or who is the  
30 legislator's or legislative employee's spousal equivalent, the legislator or legislative  
31 employee shall also disclose the name and address of each employer of the lobbyist and  
32 the total monetary value received from the lobbyist's employer. The legislator or

1 legislative employee shall report changes in the employer of the spouse or spousal  
2 equivalent within 48 hours after the change. In this subsection,

3 (1) "employer of the lobbyist" means the person from whom the lobbyist  
4 received amounts or things of value for engaging in lobbying on behalf of the person;

5 (2) "spousal equivalent" means a person with whom the legislator or  
6 legislative employee is living in a conjugal relationship not a legal marriage.

7 \* Sec. 16. AS 24.60.080(a) is amended to read:

8 (a) Except as provided in (c) and (h) of this section, a [A] legislator or  
9 legislative employee may not solicit, accept, or receive, directly or indirectly, a gift worth  
10 \$250 [\$100] or more, whether in the form of money, services, a loan, travel,  
11 entertainment, hospitality, promise, or other form, or gifts from the same person worth  
12 less than \$250 [\$100] that in a calendar year aggregate to \$250 [\$100] or more in value,  
13 Except for food or beverage for immediate consumption, a legislator or legislative  
14 employee [, AND] may not solicit, accept, or receive during a legislative session a gift  
15 with any monetary value from a lobbyist or a person acting on behalf of a lobbyist.

16 \* Sec. 17. AS 24.60.080(c) is amended to read:

17 (c) Notwithstanding (a) of this section, it is not a violation of this section for a  
18 legislator or legislative employee 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;

21 however, a vacation home located outside the state is not considered a  
22 residence for the purposes of this subparagraph; or

23 (B) at a social event or meal;

24 (2) discounts that are available

25 (A) generally to the public or to a large class of persons to which  
26 the person belongs; or

27 (B) when on state business;

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

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

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

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

2 \* Sec. 18. AS 24.60.080(d) is amended to read:

3 (d) A legislator or legislative employee who accepts a gift under (c)(4) [OR (6)]  
4 of this section shall disclose the gift if it has a value of \$250 [S100] or more; the [  
5 THE] disclosure must include the name and occupation of the person making the gift and  
6 the approximate value of the gift. A gift under (c)(4) of this section required to be  
7 disclosed under this subsection shall be disclosed to the committee within 30 days after  
8 [OF] the receipt of the gift. Except as provided in (l) of this section, a gift [TO THE  
9 COMMITTEE. GIFTS] under (c)(6) of this section that has a value of \$250 or more  
10 shall be disclosed to the committee annually on or before February 15 [APRIL 15] of  
11 the following calendar year; the [AND THE] disclosure needs to include only a  
12 description of the gift and the identity of the donor [THE VALUE ONLY IF THE  
13 VALUE OF THE GIFT EXCEEDS \$250]. The committee shall maintain a public record  
14 of the disclosure it receives relating to gifts under (c)(4) of this section and shall forward  
15 the disclosure to the appropriate house for inclusion in the journal. Disclosures from  
16 legislative employees relating to gifts under (c)(6) of this section shall be maintained,  
17 but are confidential and may only be used by the committee and its employees and  
18 contractors in the investigation of a possible violation of this section or in a proceeding  
19 under AS 24.60.170. If the disclosures from legislative employees become part of the  
20 record of a proceeding under AS 24.60.170, the confidentiality provisions of that section  
21 apply to the disclosures. The committee shall maintain a public record of the  
22 disclosures it receives from legislators concerning gifts under (c)(6) of this section  
23 and shall forward the disclosures to the appropriate house for inclusion in the  
24 journal. The committee shall forward disclosures it receives from legislators  
25 concerning gifts under (c)(4) and (6) of this section to the Alaska Public Offices  
26 Commission.

27 \* Sec. 19. AS 24.60.080(f) is amended to read:

28 (f) Notwithstanding (a) of this section, a legislator or legislative employee may  
29 accept a gift of property worth \$250 [S100] or more, other than money, from a foreign  
30 government or from the government of the United States or another state or from  
31 an official of a foreign government or of the government of the United States or  
32 another state if the person accepts the gift on behalf of the legislature. The person shall,

1 within 60 days after [OF] receiving the gift, deliver the gift to the legislative council,  
2 which shall determine the appropriate disposition of the gift.

3 • Sec. 20. AS 24.60.080(g) is amended to read:

4 (g) In this section, "immediate family" or "family member"

5 (1) means

6 (A) the spouse of the person;

7 (B) another person cohabiting with the person in a conjugal  
8 relationship with the person that is not a legal marriage;

9 (C) a child, including a stepchild and an adoptive child, of the  
10 person;

11 (D) a parent, sibling, grandparent, aunt, or uncle of the  
12 person; and

13 (E) a parent, sibling, grandparent, aunt, or uncle of the  
14 person's spouse [HAS THE MEANING GIVEN IN AS 24.60.990(a)(5) AND  
15 INCLUDES THE GRANDPARENTS, AUNTS, AND UNCLES OF A PERSON,  
16 AND ALSO INCLUDES A PERSON DESCRIBED IN THIS SUBSECTION OR  
17 AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON BY MARRIAGE].

18 • Sec. 21. AS 24.60.080 is amended by adding new subsections to read:

19 (h) Notwithstanding (a) of this section, a legislator or legislative employee may  
20 solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable  
21 organization in accordance with guidelines adopted by the committee.

22 (i) A legislator or legislative employee who receives an inheritance from a  
23 person other than a family member shall disclose the fact of the receipt of an  
24 inheritance and the identity of the person from whom it was received to the committee  
25 within 60 days after receiving notice of the inheritance. The committee shall maintain  
26 a public record of the disclosure. This subsection does not require disclosure of the  
27 value of the inheritance.

28 (j) A legislator, a legislative committee other than the Select Committee on  
29 Legislative Ethics, or a legislative agency may accept (1) a gift of volunteer services  
30 for legislative purposes so long as the person making the gift of services is not  
31 receiving compensation from another source for the services or (2) a gift of the  
32 services of a trainee who is participating in an educational program approved by the

1 committee if the services are used for legislative purposes. The committee shall  
2 approve training under a program of the University of Alaska and training under 29  
3 U.S.C. 1501 - 1792b (Job Training Partnership Act). A legislative volunteer or  
4 educational trainee shall be considered to be a legislative employee for purposes of  
5 compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158  
6 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative volunteer  
7 or educational trainee has violated the provisions of one of those sections, the person  
8 may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to  
9 the proceeding. This subsection does not permit a legislator or legislative employee  
10 to accept a gift of services for nonlegislative purposes.

11 (k) A legislator or legislative employee who knows or reasonably ought to  
12 know that a family member has received a gift because of the family member's  
13 connection with the legislator or legislative employee shall report the receipt of the gift  
14 by the family member to the committee if the gift would have to be reported under this  
15 section if it had been received by the legislator or legislative employee or if receipt of  
16 the gift by a legislator or legislative employee would be prohibited under this section.

17 (l) In this section, the value of a gift shall be determined by the fair market  
18 value of the gift to the extent that the fair market value can be determined.

19 • Sec. 22. AS 24.60.085(a) is amended to read:

20 (a) A legislator or legislative employee may not

21 (1) seek or accept compensation for personal services that is  
22 significantly greater than the value of [INVOLVES PAYMENTS THAT ARE NOT  
23 COMMENSURATE WITH] the services rendered taking into account the higher rates  
24 generally charged by specialists in a profession; or

25 (2) accept a payment of anything of value, except for actual and  
26 necessarily incurred travel expenses, for an appearance or speech by the legislator or  
27 legislative employee; this paragraph does not apply to the salary paid to a legislator  
28 or legislative employee for making an appearance or speech as part of the legislator's  
29 or legislative employee's normal course of employment.

30 • Sec. 23. AS 24.60.100 is amended to read:

31 Sec. 24.60.100. REPRESENTATION. A legislator or legislative employee