

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 86/2

9467 HOUSE STATE AFFAIRS

1 * **Sec. 32.** AS 24.60.085(a) is amended to read:

2 (a) A legislator or legislative employee may not

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

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

12 * **Sec. 33.** AS 24.60.100 is amended to read:

13 **Sec. 24.60.100. Representation.** A legislator or legislative employee who
14 represents another person for compensation before an agency, board, or commission
15 of the state shall disclose the name of the person represented, the subject matter of the
16 representation, and the body before which the representation is to take place to the
17 committee. The disclosure shall be made by the deadlines set out in AS 24.60.105.

18 The committee shall maintain a public record of a [THE] disclosure under this section
19 and forward the disclosure to the respective house for inclusion in the journal. A
20 legislator or legislative employee may not represent another person for compensation
21 before an agency, committee, or other entity of the legislative branch.

22 * **Sec. 34.** AS 24.60 is amended by adding a new section to read:

23 **Sec. 24.60.105. Deadlines for filing disclosures.** (a) When a legislator or
24 legislative employee is required to file a disclosure under this chapter and a date by
25 which the disclosure must be filed is not otherwise set by statute, the deadlines set out
26 in this section shall apply. For disclosure of a matter or an interest that began or was
27 acquired during the interim between regular legislative sessions, whether or not the
28 regular session is extended or there is a special session, or during the last 30 days of
29 a regular session, the legislator or legislative employee shall disclose the matter by
30 February 15. For disclosure of a matter or an interest that began or was acquired
31 during a regular legislative session, but not during the last 30 days of the regular

1 session, the disclosure must be made within 30 days after the commencement of the
2 interest or representation.

3 (b) Disclosures under the following statutes are subject to the deadlines set out
4 in this section:

5 (1) service on the board of an organization as set out in
6 AS 24.60.030(f);

7 (2) an interest in a state contract or lease under AS 24.60.040 and the
8 renegotiation of the terms of a state contract or lease that materially affect the
9 obligations of either party;

10 (3) participation in a state program or receipt of a state loan under
11 AS 24.60.050 and the renegotiation of the terms of the program or loan if the
12 renegotiation materially affects the obligations of either party;

13 (4) formation or maintenance of a close economic association under
14 AS 24.60.070;

15 (5) representation of a client under AS 24.60.100.

16 * Sec. 35. AS 24.60.130(f) is amended to read:

17 (f) The committee may contract for professional services and may employ staff
18 as it considers necessary. A committee employee, including a person who provides
19 personal services under a contract with the committee, may not be a legislator, an
20 elected or appointed official of a state or local governmental entity, an officer of a
21 political party, a candidate for public office, or a registered lobbyist. The legislative
22 council shall provide office space, equipment, and additional staff support for the
23 committee. The committee shall submit a budget for each fiscal year to the finance
24 committees of the legislature and shall annually submit an estimated budget to the
25 governor for information purposes in preparation of the state operating budget. Public
26 members of the committee serve without compensation for their services, but are
27 entitled to per diem and travel expenses authorized for boards and commissions
28 under AS 39.20.180.

29 * Sec. 36. AS 24.60.130(h) is amended to read:

30 (h) A member is disqualified from participating as a member in any
31 proceeding before the committee involving a complaint against the member or an

1 employee whose work is supervised by the member or an advisory opinion
2 requested by the member. If a regular legislative member of the committee is
3 disqualified under this subsection from participating in a proceeding involving a
4 complaint, an alternate shall be appointed under (o) of this section [THE
5 LEGISLATURE IS IN SESSION WHEN A LEGISLATIVE MEMBER IS
6 DISQUALIFIED UNDER THIS SUBSECTION, THE PRESIDING OFFICER OF
7 THAT MEMBER'S HOUSE SHALL, WITH THE CONCURRENCE BY ROLL
8 CALL VOTE OF TWO-THIRDS OF THE FULL MEMBERSHIP OF THAT HOUSE,
9 APPOINT ANOTHER MEMBER FROM THAT HOUSE TO ACT AS A MEMBER
10 OF THE COMMITTEE IN THE PROCEEDING. IF THE LEGISLATURE IS NOT
11 IN SESSION WHEN A LEGISLATIVE MEMBER IS DISQUALIFIED, THE
12 PRESIDING OFFICER OF THE HOUSE OF WHICH THE DISQUALIFIED
13 LEGISLATOR IS A MEMBER SHALL APPOINT ANOTHER MEMBER FROM
14 THAT HOUSE, WITH A RECORDED CONCURRENCE OF A MAJORITY VOTE
15 OF THE SUBCOMMITTEE OF THAT HOUSE, TO ACT AS A MEMBER OF THE
16 COMMITTEE IN THE PROCEEDING].

17 * Sec. 37. AS 24.60.130 is amended by adding a new subsection to read:

18 (o) When appointing members of the legislature to serve on the committee, the
19 speaker of the house or the president of the senate, as appropriate, shall appoint an
20 alternate member for each regular member. An alternate must have the same
21 qualifications as the regular member for whom the alternate stands as alternate and is
22 subject to confirmation as required for the regular member. If a regular legislative
23 member of the committee or a subcommittee is disqualified under (h) of this section
24 from serving on the committee or the subcommittee concerning a proceeding under
25 AS 24.60.170, the chair of the committee or a subcommittee shall designate the regular
26 member's alternate to serve in place of the regular member in the proceeding unless
27 the alternate is also disqualified from serving. The designation shall be treated as
28 confidential to the same extent that the identity of the subject of a complaint is
29 required to be kept confidential.

30 * Sec. 38. AS 24.60.134(a) is amended to read:

31 (a) Except as provided in (c) of this section, in [IN] addition to complying

1 with the other requirements of this chapter, a public member of the committee, an
 2 employee of the committee, or a person under contract to provide personal services to
 3 the committee may not, during the person's term of office or employment or
 4 during the life of the contract, participate in

5 (1) [PARTICIPATE IN] political management or in a political
 6 campaign for a candidate for election to federal, state, or local office, regardless
 7 of whether the campaign is partisan or nonpartisan, or for passage or defeat of
 8 a ballot measure of any type [DURING THE PERSON'S TERM OF OFFICE,
 9 EMPLOYMENT, OR CONTRACT];

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

12 (A) a candidate for the legislature;

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

15 (C) a person running for another office against an incumbent
 16 legislator or legislative employee; [OR]

17 (3) a fund-raising event held on behalf of a political party or attend
 18 a political party fund-raising event; or

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

22 * Sec. 39. AS 24.60.134 is amended by adding a new subsection to read:

23 (c) A person under contract to provide personal services to the committee who
 24 is part of a corporation or partnership that includes individuals who will not be
 25 participating directly in the work performed by the entity for the committee may
 26 request the committee to exclude members of the entity from some or all of the
 27 provisions of this section. The committee may grant the request if it finds that doing
 28 so will not lead to the appearance that the committee is subject to undue political
 29 influence and if there is no appearance of impropriety.

30 * Sec. 40. AS 24.60.160 is amended to read:

31 Sec. 24.60.160. Advisory opinions. (a) On the request of a person to

1 whom this chapter applies or who has been newly elected to the legislature, the
2 [THE] committee shall issue an advisory opinion within 60 [30] days [ON THE
3 REQUEST OF A PERSON TO WHOM THE CHAPTER APPLIES OR A PERSON
4 ELECTED TO THE LEGISLATURE WHO AT THE TIME OF ELECTION IS NOT
5 A MEMBER OF THE LEGISLATURE] as to whether the facts and circumstances of
6 a particular case constitute a violation of ethical standards. If it finds that it is
7 advisable to do so, the committee may issue an opinion under this section on the
8 request of a person who reasonably expects to become subject to this chapter
9 within the next 45 days. The 60-day [30-DAY] period for issuing an opinion may
10 be extended by the committee if the person requesting the opinion consents.

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

19 * Sec. 41. AS 24.60.170(a) is amended to read:

20 (a) The committee shall consider a complaint alleging a violation of this
21 chapter if the alleged violation occurred within five years before [OF] the date that the
22 complaint is filed with the committee and, when the subject of the complaint is a
23 former member of the legislature, the complaint is filed within one year after [OF] the
24 subject's departure from the legislature. The committee may not consider a complaint
25 filed against all members of the legislature, against all members of one house of
26 the legislature, or against a person employed by the legislative branch of government
27 after the person has terminated legislative service. However, the committee may
28 reinstitute proceedings concerning a complaint that was closed because a former
29 employee terminated legislative service or because a legislator left the legislature
30 if the former employee or legislator resumes legislative service, whether as an
31 employee or a legislator, within five years after the alleged violation. The

1 committee may also initiate complaints on its own motion, subject to the same time
2 limitations. The time limitations of this subsection do not bar proceedings against a
3 person who intentionally prevents discovery of a violation of this chapter.

4 * Sec. 42. AS 24.60.170(b) is amended to read:

5 (b) A complaint may be initiated by any person. The complaint must be in
6 writing and signed under oath by the person making the complaint and must contain
7 a statement that the complainant has reason to believe that a violation of this
8 chapter has occurred and describe any facts known to the complainant to support
9 that belief. The committee shall upon request provide a form for a complaint to a
10 person wishing to file a complaint. Upon receiving a complaint, the committee shall
11 advise the complainant that the committee or the subject of the complaint may
12 ask the complainant to testify at any stage of the proceeding as to the
13 complainant's belief that the subject of the complaint has violated this chapter.
14 The committee shall respond to a complaint concerning the conduct of a
15 candidate for election to state office received during the campaign period in
16 accordance with (o) of this section. The committee shall treat a complaint
17 concerning the conduct of a candidate for election to state office that is pending
18 at the beginning of a campaign period in accordance with (p) of this section. The
19 committee shall immediately provide a copy of the complaint to the person who is the
20 subject of the complaint.

21 * Sec. 43. AS 24.60.170(c) is amended to read:

22 (c) When the committee receives a complaint under (a) of this section, it may
23 assign the complaint to a staff person. The staff person shall conduct a
24 preliminary examination of the complaint and advise the committee whether the
25 allegations of the complaint, if true, constitute a violation of this chapter and
26 whether there is credible information to indicate that a further investigation and
27 proceeding is warranted. The staff recommendation shall be based on the
28 information and evidence contained in the complaint as supplemented by the
29 complainant and by the subject of the complaint, if requested to do so by the staff
30 member. The committee shall consider the recommendation of the staff member,
31 if any, and shall determine whether the allegations of the complaint, if true, constitute

1 a violation of this chapter. If the committee determines that the allegations, if proven,
2 would not give rise to a violation, that the complaint is frivolous on its face, that
3 there is insufficient credible information that can be uncovered to warrant further
4 investigation by the committee, or that [IF] the committee's lack of jurisdiction is
5 apparent on the face of the complaint, the committee shall dismiss the complaint [,]
6 and shall notify the complainant and the subject of the complaint of the dismissal.
7 The committee may ask the complainant to provide clarification or additional
8 information before it makes a decision under this subsection and may request
9 information concerning the matter from the subject of the complaint. Neither the
10 complainant nor the subject of a complaint is obligated to provide the
11 information. A proceeding conducted under this subsection, documents that are
12 part of a proceeding, and a dismissal under this subsection are confidential as
13 provided in (l) of this section unless the subject of the complaint waives
14 confidentiality as provided in that subsection.

15 * Sec. 44. AS 24.60.170(f) is amended to read:

16 (f) If the committee determines after investigation that there is not probable
17 cause to believe that the subject of the complaint has violated this chapter, the
18 committee shall dismiss the complaint. The committee may also dismiss portions of
19 a complaint if it finds no probable cause to believe that the subject of the complaint
20 has violated this chapter as alleged in those portions. The committee shall issue a
21 decision explaining its dismissal. Committee deliberations and vote on the
22 dismissal order and decision are not open to the public or to the subject of the
23 complaint. A copy of the dismissal order and decision shall be sent to the
24 complainant and to the subject of the complaint. Notwithstanding (l) of this section,
25 a dismissal order and decision is open to inspection and copying by the public.

26 * Sec. 45. AS 24.60.170(g) is amended to read:

27 (g) If the committee investigation determines that a probable violation of this
28 chapter exists that may be corrected by action of the subject of the complaint and that
29 does not warrant sanctions other than correction, the committee may issue an opinion
30 recommending corrective action. This opinion shall be provided to the complainant
31 and to the subject of the complaint, and is open to inspection by the public. The

1 subject of the complaint may comply with the opinion or may request a hearing before
2 the committee under (j) of this section. After the hearing, the committee may amend
3 or affirm the opinion. If the subject of the complaint agrees to comply with the
4 opinion but later fails to complete the corrective action in a timely manner, the
5 committee may formally charge the person as provided in (h) of this section or
6 may refer the matter to the appropriate house of the legislature, in the case of a
7 legislator, or, in the case of a legislative employee, to the employee's appointing
8 authority. The appropriate house of the legislature or the appointing authority,
9 as appropriate, may take action to enforce the corrective action or may decline
10 to take action and refer the matter to the committee. In either case, the
11 committee may formally charge the person under (h) of this section.

12 * Sec. 46. AS 24.60.170(h) is amended to read:

13 (h) If the subject of a complaint fails to comply with an opinion and the
14 committee decides [ISSUED] under (g) of this section to charge the person, or if the
15 committee determines after investigation that there is probable cause to believe that the
16 subject of the complaint has committed a violation of this chapter that may require
17 sanctions instead of or in addition to corrective action, the committee shall formally
18 charge the person. The charge shall be served on the person charged, in a manner
19 consistent with the service of summons under the rules of civil procedure, and a copy
20 of the charge shall be sent to the complainant. The person charged may file a
21 responsive pleading to the committee admitting or denying some or all of the
22 allegations of the charge.

23 * Sec. 47. AS 24.60.170(i) is amended to read:

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

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

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

31 (3) impose reasonable restrictions on the release of information that

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

9 * Sec. 48. AS 24.60.170(l) is amended to read:

10 (l) Proceedings of the committee relating to complaints before it are
11 confidential until the committee determines that there is probable cause to believe that
12 a violation of this chapter has occurred. The complaint and all documents produced
13 or disclosed as a result of the committee investigation are confidential and not subject
14 to inspection by the public. If in the course of an investigation or probable cause
15 determination the committee finds evidence of probable criminal activity, the
16 committee shall transmit a statement and factual findings limited to that activity to the
17 appropriate law enforcement agency. If the committee finds evidence of a probable
18 violation of AS 15.13, the committee shall transmit a statement to that effect and
19 factual findings limited to the probable violation to the Alaska Public Offices
20 Commission. All meetings of the committee before the determination of probable
21 cause are closed to the public and to legislators who are not members of the
22 committee. However, the committee may permit the subject of the complaint to
23 attend a meeting other than the deliberations on probable cause. The
24 confidentiality provisions of this subsection may be waived by the subject of the
25 complaint, except that the subject of the complaint may not waive the
26 confidentiality duty the committee owes to others and may not require the
27 committee to deliberate in public.

28 * Sec. 49. AS 24.60.170 is amended by adding new subsections to read:

29 (o) The committee shall return a complaint concerning the conduct of a
30 candidate for state office received during a campaign period to the complainant unless
31 the subject of the complaint permits the committee to assume jurisdiction under this

1 subsection. If the committee receives a complaint concerning the conduct of a
2 candidate during the campaign period, the committee shall immediately notify the
3 subject of the complaint of the receipt of the complaint, of the suspension of the
4 committee's jurisdiction during the campaign period, and of the candidate's right to
5 waive the suspension of jurisdiction under this subsection. The candidate may, within
6 11 days after the committee mails or otherwise sends notice of the complaint to the
7 candidate, notify the committee that the candidate chooses to have the committee
8 proceed with the complaint under this section. If the candidate does not act within that
9 time or if the candidate notifies the committee that the candidate is not waiving the
10 suspension of committee jurisdiction, the committee shall return the complaint to the
11 complainant with notice of the suspension of jurisdiction under this subsection and of
12 the right of the complainant to file the complaint after the end of the campaign period.

13 (p) When the committee has a complaint concerning the conduct of a candidate
14 for state office pending before it at the beginning of a campaign period that has not
15 resulted in the issuance of formal charges under (h) of this section, the committee may
16 proceed with its consideration of the complaint only to the extent that the committee's
17 actions are confidential under this section. The committee may not, during a campaign
18 period, issue a dismissal order or decision under (f) of this section, issue an opinion
19 under (g) of this section, or formally charge a person under (h) of this section. If the
20 committee has formally charged a person under (h) of this section and the charge is
21 still pending when a campaign period begins, the committee shall suspend any public
22 hearings on the matter until after the campaign period ends. The parties to the hearing
23 may continue with discovery during the campaign period. If a hearing has been
24 completed before the beginning of a campaign period but the committee has not yet
25 issued its decision, the committee may not issue the decision until after the end of the
26 campaign period. Notwithstanding the suspension of public proceedings provided for
27 in this subsection, a candidate who is the subject of a complaint may notify the
28 committee in writing that the candidate chooses to have the committee proceed with
29 the complaint under this section.

30 (q) A campaign period under this section begins on the later of 45 days before
31 a primary election in which the legislator or legislative employee is a candidate for

1 state office or the day on which the individual files as a candidate for state office and
2 ends at the close of election day for the general or special election in which the
3 individual is a candidate or on the day that the candidate withdraws from the election,
4 if earlier. For a candidate who loses in the primary election, the campaign period ends
5 on the day that results of the primary election showing that another individual won the
6 election are certified.

7 * **Sec. 50.** AS 24.60.174(a) is amended to read:

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

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

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

18 * **Sec. 51.** AS 24.60.174 is amended by adding a new subsection to read:

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

28 * **Sec. 52.** AS 24.60.176 is amended to read:

29 **Sec. 24.60.176. Recommendations where violator is a legislative employee.**

30 If the person found to have violated this chapter is or was a legislative employee, the
31 committee's recommendations shall be forwarded to the appropriate appointing

1 authority which shall, as soon as is reasonably possible, determine the sanctions, if
2 any, to be imposed. The appointing authority may not question the committee's
3 findings of fact. The appointing authority shall assume the validity of the committee's
4 findings [,] and determine and impose the appropriate sanctions. The appointing
5 authority has the power to impose a sanction recommended by the committee or
6 to impose a different sanction. The appointing authority shall enforce the
7 sanction and shall report to the committee at a time specified by the committee
8 concerning the employee's compliance with the sanction.

9 * Sec. 53. AS 24.60.176 is amended by adding a new subsection to read:

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

11 (1) the legislative council for employees of the Legislative Affairs
12 Agency and of the legislative council and for legislative employees not otherwise
13 covered under this subsection;

14 (2) the Legislative Budget and Audit Committee for the legislative
15 fiscal analyst and employees of the division of legislative finance, the legislative
16 auditor and employees of the division of legislative audit, and employees of the
17 Legislative Budget and Audit Committee;

18 (3) the appropriate finance committee for employees of the senate or
19 house finance committees;

20 (4) the appropriate rules committee for employees of standing
21 committees of the legislature, other than the finance committees, and employees of the
22 senate secretary's office and the office of the chief clerk of the house of
23 representatives;

24 (5) the legislator who made the hiring decision for employees of
25 individual legislators; however, the legislator may request the appropriate rules
26 committee to act in the legislator's stead;

27 (6) the ombudsman for employees of the office of the ombudsman,
28 other than the ombudsman;

29 (7) the legislature for the ombudsman.

30 * Sec. 54. AS 24.60 is amended by adding a new section to read:

31 Sec. 24.60.178. Recommended sanctions. (a) When the committee finds that

1 a person has violated this chapter, the committee may recommend appropriate
2 sanctions, including sanctions set out in (b) of this section.

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

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

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

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

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

13 (5) restitution of property or reimbursement of improperly received
14 benefits;

15 (6) public or private written reprimand;

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

20 (8) placing the person on probationary status;

21 (9) in the case of a legislator, expulsion from the house of the
22 legislature;

23 (10) any other appropriate measure.

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

28 * Sec. 55. AS 24.60.200 is amended to read:

29 Sec. 24.60.200. Financial disclosure by legislators, upper-level employees,
30 and public members of the committee [LEGISLATIVE DIRECTORS]. A
31 legislator, an upper-level employee, and a public member of the committee

1 [LEGISLATIVE DIRECTOR] shall file a disclosure statement, under oath and on
2 penalty of perjury, with the Alaska Public Offices Commission giving the following
3 information about the income received by the discloser, the discloser's spouse or
4 spousal equivalent, the discloser's [THEM, THEIR SPOUSES, THEIR] dependent
5 children, and the discloser's [THEIR] nondependent children who are living with the
6 discloser [THEM]:

7 (1) the information that a public official is required to report under
8 AS 39.50.030, other than information about gifts [EXCEPT THAT SOURCES OF
9 INCOME OTHER THAN GIFTS OF \$1,000 OR LESS, AND LOANS OF \$1,000 OR
10 LESS NEED NOT BE REPORTED];

11 (2) as to income in excess of \$1,000 received as compensation for
12 personal services, the name and address of the source of the income, and a statement
13 describing the nature of the services performed; if the source of income is known or
14 reasonably should be known to have a substantial interest in legislative, administrative,
15 or political action and the recipient of the income is a legislator or an upper-level
16 employee [A LEGISLATIVE DIRECTOR], the amount of income received from the
17 source shall be disclosed;

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

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

29 * Sec. 56. AS 24.60.210 is amended to read:

30 Sec. 24.60.210. **Deadlines for filing of disclosure statements.** A legislator
31 and an upper-level employee [A LEGISLATIVE DIRECTOR] shall file an annual

1 report with the Alaska Public Offices Commission, covering the previous calendar
2 year, containing the disclosures required by AS 24.60.200, on or before February
3 [APRIL] 15 of each year. However, an upper-level employee who was first
4 appointed to a position compensated at Range 19 or above on or after January
5 1 of the calendar year in which the report is to be filed is required to file the
6 report on or before the 60th day after the employee was hired into the position.

7 * Sec. 57. AS 24.60.240 is amended to read:

8 Sec. 24.60.240. Civil penalty for late filing. A legislator or an upper-level
9 employee [A LEGISLATIVE DIRECTOR] who fails to file a properly completed
10 report under AS 24.60.200 is subject to a civil penalty of not more than \$10 a day for
11 each day the delinquency continues as the Alaska Public Offices Commission
12 determines, subject to appeal to the superior court. An affidavit stating facts in
13 mitigation may be submitted to the Alaska Public Offices Commission by the person
14 against whom the civil penalty is assessed. However, the imposition of the penalties
15 prescribed in this section does not excuse the person from filing reports required by
16 AS 24.60.200.

17 * Sec. 58. AS 24.60.250 is amended to read:

18 Sec. 24.60.250. Effect of failure to file by legislative candidate or upper
19 level employee. In addition to the sanctions described in AS 24.60.260, if the Alaska
20 Public Offices Commission finds that a candidate for the legislature who is an
21 incumbent legislator [OR A LEGISLATIVE DIRECTOR] has failed or refused to file
22 a report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify
23 the lieutenant governor. The candidate shall forfeit nomination to office and may not
24 be seated in office. The lieutenant governor may not certify the person's nomination
25 for office or election to office, and nomination to the office shall be certified as
26 provided in AS 39.50.060(b). In addition to the sanctions described in
27 AS 24.60.260, if the Alaska Public Offices Commission finds that an upper-level
28 employee has failed or refused to file a report under AS 24.60.200 by a deadline
29 established in AS 24.60.210, it shall notify the appropriate committee of the
30 legislature. For the ombudsman and employees of the office of the ombudsman,
31 the appropriate committee is the Alaska Legislative Council. For upper-level

1 employees who are not employed by the Legislative Affairs Agency or the
2 Legislative Budget and Audit Committee, the commission shall notify the Rules
3 Committee of the appropriate legislative body.

4 * Sec. 59. AS 24.60.260(a) is amended to read:

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

12 * Sec. 60. AS 24.60.260 is amended by adding a new subsection to read:

13 (c) The committee may impose a fine on a person who files a disclosure after
14 a deadline set by this chapter. The amount of the fine imposed under this subsection
15 may not exceed \$2 for each day to a maximum of \$100 for each disclosure for a late
16 disclosure. However, if the committee finds that a late filing was inadvertent, the
17 maximum fine the committee may impose under this subsection is \$25.

18 * Sec. 61. AS 24.60.990(a)(5) is amended to read:

19 (5) "immediate family" means

20 (A) the spouse or spousal equivalent of the person; or

21 (B) 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. 62. AS 24.60.990(a) is amended by adding new paragraphs to read:

26 (15) "spousal equivalent" means a person who is cohabiting with
27 another person in a relationship that is like a marriage but that is not a legal marriage;

28 (16) "state office" includes the office of governor, lieutenant governor,
29 member of the legislature, or similar state office;

30 (17) "upper-level employee" means a legislative employee, other than
31 a legislator, who is compensated at Range 19 or above of the state salary schedule

1 under AS 39.27.011.

2 * Sec. 63. AS 39.25.070 is amended to read:

3 **Sec. 39.25.070. Powers and duties of personnel board.** In addition to the
4 other duties imposed by this chapter, the personnel board shall

5 (1) approve or disapprove amendments to the personnel rules in
6 accordance with AS 39.25.140;

7 (2) consider and act upon recommendations for the extension of the
8 partially exempt service and the classified service as provided in AS 39.25.130;

9 (3) hear and determine appeals by employees in the classified service
10 as provided in AS 39.25.170;

11 (4) establish its own rules of procedure; two members constitute a
12 quorum for the transaction of business and two affirmative votes are required for final
13 action on matters acted upon by the board;

14 (5) elect a chair [CHAIRMAN] from its membership;

15 (6) have the power to administer oaths, subpoena witnesses, and compel
16 the production of books and papers pertinent to a hearing authorized by this chapter;

17 (7) employ staff members, who shall be in the classified service;

18 (8) carry out its powers and duties under AS 39.52 [RETAIN
19 INDEPENDENT COUNSEL IN ACCORDANCE WITH AS 39.52.310(c);

20 (9) APPOINT, AND REVIEW THE FINDINGS, CONCLUSIONS,
21 AND RECOMMENDATIONS OF, HEARING OFFICERS IN ACCORDANCE WITH
22 AS 39.52.350(c), 39.52.360, AND 39.52.370;

23 (10) ISSUE FINDINGS, CONCLUSIONS, AND DECISIONS
24 REGARDING VIOLATIONS OF THE CODE OF ETHICS IN AS 39.52.110 -
25 39.52.190; AND

26 (11) IMPOSE THE PENALTIES DESCRIBED IN AS 39.52.410,
27 39.52.440, AND 39.52.450].

28 * Sec. 64. AS 39.25.160(e) is amended to read:

29 (e) An employee in the classified, [OR] partially exempt, or exempt service
30 who seeks nomination or becomes a candidate for state or national elective political
31 office shall immediately resign any position held in the state service. The employee's

1 position becomes vacant on the date the employee files a declaration of candidacy for
2 state or national elective office. This subsection does not apply to

3 (1) a justice, judges, magistrates, and employees of the judicial
4 branch, including employees of the judicial council;

5 (2) the governor or the lieutenant governor;

6 (3) a member of the legislature;

7 (4) an employee seeking election as a delegate to a constitutional
8 convention;

9 (5) officers and employees of the University of Alaska;

10 (6) certificated teachers and noncertificated employees employed
11 by a regional educational attendance area established and organized under
12 AS 14.08.031 - 14.08.041 to teach in, administer, or operate schools under the
13 control of a regional educational attendance area school board;

14 (7) certificated teachers employed by the Department of Education
15 as correspondence teachers, teachers in skill centers operated by the Department
16 of Education, or teachers at Mt. Edgecumbe School;

17 (8) members of boards and commissions and authorities if the
18 member is not entitled to compensation other than per diem and travel for service
19 on the board, commission, or authority;

20 (9) emergency fire-fighting personnel employed by the Department
21 of Natural Resources for a fire emergency or for fire prevention and related
22 activities conducted under AS 41.15.030;

23 (10) youth employed by the Department of Natural Resources
24 under the Youth Employment and Student Intern programs;

25 (11) students employed by the state institutions in which the
26 students are enrolled;

27 (12) persons engaged in employment or pre-employment training
28 programs operated by the Department of Military and Veterans' Affairs;

29 (13) a participant in the Alaska temporary assistance program
30 under AS 47.27 who holds a temporary position with the state in order to obtain
31 job training or experience.

1 * Sec. 65. AS 39.25.160 is amended by adding a new subsection to read:

2 (j) A state employee, whether in the classified, partially exempt, or exempt
3 service, may not campaign on behalf of a political candidate on government time.
4 This subsection does not prohibit the employees of the division of elections from
5 carrying out duties related to elections or the members and employees of the
6 commission on judicial conduct from carrying out duties relating to the evaluation of
7 justices and judges. This subsection does not apply to the governor and lieutenant
8 governor and members of the legislature.

9 * Sec. 66. AS 39.50.020 is amended to read:

10 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
11 official other than the governor or the lieutenant governor [JUDICIAL OFFICER,
12 COMMISSIONER, CHAIR OR MEMBER OF A STATE COMMISSION OR BOARD
13 SPECIFIED IN AS 39.50.200(b), A PERSON HIRED OR APPOINTED AS HEAD
14 OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A
15 DEPARTMENT IN THE EXECUTIVE BRANCH, A PERSON APPOINTED
16 AS ASSISTANT TO THE GOVERNOR, A STATE INVESTMENT OFFICER AND
17 THE STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, AND A
18 MUNICIPAL OFFICER] shall file a statement giving income sources and business
19 interests, under oath and on penalty of perjury, within 30 days after taking office as
20 a public official. Candidates for state elective office other than a candidate who is
21 subject to AS 24.60 shall file the [SUCH A] statement with the director of elections
22 at the time of filing a declaration of candidacy or a nominating petition [,] or
23 [WITHIN 30 DAYS OF] becoming a candidate by any other means. Candidates for
24 elective municipal office shall file the [SUCH A] statement at the time of filing a
25 nominating petition, declaration of candidacy, or other required filing for the elective
26 municipal office. Refusal or failure to file within the time prescribed shall require that
27 the candidate's filing fees, if any, and filing for office be refused or that a previously
28 accepted filing fee be returned and the candidate's name removed from the filing
29 records. A statement shall also be filed by public officials no later than March
30 [APRIL] 15 or 15 days after the person files a federal income tax return in each
31 following year, whichever comes first. Persons who are members of boards or

1 commissions not named in AS 39.50.200(b) are not required to file financial
2 statements.

3 (b) A public official other than an elected or appointed municipal officer
4 [THE GOVERNOR, LIEUTENANT GOVERNOR, JUDICIAL OFFICERS, EACH
5 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A
6 DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH,
7 ASSISTANT TO THE GOVERNOR, STATE INVESTMENT OFFICERS AND THE
8 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR
9 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER
10 THIS CHAPTER,] shall file the statement with the Alaska Public Offices Commission.
11 Candidates for the office of governor and lieutenant governor and, if the candidate is
12 not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or
13 15.25.180. Municipal officers, and candidates for elective municipal office, shall file
14 with the municipal clerk or other municipal official designated to receive their filing
15 for office. All statements required to be filed under this chapter are public records.

16 * Sec. 67. AS 39.50.030(a) is amended to read:

17 (a) Each statement must [SHALL] be an accurate representation of the
18 financial affairs of the public official or candidate and must [SHALL] contain the
19 same information for each member of the person's family, as specified in (b) and (d)
20 of this section, to the extent that it is ascertainable by the public official or candidate.
21 [AN ASSET OR LIABILITY UNDER \$500, HOUSEHOLD GOODS, AND
22 PERSONAL EFFECTS NEED NOT BE IDENTIFIED.]

23 * Sec. 68. AS 39.50.030(b) is amended to read:

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

26 (1) the source of all income over \$1,000 [\$100] during the preceding
27 calendar year, including taxable and nontaxable capital gains, received by the person,
28 the person's spouse or dependent child, or a nondependent child of the person who is
29 living with that person, except that a source of income that is a gift must be
30 included if the value of the gift exceeds \$250;

31 (2) the identity, by name and address, of each business in which the

1 person, the person's spouse or dependent child, or a nondependent child of the person
2 who is living with that person was a stockholder, owner, officer, director, partner,
3 proprietor, or employee during the preceding calendar year;

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

7 (4) the identity and nature of each interest in real property, including
8 an option to buy, owned at any time during the preceding calendar year 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;

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

16 (6) any loan or loan guarantee of more than \$1,000 made to the
17 person, the person's spouse or dependent child, or a nondependent child of the person
18 who is living with that person, and the identity of the maker of the loan or loan
19 guarantor and the identity of each creditor to whom the person, the person's spouse or
20 dependent child, or a nondependent child of the person who lives with that person
21 owed more than \$1,000; this paragraph requires disclosure of a loan, loan
22 guarantee, or indebtedness only if the loan or guarantee was made, or the
23 indebtedness incurred, during the preceding calendar year, or if the amount still
24 owing on the loan, loan guarantee, or indebtedness was more than \$1,000 at any
25 time during the preceding calendar year [\$500 OR MORE];

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

1 a controlling interest; and

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

9 * **Sec. 69.** AS 39.50.030 is amended by adding new subsections to read:

10 (d) In addition to the requirements of (b) of this section, each statement filed
11 under this chapter by a public official in the executive branch of state government
12 other than the chair or a member of a state commission or board must include a
13 disclosure of the formation or maintenance of a close economic association involving
14 a substantial financial matter as required by this subsection. The disclosure must be
15 sufficiently detailed so that a reader can ascertain the nature of the association. A
16 public official shall disclose a close economic association with

17 (1) a legislator;

18 (2) a public official who is not an elected or appointed municipal
19 officer;

20 (3) a lobbyist; or

21 (4) a public officer if the person required to make the disclosure is the
22 governor or the lieutenant governor.

23 (e) If a public official required to disclose a close economic association under
24 (d) of this section forms a close economic association after the date on which the
25 public official files the financial disclosure statement required by (a) of this section,
26 disclosure of the association must be made to the commission within 60 days after the
27 formation of the association.

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

1 the lobbyist's employer. The public official shall report changes in the employers of
2 the spouse or spousal equivalent within 48 hours after the change. In this subsection,
3 "employer of the lobbyist" means the person from whom the lobbyist received money,
4 or goods or services having a monetary value, for engaging in lobbying on behalf of
5 the person.

6 (g) In this section,

7 (1) "close economic association" means a financial relationship that
8 exists between a public official required to disclose a close economic association under
9 (d) of this section and some other person or entity, including a relationship where the
10 public official serves as a consultant or advisor to, is a member or representative of,
11 or has a financial interest in an association, partnership, business, or corporation;

12 (2) "lobbyist" has the meaning given in AS 24.60.990(a);

13 (3) "public officer" has the meaning given in AS 39.52.960;

14 (4) "spousal equivalent" means a person who is cohabiting with another
15 person in a relationship that is like a marriage but that is not a legal marriage.

16 * Sec. 70. AS 39.50.070 is amended to read:

17 Sec. 39.50.070. Failure to report by certain public officials
18 [DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT HEADS]. A public
19 official [PERSON HIRED OR APPOINTED AS THE HEAD OR DEPUTY HEAD
20 OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT] in the executive
21 branch of state government, other than the governor or lieutenant governor or a
22 chair or member of a state board or commission, who refuses or fails to file a
23 report of financial interests required under this chapter when due may not hold office,
24 and the person's name may not be submitted to the legislature for confirmation, until
25 the person complies. The person may not be confirmed, hired, or appointed, and the
26 person forfeits and may not be paid any salary, per diem, or travel expenses, until the
27 person complies. If, after installation in office or beginning employment in the
28 position [AS THE HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A
29 DIVISION WITHIN, A DEPARTMENT], the person refuses or fails to file the
30 required statement when due, the person is guilty of a misdemeanor and upon
31 conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and

1 shall be removed from office if compliance is not made within 30 days after the due
2 date of the report.

3 * Sec. 71. AS 39.50.200(a)(8) is amended to read:

4 (8) "public official" means

5 (A) a judicial officer;

6 (B) [,] the governor or [,] the lieutenant governor;

7 (C) [,] a person hired or appointed in [AS THE HEAD OR
8 DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION,] a department in the
9 executive branch as

10 (i) the head or deputy head of the department;

11 (ii) the director or deputy director of a division;

12 (iii) a special assistant to the head of the department;

13 (iv) a person serving as the legislative liaison for the

14 department;

15 (D) a person hired as [,] an employee in the office of
16 [ASSISTANT TO] the governor or the office of the lieutenant governor
17 other than

18 (i) a clerical, security, messenger, or maintenance
19 employee, or other employee in the office of the governor or the
20 office of the lieutenant governor whom the personnel board
21 designates because the employee is not employed in an executive or
22 professional capacity or as an administrator and does not exercise
23 discretion over policy matters;

24 (ii) an employee of the State Commission for Human
25 Rights, including the director;

26 (iii) an employee of the office of equal employment
27 opportunity; however, the director of the office is a public official;

28 (iv) an employee of the division of elections; however,
29 the director of the division is a public official;

30 (v) an employee of the Alaska Human Resource
31 Investment Council, including the director;

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(vi) an employee of the Alaska Human Relations

Commission, including the director:

(E) the [,] chair or a member of a state commission or board;

(F) [,] state investment officers and the state comptroller in the Department of Revenue;

(G) [,] the executive director of the Alaska Tourism Marketing Council;

(H) the chief procurement officer appointed under AS 36.30.010; and

(I) [, AND] each appointed or elected municipal officer;

* Sec. 72. AS 39.52.010(a) is amended to read:

(a) It is declared that

(1) [THAT] high moral and ethical standards among public officers in the executive branch are essential to assure the trust, respect, and confidence of the people of this state; [TO THE CONDUCT OF FREE GOVERNMENT; AND]

(2) [THAT THE LEGISLATURE BELIEVES THAT] a code of ethics for the guidance of public officers will

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

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

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

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

(4) a fair and open government requires that executive branch public officers conduct the public's business in a manner that preserves the integrity of the governmental process and avoids conflicts of interest;

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

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

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

9 * Sec. 73. AS 39.52.120(b) is amended to read:

10 (b) A public officer may not

11 (1) seek other employment or contracts through the use or attempted
 12 use of official position;

13 (2) accept, receive, or solicit compensation for the performance of
 14 official duties or responsibilities from a person other than the state;

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

17 (4) take or withhold official action in order to affect a matter in which
 18 the public officer has a personal or financial interest; or

19 (5) attempt to benefit a personal or financial interest through coercion
 20 of a subordinate or require another public officer to perform services for the
 21 private benefit of the public officer at any time;

22 (6) use or authorize the use of state funds, facilities, equipment,
 23 services, or another government asset or resource for partisan political purposes;
 24 this paragraph does not prohibit use of the governor's residence for meetings to
 25 discuss political strategy and does not prohibit use of the communications
 26 equipment in the governor's residence so long as there is no special charge to the
 27 state for the use; in this paragraph, "for partisan political purposes"

28 (A) means having the intent to differentially benefit or harm

29 a

30 (i) candidate or potential candidate for elective office;

31 or

1 (ii) political party or group:

2 (B) but does not include having the intent to benefit the
3 public interest at large through the normal performance of official duties.

4 * Sec. 74. AS 39.52.120 is amended by adding new subsections to read:

5 (d) Except for travel to the capital city, the governor or the lieutenant governor
6 may not travel at state expense to a place in which the official plans to hold a
7 campaign fund raising event if the travel occurs less than 48 hours before the event
8 is scheduled to begin. This subsection does not prohibit the governor or the lieutenant
9 governor from holding a campaign fund raising event in a place to which the official
10 traveled at state expense if the

11 (1) travel to the place is completed at least 48 hours before the event
12 was scheduled to begin; or

13 (2) official made a trip at state expense to a place, returned from that
14 place, and then, within 48 hours, made a second trip to the place and the cost of the
15 second trip was not paid for at state expense.

16 (e) In (d) of this section, an event is considered to be a campaign fund raising
17 event only if the governor or lieutenant governor, or another person acting on behalf
18 of the governor or lieutenant governor with the express or implied permission of the
19 governor or lieutenant governor,

20 (1) asks for contributions for the governor's or lieutenant governor's
21 campaign at the event;

22 (2) announces that the governor or lieutenant governor will accept
23 contributions for the campaign at the event; or

24 (3) otherwise uses the event in a manner that clearly demonstrates that
25 a primary purpose of the event is to raise contributions for the governor's or lieutenant
26 governor's campaign; the fact that the governor or lieutenant governor received
27 campaign contributions at an event is insufficient, without other evidence, to satisfy
28 the proof required by this paragraph.

29 (f) In this section, when determining whether a public officer is considered to
30 be performing a task on government time, the attorney general and personnel board
31 shall consider the public officer's work schedule as set by the public officer's

1 immediate supervisor, if any. A public officer other than the governor and lieutenant
2 governor who, during the work days, engages in political campaign activities other
3 than minor, inconsequential, and unavoidable campaign activities shall take approved
4 leave for the period of campaigning.

5 * Sec. 75. AS 39.52.130(b) is amended to read:

6 (b) Notice of the receipt by a public officer of a gift with a value in excess of
7 \$150 [\$50], including the name of the giver and a description of the gift and its
8 approximate value, must be provided to the designated supervisor within 30 days after
9 the date of its receipt

10 (1) if the public officer may take or withhold official action that affects
11 the giver; or

12 (2) if the gift is connected to the public officer's governmental
13 status.

14 * Sec. 76. AS 39.52.130 is amended by adding new subsections to read:

15 (e) A public officer who, on behalf of the state, accepts a gift from another
16 government or from an official of another government shall, within 60 days after its
17 receipt, notify the Office of the Governor in writing. The Office of the Governor shall
18 determine the appropriate disposition of the gift. In this subsection, "another
19 government" means a foreign government or the government of the United States,
20 another state, a municipality, or another jurisdiction.

21 (f) A public officer who knows or reasonably ought to know that a family
22 member has received a gift because of the family member's connection with the public
23 office held by the public officer shall report the receipt of the gift by the family
24 member to the public officer's designated supervisor if the gift would have to be
25 reported under this section if it had been received by the public officer or if receipt of
26 the gift by a public officer would be prohibited under this section.

27 * Sec. 77. AS 39.52.170 is amended by adding a new subsection to read:

28 (c) The head of a principal executive department of the state may not accept
29 employment for compensation outside the agency that the executive head serves.

30 * Sec. 78. AS 39.52.180 is amended by adding a new subsection to read:

31 (d) A former governor, lieutenant governor, or head of a principal department

1 in the executive branch may not engage in activity as a lobbyist under AS 24.45 for
2 a period of one year after leaving service as the governor, lieutenant governor, or
3 department head, as appropriate. This subsection does not prohibit service as a
4 volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as
5 defined under regulations of the Alaska Public Offices Commission.

6 * Sec. 79. AS 39.52.210(a) is amended to read:

7 (a) A public employee who is involved in a matter that may result in a
8 violation of AS 39.52.110 - 39.52.190 shall

9 (1) refrain from taking any official action relating to the matter until
10 a determination is made under this section; and

11 (2) immediately disclose the matter in writing to the designated
12 supervisor **and the attorney general.**

13 * Sec. 80. AS 39.52.210(b) is amended to read:

14 (b) A public employee's designated supervisor shall make a written
15 determination whether an employee's involvement violates AS 39.52.110 - 39.52.190
16 **and shall provide a copy of the written determination to the public employee and**
17 **to the attorney general.** If the supervisor determines that a violation could exist or
18 will occur, the supervisor shall,

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

20 or

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

23 * Sec. 81. AS 39.52.220(a) is amended to read:

24 (a) A member of a board or commission who is involved in a matter that may
25 result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the public
26 record and in writing to the designated supervisor **and to the attorney general.** The
27 supervisor shall determine whether the member's involvement violates AS 39.52.110 -
28 39.52.190 **and shall provide a copy of the written determination to the board or**
29 **commission member and to the attorney general.** If a member of the board or
30 commission objects to the ruling of the supervisor, or if the supervisor discloses an
31 involvement requiring a determination, the members present at a meeting, excluding

1 the involved member, shall vote on the matter. If the supervisor or a majority of the
2 members voting determine that a violation will exist if the member continues to
3 participate, the member shall refrain from voting, deliberating, or participating in the
4 matter.

5 * **Sec. 82.** AS 39.52.230 is amended to read:

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

13 * **Sec. 83.** AS 39.52.260 is amended by adding a new subsection to read:

14 (d) The attorney general shall submit to the personnel board a copy of the
15 quarterly reports received from designated supervisors under (a) of this section together
16 with a report on the attorney general's review conducted under (b) of this section.

17 * **Sec. 84.** AS 39.52 is amended by adding a new section to article 3 to read:

18 **Sec. 39.52.270. Disclosure statements.** (a) A public officer required to file
19 a disclosure statement under this chapter shall meet the requirements of this subsection
20 in making the disclosure. When the public officer files a disclosure statement under
21 this chapter, the public officer signing the disclosure shall certify that, to the best of
22 the public officer's knowledge, the statement is true, correct, and complete. The
23 disclosure must state that, in addition to any other penalty or punishment that may
24 apply, a person who submits a false statement that the person does not believe to be
25 true is punishable under AS 11.56.200 - 11.56.240.

26 (b) A designated supervisor who receives a disclosure statement under
27 A 39.52.110 - 39.52.220 shall review it. If the designated supervisor believes that
28 there is a possibility that the activity or situation reported in a disclosure statement
29 filed under AS 39.52.110 - 39.52.190 may result in a violation of this chapter, the
30 designated supervisor shall take appropriate steps under AS 39.52.210 - 39.52.240.
31 Failure of the designated supervisor to proceed under AS 39.52.210 - 39.52.240 does

1 not relieve the public officer of the public officer's obligations under those statutes.

2 (c) In this section, "disclosure statement" means a report or written notice filed
3 under AS 39.52.110 - 39.52.220.

4 * Sec. 85. AS 39.52.310(a) is amended to read:

5 (a) The attorney general may initiate a complaint, or elect to treat as a
6 complaint, any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or
7 39.52.260. The attorney general may not, during a campaign period, initiate a
8 complaint concerning the conduct of the governor or lieutenant governor who is
9 a candidate for election to state office.

10 * Sec. 86. AS 39.52.310(c) is amended to read:

11 (c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the
12 governor, lieutenant governor, or the attorney general, the matter shall be referred to
13 the personnel board. The personnel board shall return a complaint concerning the
14 conduct of the governor or lieutenant governor who is a candidate for election to
15 state office as provided in (j) of this section if the complaint is initiated during a
16 campaign period. The personnel board shall retain independent counsel who shall act
17 in the place of the attorney general under (d) - (i) of this section, AS 39.52.320 -
18 39.52.350, and 39.52.360(c) and (d). Notwithstanding AS 36.30.015(d), the
19 personnel board may contract for or hire independent counsel under this
20 subsection without notifying or securing the approval of the Department of Law.

21 * Sec. 87. AS 39.52.310 is amended by adding new subsections to read:

22 (j) The personnel board shall return a complaint concerning the conduct of the
23 governor or lieutenant governor who is a candidate for state office received during a
24 campaign period to the complainant unless the governor or lieutenant governor, as
25 appropriate, permits the personnel board to assume jurisdiction under this subsection.
26 If the personnel board receives a complaint concerning the conduct of the governor or
27 lieutenant governor who is a candidate during the campaign period, the personnel
28 board shall immediately notify the subject of the complaint of the receipt of the
29 complaint, of the suspension of the personnel board's jurisdiction during the campaign
30 period, and of the candidate's right to waive the suspension of jurisdiction under this
31 subsection. The candidate may, within 11 days after the personnel board mails or

1 otherwise sends notice of the complaint to the candidate, notify the personnel board
2 that the candidate chooses to have the personnel board proceed with the complaint
3 under this section. If the candidate does not act within that time or if the candidate
4 notifies the personnel board that the candidate is not waiving the suspension of
5 jurisdiction, the personnel board shall return the complaint to the complainant with
6 notice of the suspension of jurisdiction under this subsection and of the right of the
7 complainant to file the complaint after the end of the campaign period.

8 (k) A campaign period under this section begins on the later of 45 days before
9 a primary election in which the governor or lieutenant governor is a candidate for state
10 office or the day on which the individual files as a candidate for state office and ends
11 at the close of election day for the general or special election in which the individual
12 is a candidate or on the day that the candidate withdraws from the election, if earlier.
13 For a candidate who loses in the primary election, the campaign period ends on the
14 day that results of the primary election showing that another individual won the
15 election are certified.

16 * **Sec. 88.** AS 39.52.320 is amended to read:

17 **Sec. 39.52.320. Dismissal before formal proceedings.** If, after investigation,
18 it appears that there is no probable cause to believe that a violation of this chapter has
19 occurred, the attorney general shall dismiss the complaint [AND PREPARE AND
20 FILE A CONFIDENTIAL SUMMARY WITH THE PERSONNEL BOARD]. The
21 attorney general shall communicate disposition of the matter promptly to the
22 complainant under AS 39.52.335(c) and to the subject of the complaint.

23 * **Sec. 89.** AS 39.52 is amended by adding a new section to read:

24 **Sec. 39.52.335. Summary of disposition of complaints and review by**
25 **personnel board.** (a) When the attorney general initiates or receives a complaint
26 under AS 39.52.310, the attorney general shall immediately forward a copy of the
27 complaint to the personnel board.

28 (b) Each month, the attorney general shall file a report with the personnel
29 board concerning the status of each pending complaint and the resolution of
30 complaints that have been closed since the previous report.

31 (c) If a complaint is dismissed under AS 39.52.320 or resolved under

1 AS 39.52.330, the attorney general shall promptly prepare a summary of the matter
2 and provide a copy of the summary to the personnel board and the complainant. The
3 summary is confidential unless the

4 (1) dismissal or resolution agreed to under AS 39.52.320 or 39.52.330
5 is public; or

6 (2) superior court makes the matter public under (h) of this section.

7 (d) Within 15 days after receipt of a summary under this section, a
8 complainant may file comments with the personnel board regarding the disposition of
9 the complaint.

10 (e) At its next regular meeting that begins more than 15 days after receipt of
11 a summary under this section, the personnel board shall review the summary and
12 comments, if any, filed by the complainant. The personnel board may compel the
13 attendance of the subject of the complaint or the complainant at the meeting and may
14 compel the production of documents. Attendance may be by teleconference. The
15 attorney general or the attorney general's designee shall be available to respond to
16 questions from the personnel board concerning the disposition of the complaint.

17 (f) After review of the summary, the personnel board may issue a report on
18 the disposition of the complaint. If the matter is confidential and the board determines
19 that publication of the name of the subject is in the public interest, the report may
20 include a recommendation that the matter be made public.

21 (g) If the summary is confidential under (c) of this section,

22 (1) comments filed by the complainant, if any, are confidential;

23 (2) the personnel board shall conduct the review of the summary in
24 executive session; and

25 (3) the personnel board report, if any, is confidential; the personnel
26 board shall make available to the public an expurgated copy of a confidential report
27 with sufficient deletions and editing to prevent disclosure of the identity of the persons
28 involved in the matter.

29 (h) If the disposition of a complaint is not made public and the personnel
30 board report under (f) of this section includes a recommendation that the matter be
31 made public, an interested party may file an action against the state in superior court

1 requesting that the court make public the complaint, the attorney general's disposition
2 of the complaint, and the personnel board report. The court may order the matter or
3 portions of the matter made public if the court determines that

4 (1) the dismissal or resolution of the complaint was clearly contrary to
5 the requirements of this chapter;

6 (2) one or more of the allegations in the information to be released is
7 supported by substantial evidence;

8 (3) the matter concerns the public interest; and

9 (4) release of the information will not infringe on any protected rights
10 or liberties of the subject.

11 * Sec. 90. AS 39.52.340(a) is amended to read:

12 (a) Except as provided in AS 39.52.335, before [BEFORE] the initiation of
13 formal proceedings under AS 39.52.350, the complaint and all other documents and
14 information regarding an investigation conducted under this chapter [,] or obtained by
15 the attorney general during the investigation are [, IS] confidential and not subject
16 to inspection by the public. In the case of a complaint concerning the governor,
17 lieutenant governor, or attorney general, all meetings of the personnel board
18 concerning the complaint and investigation before the determination of probable
19 cause are closed to the public. If, in the course of an investigation or probable
20 cause determination, the attorney general finds evidence of probable criminal
21 activity, the attorney general shall transmit a statement and factual findings
22 limited to that activity to the appropriate law enforcement agency. If the attorney
23 general finds evidence of a probable violation of AS 15.13, the attorney general
24 shall transmit a statement to that effect and factual findings limited to the
25 probable violation to the Alaska Public Offices Commission. The attorney general
26 and all persons contacted during the course of an investigation shall maintain
27 confidentiality regarding the existence of the investigation. [A PERSON WHO
28 VIOLATES THIS SECTION IS GUILTY OF A CLASS A MISDEMEANOR.]

29 * Sec. 91. AS 39.52.960(11) is amended to read:

30 (11) "immediate family member" means

31 (A) the spouse of the person;

- 1 (B) another person cohabiting with the person in a conjugal
- 2 relationship that is not a legal marriage;
- 3 (C) a child, including a stepchild and an adoptive child, of
- 4 the person;
- 5 (D) a parent, sibling, grandparent, aunt, or uncle of the
- 6 person; and
- 7 (E) a parent or sibling of the person's spouse [A PUBLIC
- 8 OFFICER'S SPOUSE, A RELATION BY BLOOD WITHIN AND
- 9 INCLUDING THE SECOND DEGREE OF KINDRED, AND A REGULAR
- 10 MEMBER OF THE OFFICER'S HOUSEHOLD];

11 * Sec. 92. AS 24.60.990(a)(9) is repealed.

12 * Sec. 93. PROVISIONS MADE SPECIFICALLY APPLICABLE TO INCUMBENT
13 LEGISLATORS. Notwithstanding any other provision of AS 15.13, the provisions of
14 AS 15.13.116(d), added by sec. 5 of this Act, apply to authorize a legislator holding office
15 in the legislature during the First Regular Session of the Twentieth Alaska State Legislature
16 who, under sec. 32, ch. 48, SLA 1996, retains unused campaign contributions in the
17 candidate's election campaign account, to transfer to a public office expense term account as
18 permitted under AS 15.13.116(d), enacted by sec. 5 of this Act. All amounts expended under
19 this section shall be annually accounted for under AS 15.13.110(a)(4).

20 * Sec. 94. Sections 4, 5, and 93 of this Act are retroactive to December 31, 1996.

21 * Sec. 95. Sections 1, 2, 4, 5, 93, and 94 of this Act take effect immediately under
22 AS 01.10.070(c).

23 * Sec. 96. Sections 3 and 6 - 92 of this Act take effect January 1, 1999.

DRAFT

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HCS CSSB 105 (STA)

Revision Date (Note if correction) _____ Dept. Affected Law
 Title An Act relating to legislative and executive branch BRU Civil
 ethics Component Commercial Section
 Sponsor Senate Rules
 Requester House State Affairs Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	5.0	5.0	5.0	5.0	5.0	5.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	5.0	5.0	5.0	5.0	5.0	5.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	5.0	5.0	5.0	5.0	5.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	5.0	5.0	5.0	5.0	5.0	5.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HCS CSSB 105(STA) concerns campaign finance, APOC reporting, legislative ethics, and executive ethics. Its fiscal impact on the Department of Law stems largely from the amendments to the Executive Branch Ethics Act, AS 39.52, which is administered by the Department. Although several sections of the bill will require increased attorney time—for example, in enforcement, training, and attending Personnel Board meetings, the Department will manage these increases in attorney time without seeking an increased appropriation.

HCS CSSB 105(STA), however, also greatly increases the reporting functions of the Department. Under this bill, the Department will now receive self-reports of potential violations, and the designated supervisor's response to the reports. Sections 79, 80, & 81. The Department will also now receive reports of potential violations from third parties. Section 82. Section 83 gives the Department has a new duty to submit copies of quarterly reports to the Personnel Board. Section

Prepared by Joan Kasson Phone 465-3600
 Division Attorney General's Office Date 4/21/98
 Approved by Commissioner Bruce M. Botelho, Attorney General Date _____
 Agency Department of Law

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DRAFT

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HCS CSSB 105(STA)

ANALYSIS CONTINUATION

89 requires the Department to forward complaints to the Personnel Board and prepare a monthly status report of outstanding complaints for the Personnel Board to Review.

Current reporting duties under the Ethics Act are not performed by attorneys, but are assigned to a paraprofessional in the department. A paralegal can perform these duties more efficiently and at much less cost than an attorney. HCS CSSB 105(STA) will significantly increase the reporting duties of the department, but there are no general funds available to pay a paralegal for these tasks.

We estimate that increased reporting duties will require approximately 5.8 hours of paralegal time per month. Paralegal time currently costs the department \$71.94 per hour. This translates into a fiscal note of \$5,000 per year. First-year costs will be significantly greater due to the requirement of training and creation of new forms. Given that the bill does not become effective until the middle of the fiscal year, however, a \$5,000 fiscal note for FY99 should cover paralegal start-up expenses.

Adopted

0-LS0074\Q.1

Cramer
4/20/98

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 105(). Draft Version "Q"

1 Page 3, line 17:

2 Delete "to any candidate later than the 45th day"

3 Insert "to any candidate after the earlier of December 31 of the year of the election

4 or the 60th [LATER THAN THE 45TH] day"

5 Page 4, line 13:

6 Delete "AS 15.13.116(a)(9)"

7 Insert "AS 15.13.116(a)(8) [AS 15.13.116(a)(9)]"

8 Page 4, line 14:

9 Delete "AS 15.13.116(a)(10)"

10 Insert "AS 15.13.116(a)(9) [AS 15.13.116(a)(10)]"

11 Page 4, line 22, following "the campaign,":

12 Insert "including a victory or thank you party and thank you gifts to campaign

13 employees and volunteers."

14 Page 4, lines 25 - 26:

15 Delete

16 "(2) pay for a victory or a thank you party costing less than \$500, or
17 to give a thank you gift of a value of less than \$50 to a campaign employee or
18 volunteer;"

19 Insert

20 "(2) [PAY FOR A VICTORY OR A THANK YOU PARTY

0-LS0074\Q.1

1 COSTING LESS THAN \$500, OR TO GIVE A THANK YOU GIFT OF A VALUE
2 OF LESS THAN \$50 TO A CAMPAIGN EMPLOYEE OR VOLUNTEER;"

3 Page 4, line 27:

4 Delete "(3)"

5 Insert "(3)"]"

6 Page 5, line 1:

7 Delete "(4)"

8 Insert "(3) [(4)]"

9 Page 5, line 4:

10 Delete "(5)"

11 Insert "(4) [(5)]"

12 Page 5, line 6:

13 Delete "(6)"

14 Insert "(5) [(6)]"

15 Page 5, line 12:

16 Delete "(7)"

17 Insert "(6) [(7)]"

18 Page 5, line 16:

19 Delete "(8)"

20 Insert "(7) [(8)]"

21 Page 5, line 26:

22 Delete "(9)"

23 Insert "(8) [(9)]"

24 Page 6, line 10:

1 Delete "(10)"

2 Insert "(9) [(10)]"

3 Page 7, line 3:

4 Delete "(2), (5), or (7) - (10)"

5 Insert "(4), or (6) - (9)"

6 Page 10, line 2:

7 Delete "an upper-level employee [A LEGISLATIVE DIRECTOR]"

8 Insert "a legislative director"

9 Page 19, line 25:

10 Delete "February 15"

11 Insert "March 15"

12 Page 22, line 30:

13 Delete "February 15"

14 Insert "March 15"

15 Page 26, lines 16 - 18:

16 Delete "A person who requested an opinion, including a legislator, may not
17 require admittance to an executive session of the committee when it is deliberating
18 concerning the advisory opinion,"

*Failed 4-2
9/2/98 for delete*

19 Page 26, line 21:

20 Delete "five"

21 Insert "two [FIVE]"

22 Page 26, line 31:

23 Delete "five"

24 Insert "two"

0-1.S0074Q.1

1 Page 33, line 21, following "finance committees.":

2 Insert "employees of house records and senate records."

3 Page 34, line 29, through page 35, line 1:

4 Delete "financial disclosure by legislators, upper-level employees, and public
5 members of the committee [LEGISLATIVE DIRECTORS]. A legislator, an upper-level
6 employee, and a public member of the committee [LEGISLATIVE DIRECTOR]"

7 Insert "Financial disclosure by legislators, public members of the committee, and
8 legislative directors. A legislator, a public member of the committee, and a legislative
9 director"

10 Page 35, lines 15 - 16:

11 Delete "an upper-level employee [A LEGISLATIVE DIRECTOR]"

12 Insert "a legislative director"

13 Page 35, line 30, through page 36, line 16:

14 Delete all material and insert a new section to read:

15 "Sec. 24.60.210. Deadlines for filing of disclosure statements. A legislator
16 and a legislative director shall file an annual report with the Alaska Public Offices
17 Commission, covering the previous calendar year, containing the disclosures required
18 by AS 24.60.200, on or before March 15 [APRIL 15] of each year."

19 Renumber the following bill sections accordingly.

20 Page 36, lines 18 - 19:

21 Delete "upper level employee"

22 Insert "legislative director"

23 Page 36, lines 27 - 28:

24 Delete "an upper level employee"

25 Insert "a legislative director"

0-LS0074\Q.1

1 Page 36, line 29, through page 37, line 3:

2 Delete "the appropriate committee of the legislature. For the ombudsman and
3 employees of the office of the ombudsman, the appropriate committee is the Alaska
4 Legislative Council. For upper-level employees who are not employed by the Legislative
5 Affairs Agency or the Legislative Budget and Audit Committee, the commission shall
6 notify the Rules Committee of the appropriate legislative body."

7 Insert "the Alaska Legislative Council or the Legislative Budget and Audit
8 Committee, as appropriate. For the ombudsman, the Alaska Legislative Council shall
9 be notified."

10 Page 37, line 29:

11 Delete ":"

12 Insert ","

13 Page 37, line 30, through page 38, line 1:

14 Delete all material.

15 Page 39, line 2, following "":

16 Insert "This subsection applies to employees in the exempt service, except those
17 listed below, notwithstanding AS 39.25.110."

18 Renumber internal references to bill sections in accordance with this amendment. Below are
19 all internal bill section references in this bill:

20 Page 56, line 14

21 Page 56, line 18

22 Page 56, line 20

23 Page 56, line 21

24 Page 56, line 23

STATE OF ALASKA
ROUTE SLIP

TO: Mail Station	Department	Division
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Attention *House State Affairs Comm*

- | | |
|--|---|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return as Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return for Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> For Your Information |

Remarks:

*Tues 4/21
8 a.m.*

FR 0300 Law Civil Division
By Chrystal Smith Date

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HCS CSSB 105 (STA)

Revision Date (Note if correction) _____	Dept. Affected <u>Law</u>
Title <u>An Act relating to legislative and executive branch ethics . . .</u>	BRU <u>Civil</u>
Sponsor <u>Senate Rules</u>	Component <u>Commercial Section</u>
Requester <u>House State Affairs</u>	Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	5.0	5.0	5.0	5.0	5.0	5.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	5.0	5.0	5.0	5.0	5.0	5.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	5.0	5.0	5.0	5.0	5.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	5.0	5.0	5.0	5.0	5.0	5.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

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

HCS CSSB 105(STA) concerns campaign finance, APOC reporting, legislative ethics, and executive ethics. Its fiscal impact on the Department of Law stems largely from the amendments to the Executive Branch Ethics Act, AS 39.52, which is administered by the Department. Although several sections of the bill will require increased attorney time—for example, in enforcement, training, and attending Personnel Board meetings, the Department will manage these increases in attorney time without seeking an increased appropriation.

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Prepared by <u>Joan Kasson</u>	Phone <u>465-3600</u>
Division <u>Attorney General's Office</u>	Date <u>4/21/98</u>
Approved by Commissioner <u>Bruce M. Botelho</u> , Attorney General	Date _____
Agency <u>Department of Law</u>	

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HCS CSSB 105(STA)

ANALYSIS CONTINUATION

89 requires the Department to forward complaints to the Personnel Board and prepare a monthly status report of outstanding complaints for the Personnel Board to Review.

Current reporting duties under the Ethics Act are not performed by attorneys, but are assigned to a paraprofessional in the department. A paralegal can perform these duties more efficiently and at much less cost than an attorney. HCS CSSB 105(STA) will significantly increase the reporting duties of the department, but there are no general funds available to pay a paralegal for these tasks.

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FISCAL NOTE

1. 6

Bill Version: CSSB105(F.M)

(S) Publish Date: 4/16/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date:	Dept. Affected: <u>Department of Law</u>
Title: <u>"An Act relating to legislative and executive branch ethics; relating to the conduct of lobbyists . . ."</u>	BRU: <u>Civil Division</u>
Sponsor: <u>Senate Rules Committee</u>	Component: <u>General Legal Services</u>
Requester: <u>Senate Finance Committee</u>	COMPONENT SERIAL NO. <u>2087</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSSB 105 (STA) makes numerous amendments to the legislative and executive branch ethics acts, expands the reporting requirements of lobbyists, requires exempt and partially exempt state employees above range 19 to file reports under the conflict of interest statutes (AS 39.50), and makes a conforming amendment to the definition of "public official" for employment security statutes. In amending the executive branch ethics act, the bill transfers certain responsibilities for enforcing the act from the Attorney General to the Personnel Board. The Attorney General retains prosecutorial authority in formal proceedings before the Board, and responsibility for enforcing the Board's decisions. CSSB 105 (STA) also adds new prohibitions, new reporting requirements, new disclosures, and expands list of persons affected by the act.

This bill will have no fiscal impact on the Department of Law. When the Executive Ethics Act was passed in 1986, the legislature did not provide funding to the Department of Law to perform its new responsibilities. Consequently, the department has largely relied on ethics supervisors in the appropriate state agencies to

Prepared by: Joan M. Kasson
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-5370
 Date: 4/9/97
 Date: 4/9/97

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ANALYSIS CONTINUATION:

perform investigations; where possible, charged other agencies through interagency agreements for work performed under the act on their behalf; and when necessary to undertake the department's duties with scarce general funds, performed them at the expense of other work.

The Department of Law retains responsibility for certain functions under the State Affairs Committee Substitute including prosecuting ethics violations before the Board, seeking civil and criminal penalties, where appropriate, and as a practical matter, continuing to provide informal advice on the Ethics Act to agencies as well. The department hopes to continue to largely rely on interagency agreements to fund these activities.

FISCAL NOTE

No. 5

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO.

Bill Version: CSSB 105(FINAL)
(S) Publish Date: 4/16/97

Revision Date: _____
Title: Legislative Ethics Code Reform
Sponsor: Senate Rules Committee
Requestor: Senate Finance Committee

Department Affected: Labor
BRU: Employment Security
Component: Employment/Unemployment Services
COMPONENT SERIAL NO. 1807

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
----------------	--	--	--	--	--	--

CHANGE IN REVENUE FUND SOURCE #						
--	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ None

ANALYSIS: The bill amends standards and establishes new standards in three major areas: AS 24.60, governing legislative standards of conduct, the conflict of interest provisions in AS 39.50, and the Executive Branch Ethics Act in AS 39.52.

No fiscal impact is anticipated.

Prepared by: Rebecca Nance, Director Phone: 465-2711
Division: Employment Security Division Date: 4/4/97

Approved by Commissioner: Tom Cashen, Commissioner
Agency: Department of Labor Date: 4/4/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 4
Bill Version: CS SB 105(FIN)
(S) Publish Date: 4/16/97

Revision Date: _____
Title: "An Act relating to legislative ethics..."
Sponsor: (S) Rules by Request of Legislative Ethics
Requestor: (S) FIN

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	43.1	71.6	76.1	76.1	76.1	76.1
TRAVEL	2.2	2.2	2.2	2.2	2.2	2.2
CONTRACTUAL	7.4	7.4	7.4	7.4	7.4	7.4
SUPPLIES	1.6	1.6	1.6	1.6	1.6	1.6
EQUIPMENT	4.6					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	58.9	82.8	87.3	87.3	87.3	87.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	58.9	82.8	87.3	87.3	87.3	87.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	58.9	82.8	87.3	87.3	87.3	87.3

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared by: Karen Boorman
Division: Alaska Public Offices Commission

Phone: 276-4176
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 4/1/97

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSSB 105(STA) #11

1997 LEGISLATIVE SESSION

ANALYSIS: (continued)

Partially Exempt and Exempt Executive Branch Employees Range 19 and over must file Conflict of Interest Statements (COI). Legislative Employees Range 19 and over must file Legislative Financial Disclosure Statements (LFD). State Officials must file a disclosures of close economic association.

There are several parts of this bill which would impact the Alaska Public Offices Commission. Section 55, amending AS 24.60.990(a), and Section 63, amending AS 39.50.200(a), require that legislative employees and state employees compensated at Range 19 and above or at more than \$4200 a month file personal financial disclosure statements. Section 72, adding AS 39.52.155 requires that all state employees who file personal financial disclosure statements also file disclosures of close economic association with the APOC.

Currently, the Commission receives about 800 personal financial disclosure statements from all state filers including 65 from legislators and legislative directors. Approximately 1200 municipal officials file municipal financial disclosure statements.

Under the proposed changes to AS 24.60 an additional 192 legislative employees, Range 19 and above, plus 10% turnover per year and an estimated 50% turnover every two years would be required to file annual Legislative Financial Disclosure (LFD) Reports. An additional 658 state employees plus 10% annual turnover would be required to file annual Conflict of Interest (COI) Statements under AS 39.50. In addition, under AS 39.52, up to 1488 state employees would be required to file annual disclosures of close economic association and update them within sixty days of forming new close economic associations.

Current staffing to advise and train filers, provide manuals and forms, review completed statements, assess penalties and report to the Commission is provided by one Paralegal Assistant. At current staffing levels, review of many municipal filings is not possible and review of state filings is delayed. The addition of these new legislative employee and state employee filers more than doubles the number of individuals filing personal financial disclosure statements.

These provisions will take effect midway through FY 98, on January 1, 1998. The first major filing deadlines for filers under the new requirements would be 30 days after appointment or notification for state employees and 60 days after appointment for legislative employees. Over the following six months, approximately 725 new COI Interest Statements and 212 new LFD Reports would be due. This would require extensive education of all new filers. Additional manuals and forms would be necessary to provide immediate help. To provide long term guidance and enforcement, the Commission would engage in civil penalty assessments, advisory opinions and adjudication of complaints. Up to 1488 state official filers would have to file "disclosures of close economic association" with APOC and their designated ethics supervisor. APOC would make these available to the public.

Additional staff is needed to support these changes. An Administrative Clerk III Range 10 would be responsible for processing filed statements as well as accurate and prompt input of data. This person would assist in evaluating Conflict of Interest and Legislative Financial Disclosure Statements to determine their accuracy, obtain more information from filers whose statements are inaccurate, and provide information to the public about filers' Statements. This would be a seven month position the first year, twelve months thereafter.

A nine month full time seasonal Paralegal Assistant, Range 13, is needed to deal with the increase in Conflict of Interest and Legislative Financial Disclosure filers. This seasonal position would be active from December to August when filing demands are the greatest. This seasonal paralegal would compare and examine reports, interpret statutes and regulations, draft informal advice and proposed advisory opinions, and prepare civil penalty recommendations and orders for approval by the Commission. This would be a six month position the first year.

Additional funds are requested for travel and training of new legislative filers in Juneau and new state employee filers in Juneau and Fairbanks. Equipment costs in FY98 cover two filing cabinets, two telephones and installation of lines, a computer and its installation. Contractual and supply costs cover printing and mailing of new manuals, forms and other necessary correspondence for FY98 and subsequent years.

FISCAL NOTE

No. 3
 Bill Version: CSB 105 (STA)
 (S) Publish Date: 3/26/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Administration
 Title: An Act relating to legislative and executive
branch ethics, . . . BRU: Personnel
 Component: Personnel
 Sponsor: Sen. Rules Comm. by Req. of Select Comm. on Leg Ethics
 Requestor: Senate State Affairs Committee COMPONENT SERIAL NO. 56

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	116.3	236.9	236.9	236.9	236.9	236.9
TRAVEL	7.5	15.0	15.0	15.0	15.0	15.0
CONTRACTUAL	7.6	15.2	15.2	15.2	15.2	15.2
SUPPLIES	.8	1.6	1.6	1.6	1.6	1.6
EQUIPMENT	19.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	151.2	268.7	268.7	268.7	268.7	268.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	152.2	268.7	268.7	268.7	268.7	268.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	152.2	268.7	268.7	268.7	268.7	268.7

Estimate of any current year (FY 97) cost: \$0.0

POSITIONS:

FULL-TIME	4	4	4	4	4	4
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) This analysis is based on the draft amendments identified as O-LS0074\B.2 by Cramer, 3/18/97. Bill Section numbers may not match the numbers in the final committee substitute.

Sections 64-102 of the draft amendments amend the Executive Branch Ethics Act. Additional prohibitions are added, additional reported is required, more people are covered under certain provisions, and much work is transferred from the attorney general to the Personnel Board. These changes in workload are summarized as follows:

Section 67. New prohibitions added. New requirement for review by the Personnel Board of certain political mass mailings. New disclosures to the Personnel Board added.

Section 68. Additional persons can request guidance concerning whether acceptance of a particular gift is prohibited. The work is transferred from the attorney general to the Personnel Board.

Prepared by: Beverly Reaume *Beverly Reaume* Phone: 465-4429
 Division: Division of Personnel Date: _____

Approved by Commissioner: Mark Boyer *Mark Boyer*
 Agency: Department of Administration Date: 3/24/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS SB105 (SA) 23

ANALYSIS: (continued)

Section 69. New prohibitions added. New reporting to the Personnel Board added. New requirement for guidance by the Personnel Board on recognized, nonpolitical charitable organizations. New reporting requirement on inheritances. New requirement for the Personnel Board to approve training programs for gifts of volunteer services.

Section 70. New prohibitions added.

Section 71. Duplicate reporting (to Personnel Board) of personal or financial interests in grants, contract, or loans.

Section 72. New disclosure requirements added.

Section 73. New prohibitions added. Duplicate reporting to the Personnel Board added.

Section 74. New prohibition added.

Sections 75-77. New restrictions added on post separation employment.

Section 78. Duplicate reporting to the Personnel Board added. Additional persons can request guidance on whether a public employee's participation in a matter would violate the Executive Branch Ethics Act. The work is transferred from the attorney general to the Personnel Board.

Section 79. Duplicate reporting to the Personnel Board added. Additional persons can request guidance on whether a member of a board or commission's participation in a matter would violate the Executive Branch Ethics Act. The work is transferred from the attorney general to the Personnel Board.

Section 80. Providing Personnel Board with copy of report of potential violation added.

Section 81, 84, 85, 86. Responsibility to issue interpretative opinions transferred to the Personnel Board. Additional persons can request opinions.

Sections 82. Option of oral advice transferred to Personnel Board.

Section 87. Receipt, review, and public summary of reports of designated supervisors transferred from the attorney general to the Personnel Board.

Section 88. Authority to initiate a complaint transferred from the attorney general to the Personnel Board.

Section 89. Executive Branch Ethics Act complaints to be filed with the Personnel Board instead of the attorney general.

Section 90. Responsibility to investigate a complaint against the governor, lieutenant governor, or attorney general transferred from independent counsel to the Personnel Board.

Section 91. Responsibility to review Executive Branch Ethics Act complaints for completeness and threshold allegations transferred from the attorney general to the Personnel Board.

Section 92. Option of referring a complaint to a designated supervisor transferred from the attorney general to the Personnel Board.

Section 93. Service of a complaint transferred from the attorney general to the Personnel Board.

Section 94. Responsibility for investigation of a compliant with authority to issue a subpoena transferred from the attorney general to the Personnel Board.

Section 95. Authority to dismiss a compliant for lack of probable cause transferred from the attorney general to the Personnel Board.

Section 96. Authority to direct corrective action without hearing transferred from the attorney general to the Personnel Board.

Section 97. Responsibility for maintaining confidentiality during an investigation transferred from the attorney general to the Personnel Board.

Section 98. Authority to initiate formal action on a finding of probable cause transferred from the attorney general to the Personnel Board.

Section 99. Authority to review and approve agency policies on conflicts of interest transferred from the attorney general to the Personnel Board.

Section 100. Regulation adoption authority transferred from the attorney general to the Personnel Board. Additional regulation authority added.

Section 101. Definition of "immediate family member" rewritten. The current records of Department of Law lose their precedential value.

Section 102. Definition of "state official" added to include more positions subject to reporting.

We estimate the need for four positions and associated costs for the Personnel Board to carry out these new requirements. The Personnel Board is authorized to employ staff members by AS 39.25.070(7). One position would be an attorney who would do the legal research and drafting of advice as directed by the Personnel Board. A paralegal position would be responsible for assisting in the legal research and ensuring that all noticing requirements are properly completed. A clerical position would be responsible for the maintenance of the physical files. An investigator will conduct all the investigations, both to determine if a complaint, if true, would constitute a violation and to determine if a violation did indeed occur.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS SB105 (SA) #3

We estimate the need for the Personnel Board to meet on a monthly basis under the changes proposed here. Two of three meetings could probably be conducted by teleconference. A quarterly meeting in person would be required. Estimated public notice expenses and travel expenses are included.

Since a January 1, 1998, effective date is proposed (Section 54 of SB 105), the FY 98 costs are estimated for one-half year. Costs for FY 99 and beyond are estimated full year costs.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 2
 BILL VERSION: SB105
 PUBLISH DATE: (S) Publish Date: 3/26/97

Revision Date: _____
 Title: "An Act relating to legislative ethics; relating to the filing of disclosures by certain legislative...
 Sponsor: Senate Rules Committee
 Requestor: Senate State Affairs

Department Affected: Legislative Affairs Agency
 BRU: All
 Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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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						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director Phone: 465-3852
 Division: Administrative Services Date: 3/10/97

Approved By: Pamela A. Varni, Executive Director Date: 3/10/97
 Agency: Legislative Affairs Agency

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

0-LS0074\P'
Cramer
4/9/98

HOUSE CS FOR CS FOR SENATE BILL NO. 105()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative and executive branch ethics; relating to campaign
2 finances for candidates for state or municipal office; relating to the conduct and
3 regulation of lobbyists with respect to public officials; relating to the filing of
4 disclosures by certain state employees and officials; making a conforming
5 amendment to the definition of 'public official' for employment security statutes;
6 and providing for an effective date."

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

8 * Section 1. AS 15.13.072(d) is amended to read:

9 (d) A candidate or an individual who has filed with the commission the
10 document necessary to permit that individual to incur election-related expenses under
11 AS 15.13.100 for election or reelection to the state legislature may not solicit or
12 accept a contribution while [IF] the legislature is convened in a regular or special
13 legislative session unless [, AND] the solicitation or acceptance occurs during the

1 90 days immediately preceding an election in which the candidate or individual is
2 a candidate [MEMBER OF THE LEGISLATURE, OR EMPLOYED AS A MEMBER
3 OF THE LEGISLATOR'S STAFF OR AS A MEMBER OF THE STAFF OF A
4 LEGISLATIVE COMMITTEE].

5 * Sec. 2. AS 15.13.074(c) is amended to read:

6 (c) A person or group may not make a contribution

7 (1) to a candidate for governor or lieutenant governor or an individual
8 who files with the commission the document necessary to permit that individual to
9 incur certain election-related expenses as authorized by AS 15.13.100 for governor or
10 lieutenant governor, [WHEN THE OFFICE IS TO BE FILLED AT A GENERAL
11 ELECTION,] before the later of the following dates:

12 (A) the date the individual

13 (i) becomes a candidate; or

14 (ii) files with the commission the document necessary
15 to permit the individual to incur certain election-related expenses
16 as authorized by AS 15.13.100; or

17 (B) January 1 of the year of the [GENERAL] election when the
18 office is to be filled at a general election or the date of the proclamation
19 when the office is to be filled at a special election:

20 (2) to a candidate for the state legislature or an individual who files
21 with the commission the document necessary to permit that individual to incur certain
22 election-related expenses as authorized by AS 15.13.100 for the state legislature [,
23 WHEN THE OFFICE IS TO BE FILLED AT A GENERAL ELECTION,] while the
24 legislature is convened in a [ITS] regular or special legislative session, unless the
25 contribution is made during the 90 days immediately preceding an election in
26 which the candidate or individual is a candidate, or [AND] before the later of the
27 following dates:

28 (A) the date the individual

29 (i) becomes a candidate; or

30 (ii) files with the commission the document necessary
31 to permit the individual to incur certain election-related expenses as

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authorized by AS 15.13.100; or

(B) January 1 of the year of the [GENERAL] election;

(3) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a [SPECIAL ELECTION OR] municipal election before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100;

(B) the date that is nine months before the date of the [GENERAL OR REGULAR] municipal election [OR THAT IS BEFORE THE DATE OF THE PROCLAMATION OF THE SPECIAL ELECTION AT WHICH THE CANDIDATE OR INDIVIDUAL SEEKS ELECTION TO PUBLIC OFFICE]; or

(4) to any candidate later than the 45th day

(A) after the date of a primary election if the candidate

(i) has been nominated at the primary election or is running as a write-in candidate; and

(ii) is not opposed at the general election;

(B) after the date of the primary election if the candidate was not nominated at the primary election; or

(C) after the date of the general election, or after the date of a municipal or municipal runoff election, if the candidate was opposed at the general, municipal, or municipal runoff election.

* Sec. 3. AS 15.13.110(a) is amended to read:

(a) Each candidate and group shall make a full report in accordance with AS 15.13.040 for the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. If the report is a first report, it shall cover the period from the beginning of the campaign to the date

1 three days before the due date of the report. If the report is a report due February 15,
2 it shall cover the period beginning on the last day covered by the most recent previous
3 report or on the day that the campaign started, whichever is later, and ending on
4 December 31 of the prior year. The report shall be filed

5 (1) 30 days before the election; however, this report is not required if
6 the deadline for filing a nominating petition or declaration of candidacy is within 30
7 days of the election;

8 (2) one week before the election;

9 (3) 10 days after the election; and

10 (4) February 15 for expenditures made and contributions received that
11 were not reported during the previous year, including, if applicable, all amounts
12 expended from a public [LEGISLATIVE] office expense term account established
13 under AS 15.13.116(a)(9) and all amounts expended from a municipal office account
14 under AS 15.13.116(a)(10), or when expenditures were not made or contributions were
15 not received during the previous year.

16 * Sec. 4. AS 15.13.116(a) is amended to read:

17 (a) A candidate who, after the date of the general, special, municipal, or
18 municipal runoff election or after the date the candidate withdraws as a candidate,
19 whichever comes first, holds unused campaign contributions shall distribute the amount
20 held within 90 days. The distribution may only be made to

21 (1) pay bills incurred for expenditures reasonably related to the
22 campaign and the winding up of the affairs of the campaign, and to pay expenditures
23 associated with post-election fund raising that may be needed to raise funds to pay off
24 campaign debts;

25 (2) pay for a victory or a thank you party costing less than \$500, or to
26 give a thank you gift of a value of less than \$50 to a campaign employee or volunteer;

27 (3) make donations, without condition, to

28 (A) a political party;

29 (B) the state's general fund;

30 (C) a municipality of the state; or

31 (D) the federal government;

1 (4) make donations, without condition, to organizations qualified as
2 charitable organizations under 26 U.S.C. 501(c)(3), provided the organization is not
3 controlled by the candidate or a member of the candidate's immediate family;

4 (5) repay loans from the candidate to the candidate's own campaign
5 under AS 15.13.078(b);

6 (6) repay contributions to contributors, but only if repayment of the
7 contribution is made pro rata in approximate proportion to the contributions made
8 using one of the following, as the candidate determines:

9 (A) to all contributors;

10 (B) to contributors who have contributed most recently; or

11 (C) to contributors who have made larger contributions;

12 (7) establish a fund for, and from that fund to pay, attorney fees or
13 costs incurred in the prosecution or defense of an administrative or civil judicial action
14 that directly concerns a challenge to the victory or defeat of the candidate in the
15 election;

16 (8) transfer all or a portion of the unused campaign contributions to an
17 account for a future election campaign; a transfer under this paragraph is limited to

18 (A) \$50,000, if the transfer is made by a candidate for governor
19 or lieutenant governor;

20 (B) \$10,000, if the transfer is made by a candidate for the state
21 senate;

22 (C) \$5,000, if the transfer is made by a candidate for the state
23 house of representatives; and

24 (D) \$5,000, if the transfer is made by a candidate for an office
25 not described in (A) - (C) of this paragraph;

26 (9) transfer all or a portion of the unused campaign contributions to a
27 public [LEGISLATIVE] office expense term account or to a public office expense
28 term account reserve in accordance with (d) of this section; a transfer under this
29 paragraph is subject to the following:

30 (A) the authority to transfer is limited to candidates who are
31 elected to the state legislature;

1 (B) the public [LEGISLATIVE] office expense term account
2 established under this paragraph may be used only for expenses associated with
3 the candidate's serving as a member of the legislature;

4 (C) all amounts expended from the public [LEGISLATIVE]
5 office expense term account shall be annually accounted for under
6 AS 15.13.110(a)(4); and

7 (D) a transfer under this paragraph is limited to \$5,000
8 multiplied by the number of years in the term to which the candidate is elected;
9 and

10 (10) transfer all or a portion of the unused campaign contributions to
11 a municipal office account; a transfer under this paragraph is subject to the following:

12 (A) the authority to transfer is limited to candidates who are
13 elected to municipal office, including a municipal school board;

14 (B) the municipal office account established under this
15 paragraph may be used only for expenses associated with the candidate's
16 serving as mayor or as a member of the assembly, city council, or school
17 board;

18 (C) all amounts expended from the municipal office account
19 shall be annually accounted for under AS 15.13.110(a)(4); and

20 (D) a transfer under this paragraph is limited to \$5,000.

21 * Sec. 5. AS 15.13.116 is amended by adding a new subsection to read:

22 (d) After a general or special election, a candidate for the state legislature who
23 has been elected to the state legislature in that election may, from the amount retained
24 in the public office expense term account reserve under this subsection, transfer to a
25 public office expense term account not more than \$5,000 each calendar year for use
26 only for expenses associated with the candidate's serving as a member of the
27 legislature. A candidate for the senate may transfer up to \$20,000 from unused
28 campaign contributions to a public office expense term account reserve. A candidate
29 for the house of representatives may transfer up to \$10,000 from unused campaign
30 contributions to a public office expense term account reserve. The public office
31 expense term account reserve may only be used to make transfers to the public office

1 expense term account. At the end of the candidate's term of office, a balance in the
2 public office expense term account reserve must be disposed of as provided in (a) of
3 this section but may not be disposed of as provided in (a)(1), (2), (5), or (7) - (10) of
4 this section. All amounts expended under this subsection shall be annually accounted
5 for under AS 15.13.110(a)(4).

6 * Sec. 6. AS 23.20.526(d) is amended to read:

7 (d) For the purposes of AS 23.20.525(a)(4) - (6) and (14), the term
8 "employment" does not apply to service performed

9 (1) by a duly ordained, commissioned, or licensed minister of a church
10 in the exercise of the person's ministry or by a member of a religious order in the
11 exercise of duties required by the order;

12 (2) in a facility conducted for the purpose of carrying out a program
13 of rehabilitation for individuals whose earning capacity is impaired by age or physical
14 or mental deficiency or injury or providing remunerative work for individuals who,
15 because of their impaired physical or mental capacity, cannot be readily absorbed in
16 the competitive labor market by an individual receiving the rehabilitation or
17 remunerative work;

18 (3) as part of an unemployment work-relief or work-training program
19 assisted or financed in whole or in part by any federal agency or any agency of a state
20 or political subdivision of the state, by an individual receiving work relief or work
21 training;

22 (4) for a state hospital by an inmate of a prison or correctional
23 institution;

24 (5) in the employ of a school, college, or university [,] if the service
25 is performed by a student who is enrolled and is regularly attending classes at the
26 school, college, or university;

27 (6) by an individual under the age of 22 who is enrolled at a nonprofit
28 or public educational institution that [WHICH] normally maintains a regular faculty
29 and curriculum and normally has a regularly organized body of students in attendance
30 at the place where its educational activities are carried on as a student in a full-time
31 program, taken for credit at the institution, that [WHICH] combines academic

1 instruction with work experience, if the service is an integral part of the program, and
2 the institution has so certified to the employer, except that this paragraph does not
3 apply to service performed in a program established for or on behalf of an employer
4 or group of employers;

5 (7) in the employ of a hospital, if the service is performed by a patient
6 of the hospital, as defined in AS 23.20.520;

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

9 (A) as a judicial officer, the governor, the lieutenant
10 governor, a person hired or appointed as the head or deputy head of a
11 department in the executive branch, a person hired or appointed as the
12 director of a division of a department in the executive branch, an assistant
13 to the governor, a chair or member of a state commission or board, state
14 investment officers and the state comptroller in the Department of
15 Revenue, the executive director of the Alaska Tourism Marketing Council,
16 an appointed or elected municipal officer ["PUBLIC OFFICIAL"
17 AS DEFINED IN AS 39.50.200(a)], any other elected official, the fiscal analyst
18 of the legislative finance division, the legislative auditor of the legislative audit
19 division, the executive director of the Legislative Affairs Agency, and the
20 directors of the divisions within the Legislative Affairs Agency;

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

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

25 (9) in the employ of

26 (A) a church or a convention or association of churches; or

27 (B) an organization that [WHICH] is operated primarily for
28 religious purposes and that [WHICH] is operated, supervised, controlled, or
29 principally supported by a church or a convention or association of churches.

30 * Sec. 7. AS 24.25.010(e) is amended to read:

31 (e) This section does not apply to the legislative council, the Select

1 Committee on Legislative Ethics. or [NOR TO] the Legislative Budget and Audit
2 Committee.

3 * Sec. 8. AS 24.45.041(b) is amended to read:

4 The registration form prescribed by the commission must include

5 (1) the lobbyist's full name and complete permanent residence and
6 business address and telephone number, as well as any temporary residential and
7 business address and telephone number in the state capital during a legislative session;

8 (2) the full name and complete address of each person by whom the
9 lobbyist is retained or employed;

10 (3) whether the person from whom the lobbyist receives compensation
11 employs the person solely as a lobbyist or whether the person is a regular employee
12 performing other services for the employer that [WHICH] include but are not limited
13 to the influencing of legislative or administrative action;

14 (4) the nature or form of the lobbyist's compensation for engaging in
15 lobbying, including salary, fees, or reimbursement for expenses received in
16 consideration for, or directly in support of or in connection with, the influencing of
17 legislative or administrative action;

18 (5) a general description of the subjects or matters on which the
19 registrant expects to lobby or to engage in the influencing of legislative or
20 administrative action;

21 (6) the full name and complete address of the person, if other than the
22 registrant, who has custody of the accounts, books, papers, bills, receipts, and other
23 documents required to be maintained under this chapter;

24 (7) the identification of a legislator, legislative employee, or public
25 official to whom the lobbyist is married or who is the spousal equivalent of the
26 lobbyist: in this paragraph, "spousal equivalent" has the meaning given in
27 AS 39.50.030(g).

28 * Sec. 9. AS 24.45.171(12) is amended to read:

29 (12) "public official" or "public officer" means

30 (A) a public official as defined in AS 39.50.200(a) but does not
31 include a judicial officer or an elected or appointed municipal officer;

1 (B) [,] a member of the legislature; [,] or

2 (C) an upper-level employee [A LEGISLATIVE DIRECTOR]

3 as defined in AS 24.60.990(a) [; HOWEVER, IT DOES NOT INCLUDE A

4 JUDICIAL OFFICER OR AN ELECTED OR APPOINTED MUNICIPAL

5 OFFICER].

6 * Sec. 10. AS 24.60.030(a) is amended to read:

7 (a) A legislator or legislative employee may not

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

12 (2) use public funds, facilities, equipment, services, or another
13 government asset or resource for a nonlegislative [NONGOVERNMENTAL] purpose,
14 for involvement in or support of or opposition to partisan political activity, or for
15 the private benefit of either the legislator, legislative employee, or another person; this
16 paragraph does not prohibit

17 (A) limited use of state property and resources for personal
18 purposes if the use does not interfere with the performance of public duties and
19 either the cost or value related to the use is nominal or the legislator or
20 legislative employee reimburses the state for the cost of the 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 that does not carry a special
25 charge;

26 (D) the legislative council, notwithstanding AS 24.05.190,
27 from designating a public facility for use by legislators and legislative
28 employees for health or fitness purposes; when the council designates a
29 facility to be used by legislators and legislative employees for health or
30 fitness purposes, it shall adopt guidelines governing access to and use of
31 the facility; the guidelines may establish times in which use of the facility

1 is limited to specific groups; or

2 (E) a legislator from using the legislator's private office in
3 the capital city during a legislative session, and for the five days
4 immediately before and the five days immediately after a legislative
5 session, for nongovernmental purposes if the use does not interfere with
6 the performance of public duties and if there is no cost to the state for the
7 use of the space and equipment, other than utility costs and minimal wear
8 and tear, or the legislator promptly reimburses the state for the cost; an
9 office is considered a legislator's private office under this subparagraph if
10 it is the primary space in the capital city reserved for use by the legislator,
11 whether or not it is shared with others;

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

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

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

25 (A) limited use of state property and resources for personal
26 purposes if the use does not interfere with the performance of public duties and
27 either the cost or value related to the use is nominal or the legislator or
28 legislative employee reimburses the state for the cost of the use;

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

1 (C) telephone or facsimile use that does not carry a special
2 charge;

3 (D) storing or maintaining, consistent with (b) of this
4 section, election campaign records in a legislator's office; or

5 (E) a legislator from using the legislator's private office in
6 the capital city during a legislative session, and for the five days
7 immediately before and the five days immediately after a legislative
8 session, for nongovernmental purposes if the use does not interfere with
9 the performance of public duties and if there is no cost to the state for the
10 use of the space and equipment, other than utility costs and minimal wear
11 and tear, or the legislator promptly reimburses the state for the cost; an
12 office is considered a legislator's private office under this subparagraph if
13 it is the primary space in the capital city reserved for use by the legislator,
14 whether or not it is shared with others.

15 * Sec. 11. AS 24.60.030(c) is repealed and reenacted to read:

16 (c) Unless approved by the committee, during a campaign period for an
17 election in which the legislator or legislative employee is a candidate, a legislator or
18 legislative employee may not use or permit another to use state funds, other than funds
19 to which the legislator is entitled under AS 24.10.110, to print or distribute a political
20 mass mailing to individuals eligible to vote for the candidate. In this subsection,

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

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

26 (B) ends the day after the cooperative election, municipal
27 election, or general or special election;

28 (2) a mass mailing is considered to be political if it is from or about
29 a legislator, legislative employee, or another person who is a candidate for election or
30 reelection to the legislature or another federal, state, or municipal office or to the board
31 of an electric or telephone cooperative.

1 * Sec. 12. AS 24.60.030(d) is amended to read:

2 (d) A legislator, legislative employee, or another person on behalf of the
3 legislator or legislative employee, or a campaign committee of the legislator or
4 legislative employee, may not distribute or post campaign literature, placards, posters,
5 fund-raising notices, or other communications intended to influence the election of
6 a candidate in an election in public areas in a facility ordinarily used to conduct state
7 government business. This prohibition applies whether or not the election has been
8 concluded. However, a legislator may post, in the legislator's private office,
9 communications related to an election that has been concluded.

10 * Sec. 13. AS 24.60.030(f) is amended to read:

11 (f) A legislative employee may not serve in a position that requires
12 confirmation by the legislature. A legislator or legislative employee may serve on a
13 board of an organization, including a governmental entity, that regularly has a
14 substantial interest in the legislative activities of the legislator or employee [,] if the
15 legislator or employee discloses the board membership to the committee. A legislator
16 or legislative employee who is required to make a disclosure under this subsection
17 shall file the disclosure with the committee by the deadlines set out in
18 AS 24.60.105 stating the name of each organization on whose board the person
19 serves. The committee shall maintain a public record of the disclosure and
20 forward the disclosure to the appropriate house for inclusion in the journal. This
21 subsection does not require a legislator or legislative employee who is appointed
22 to a board by the presiding officer to make a disclosure of the appointment to the
23 committee if the appointment has been published in the appropriate legislative
24 journal during the calendar year.

25 * Sec. 14. AS 24.60.030(g) is repealed and reenacted to read:

26 (g) A legislator or legislative employee who has a substantial financial interest
27 that may be affected by official action may not take official action on the matter unless
28 the financial interest has been disclosed as required by this subsection. In the case of
29 a matter that is before a legislative committee or a house of the legislature, the
30 legislator or legislative employee shall orally disclose the financial interest to the
31 legislative committee or to the legislative house, as appropriate. The disclosure must

1 be reported in the journal or in the committee minutes, as appropriate. In the case of
2 a matter that is not before a legislative committee or a house of the legislature, the
3 legislator or legislative employee shall disclose the financial interest to the ethics
4 committee in writing, to be received by the committee within seven days after the
5 legislator or legislative employee takes the action. This written disclosure is a public
6 document. The committee shall promptly forward the disclosure to the clerk of the
7 house or the senate secretary for publication in the journal. A disclosure under this
8 subsection, whether written or oral, must include the nature of the financial interest and
9 a short description of how the action taken affects the interest. In this subsection,

10 (1) "financial interest" includes

11 (A) an equity or ownership interest in a business, investment,
12 real property, lease, or other enterprise if the effect of the action on that interest
13 is greater than the effect on a substantial class of persons to which the
14 legislator or legislative employee belongs as a member of a profession,
15 occupation, industry, or region;

16 (B) an interest based on employment of the legislator or
17 legislative employee or the spouse, spousal equivalent, or dependent child of
18 the legislator or legislative employee;

19 (C) an interest based on a contract, including a personal services
20 contract, in which the legislator or legislative employee or the spouse, spousal
21 equivalent, or dependent child of the legislator or legislative employee is
22 entitled to receive a benefit from a business or other entity;

23 (D) an interest created by membership on the board of directors
24 of a corporation regardless of whether the effect of the action on that interest
25 is greater than the effect on a substantial class of persons to which the
26 legislator or legislative employee belongs as a member of a profession,
27 occupation, industry, or region;

28 (2) "official action" includes legislative, administrative, and political
29 action.

30 * Sec. 15. AS 24.60.030 is amended by adding a new subsection to read:

31 (h) In this section, when determining whether an employee is considered to be

1 performing a task on government time, the committee shall consider the employee's
2 work schedule as set by the employee's immediate supervisor. An employee who
3 engages in political campaign activities other than incidental campaign activities as
4 described in this subsection during the employee's work day shall take leave for the
5 period of campaigning. Political campaign activities while on government time are
6 permissible if the activities are part of the normal legislative duties of the employee,
7 including answering telephone calls and handling incoming correspondence.

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

9 (a) A legislator or legislative employee may not

10 (1) on a day when either house of [WHILE] the legislature is in
11 regular or special session, solicit or accept a contribution or a promise or pledge to
12 make a contribution for a campaign for the state legislature; however, a legislator
13 may solicit or accept a contribution, promise, or pledge for a campaign for the
14 state legislature that occurs during the 90 days immediately preceding an election
15 in which the legislator is a candidate for the state legislature [STATE
16 LEGISLATIVE CAMPAIGN];

17 (2) accept money from an event held on a day when either house of
18 the legislature is in regular or special [DURING A LEGISLATIVE] session if a
19 substantial purpose of the event is [EITHER] to raise money on behalf of the member
20 or legislative employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR]
21 state legislative political purposes; however, this paragraph does not prohibit a
22 legislator from accepting money from an event held during the 90 days
23 immediately preceding an election in which the legislator is a candidate for the
24 state legislature; or

25 (3) in a campaign for the state legislature, expend money that was
26 raised on a day when either house of the legislature was in a [STATE] legislative
27 session [CAMPAIGN THAT WAS RAISED] by or on behalf of a legislator [DURING
28 A LEGISLATIVE SESSION] under a declaration of candidacy or a general letter of
29 intent to become a candidate for public office; however, this paragraph does not
30 apply to money raised during the 90 days immediately preceding an election in
31 which the legislator is a candidate for the state legislature.

1 * Sec. 17. AS 24.60.039 is amended by adding a new subsection to read:

2 (b) If a person files a complaint with the committee under AS 24.60.170
3 alleging a violation of this section, the committee may refer the complainant to the
4 State Commission for Human Rights and may defer its consideration of the complaint
5 until after the complainant establishes to the satisfaction of the committee that the
6 commission has completed its proceedings in the matter.

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

8 (a) A legislator or legislative employee, or a member of the immediate family
9 of a legislator or legislative employee, may not be a party to or have an interest in a
10 state contract or lease unless the contract or lease is let [THROUGH COMPETITIVE
11 SEALED BIDDING] under AS 36.30 (State Procurement Code) or, for agencies that
12 are not subject to AS 36.30, under similar procedures, or the total annual amount
13 of the state contract or lease is \$5,000 [\$1,000] or less, or is a standardized contract
14 or lease that was developed under publicly established guidelines and is generally
15 available to the public at large, members of a profession, occupation, or group. A
16 person has an interest in a state contract or lease under this section if the person
17 receives direct or indirect financial benefits. A legislator or legislative employee who
18 participates in, or who knows or reasonably should know that a family member
19 is participating in, a state contract or lease that has an annual value of \$5,000 or
20 more shall disclose the participation to the committee by the date required under
21 AS 24.60.105. The legislator or legislative employee shall also disclose the
22 renegotiation of a state contract or lease if the original had to be disclosed under
23 this section or if, as a result of renegotiation, disclosure is required under this
24 section. The disclosure must state the amount of the contract or lease and the
25 name of the state agency issuing the contract or lease and must identify the
26 procedures under which the contract or lease was issued. If the disclosure
27 concerns a contract or lease in which a family member of the discloser is
28 participating, the disclosure must identify the relationship between the participant
29 and the discloser.

30 * Sec. 19. AS 24.60.040 is amended by adding a new subsection to read:

31 (c) This section does not apply to a contract or lease issued under a state

1 program or loan that is subject to AS 24.60.050. A grant that results in a contract but
2 that is not subject to AS 24.60.050 is subject to this section.

3 * Sec. 20. AS 24.60.050(c) is amended to read:

4 (c) A legislator or legislative employee who participates in a program or
5 receives a loan that is not exempt from disclosure under (a) of this section shall file
6 a written report with the committee by the date required under AS 24.60.105
7 [FEBRUARY 15 OF EACH YEAR] stating the amounts of the loans outstanding or
8 benefits received during the preceding calendar year from nonqualifying programs. If
9 the committee requests additional information necessary to determine the propriety of
10 participating in the program or receiving the loan, it shall be promptly provided. The
11 committee shall promptly compile a list of the statements indicating the loans and
12 programs and amounts and send it to the presiding officer of each house who shall
13 have it published in the supplemental journals within three weeks after [OF] the filing
14 date. A legislator or legislative employee who believes that disclosure of
15 participation in a program would be an invasion of the participant's right to
16 privacy under the state constitution may request the committee to keep the
17 disclosure confidential. If the committee finds that publication would constitute
18 an invasion of privacy, the committee shall publish only the fact that a person has
19 participated in the program and the amount of benefit that the unnamed person
20 received. The committee shall maintain the disclosure of the name of the person
21 as confidential and may only use the disclosure in a proceeding under
22 AS 24.60.170. If the disclosure becomes part of the record of a proceeding under
23 AS 24.60.170, the disclosure may be made public as provided in that section.

24 * Sec. 21. AS 24.60.060 is amended by adding a new subsection to read:

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

28 * Sec. 22. AS 24.60.070(b) is amended to read:

29 (b) A legislator or legislative employee required to make a disclosure
30 under this section shall make a disclosure by the date set under AS 24.60.105 of
31 the legislator's or legislative employee's close economic associations then in

1 existence. A disclosure under this section must be sufficiently detailed that a reader
2 of the disclosure can ascertain the nature of the association.

3 * Sec. 23. AS 24.60.070 is amended by adding a new subsection to read:

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

13 * Sec. 24. AS 24.60.080(a) is amended to read:

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

23 * Sec. 25. AS 24.60.080(c) is amended to read:

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

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

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

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

30 (B) at a social event or meal;

31 (2) discounts that are available

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

3 (B) when on official state business, but only if receipt of the
4 discount benefits the state:

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

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

9 (5) gifts from the immediate family of the person: [OR]

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

11 or

12 (7) a discount for all or part of a legislative session, including time
13 immediately preceding or following the session, or other gift to welcome a
14 legislator or legislative employee who is employed on the personal staff of a
15 legislator or by a standing or special committee to the capital city or in
16 recognition of the beginning of a legislative session if the gift or discount is
17 available generally to all legislators and the personal staff of legislators and staff
18 of standing and special committees; this paragraph does not apply to legislative
19 employees who are employed by the Legislative Affairs Agency, the office of the
20 chief clerk, the office of the senate secretary, the legislative budget and audit
21 committee, or the office of the ombudsman.

22 * Sec. 26. AS 24.60.080(d) is amended to read:

23 (d) A legislator or legislative employee who accepts a gift under (c)(4) [OR
24 (6)] of this section shall disclose the gift if it has a value of \$250 [\$100] or more; the
25 [. THE] disclosure must include the name and occupation of the person making the
26 gift, [AND] the approximate value of the gift, and [. A GIFT UNDER (c)(4) OF
27 THIS SECTION REQUIRED TO BE DISCLOSED UNDER THIS SUBSECTION]
28 shall be disclosed to the committee within 30 days after [OF] the receipt of the gift,
29 Except as provided in (i) of this section, a gift [TO THE COMMITTEE. GIFTS]
30 under (c)(6) of this section that has a value of \$250 or more shall be disclosed to the
31 committee annually on or before February 15 [APRIL 15] of the following calendar

1 year; the [AND THE] disclosure needs to include **only a description of the gift and**
2 **the identity of the donor** [THE VALUE ONLY IF THE VALUE OF THE GIFT
3 EXCEEDS \$250]. The committee shall maintain a public record of the disclosure it
4 receives relating to gifts under (c)(4) of this section and shall forward the disclosure
5 to the appropriate house for inclusion in the journal. Disclosures relating to gifts under
6 (c)(6) of this section shall be maintained, but are confidential and may only be used
7 by the committee and its employees and contractors in the investigation of a possible
8 violation of this section or in a proceeding under AS 24.60.170. If the disclosures
9 become part of the record of a proceeding under AS 24.60.170, the confidentiality
10 provisions of that section apply to the disclosures. The committee shall forward to
11 the Alaska Public Offices Commission copies of the disclosures concerning gifts
12 under (c)(4) of this section that it receives from legislative employees who are
13 required to file financial disclosure statements under AS 24.60.200 and from
14 legislators.

15 * Sec. 27. AS 24.60.080(e) is amended to read:

16 (e) A political contribution [THAT IS REPORTED UNDER AS 15.13.040] is
17 not a gift under this section if it is reported under AS 15.13.040 or is exempt from
18 the reporting requirement under AS 15.13.040(g).

19 * Sec. 28. AS 24.60.080(f) is amended to read:

20 (f) Notwithstanding (a) of this section, a legislator or legislative employee may
21 accept a gift of property worth \$250 [\$100] or more, other than money, from another
22 [A FOREIGN] government or from an official of another [A FOREIGN] government
23 if the person accepts the gift on behalf of the legislature. The person shall, within 60
24 days after [OF] receiving the gift, deliver the gift to the legislative council, which
25 shall determine the appropriate disposition of the gift. In this subsection, "another
26 government" means a foreign government or the government of the United States,
27 another state, a municipality, or another jurisdiction.

28 * Sec. 29. AS 24.60.080(g) is amended to read:

29 (g) In this section, "immediate family" or "family member" means
30 (1) the spouse of the person;
31 (2) the person's spousal equivalent;

1 (3) a child, including a stepchild and an adoptive child, of the
2 person or of the person's spousal equivalent;

3 (4) a parent, sibling, grandparent, aunt, or uncle of the person; and

4 (5) a parent, sibling, grandparent, aunt, or uncle of the person's
5 spouse or the person's spousal equivalent [HAS THE MEANING GIVEN IN
6 AS 24.60.990(a)(5) AND INCLUDES THE GRANDPARENTS, AUNTS, AND
7 UNCLES OF A PERSON, AND ALSO INCLUDES A PERSON DESCRIBED IN
8 THIS SUBSECTION OR AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON
9 BY MARRIAGE].

10 * Sec. 30. AS 24.60.080 is amended by adding new subsections to read:

11 (h) Notwithstanding (a) of this section, a legislator or legislative employee may
12 solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable
13 organization.

14 (i) A legislator or legislative employee who receives an inheritance worth \$250
15 or more from a person other than a family member shall disclose the fact of the receipt
16 of an inheritance and the identity of the decedent to the committee by the deadline set
17 out in AS 24.60.105. The committee shall treat the disclosure as a disclosure relating
18 to a gift not connected to the recipient's legislative status under (c)(6) of this section.
19 This subsection does not require disclosure of the value of the inheritance.

20 (j) A legislator, a legislative committee other than the Select Committee on
21 Legislative Ethics, or a legislative agency may accept (1) a gift of volunteer services
22 for legislative purposes so long as the person making the gift of services is not
23 receiving compensation from another source for the services or (2) a gift of the
24 services of a trainee who is participating in an educational program approved by the
25 committee if the services are used for legislative purposes. The committee shall
26 approve training under a program of the University of Alaska and training under 29
27 U.S.C. 1501 - 1792b (Job Training Partnership Act). A legislative volunteer or
28 educational trainee shall be considered to be a legislative employee for purposes of
29 compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158
30 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative volunteer
31 or educational trainee has violated the provisions of one of those sections, the person

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

1 (3) a child, including a stepchild and an adoptive child, of the
2 person or of the person's spousal equivalent;

3 (4) a parent, sibling, grandparent, aunt, or uncle of the person; and

4 (5) a parent, sibling, grandparent, aunt, or uncle of the person's
5 spouse or the person's spousal equivalent [HAS THE MEANING GIVEN IN
6 AS 24.60.990(a)(5) AND INCLUDES THE GRANDPARENTS, AUNTS, AND
7 UNCLES OF A PERSON, AND ALSO INCLUDES A PERSON DESCRIBED IN
8 THIS SUBSECTION OR AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON
9 BY MARRIAGE].

10 * **Sec. 30.** AS 24.60.080 is amended by adding new subsections to read:

11 (h) Notwithstanding (a) of this section, a legislator or legislative employee may
12 solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable
13 organization.

14 (i) A legislator or legislative employee who receives an inheritance worth \$250
15 or more from a person other than a family member shall disclose the fact of the receipt
16 of an inheritance and the identity of the decedent to the committee by the deadline set
17 out in AS 24.60.105. The committee shall treat the disclosure as a disclosure relating
18 to a gift not connected to the recipient's legislative status under (c)(6) of this section.
19 This subsection does not require disclosure of the value of the inheritance.

20 (j) A legislator, a legislative committee other than the Select Committee on
21 Legislative Ethics, or a legislative agency may accept (1) a gift of volunteer services
22 for legislative purposes so long as the person making the gift of services is not
23 receiving compensation from another source for the services or (2) a gift of the
24 services of a trainee who is participating in an educational program approved by the
25 committee if the services are used for legislative purposes. The committee shall
26 approve training under a program of the University of Alaska and training under 29
27 U.S.C. 1501 - 1792b (Job Training Partnership Act). A legislative volunteer or
28 educational trainee shall be considered to be a legislative employee for purposes of
29 compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158
30 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative volunteer
31 or educational trainee has violated the provisions of one of those sections, the person

1 may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to
2 the proceeding. This subsection does not permit a legislator or legislative employee
3 to accept a gift of services for nonlegislative purposes.

4 (k) A legislator or legislative employee who knows or reasonably should know
5 that a family member has received a gift because of the family member's connection
6 with the legislator or legislative employee shall report the receipt of the gift by the
7 family member to the committee if the gift would have to be reported under this
8 section if it had been received by the legislator or legislative employee or if receipt of
9 the gift by a legislator or legislative employee would be prohibited under this section.

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

12 * Sec. 31. AS 24.60.085(a) is amended to read:

13 (a) A legislator or legislative employee may not

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

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

23 * Sec. 32. AS 24.60.100 is amended to read:

24 **Sec. 24.60.100. Representation.** A legislator or legislative employee who
25 represents another person for compensation before an agency, board, or commission
26 of the state shall disclose the name of the person represented, the subject matter of the
27 representation, and the body before which the representation is to take place to the
28 committee. The disclosure shall be made by the deadlines set out in AS 24.60.105.
29 The committee shall maintain a public record of a [THE] disclosure under this section
30 and forward the disclosure to the respective house for inclusion in the journal. A
31 legislator or legislative employee may not represent another person for compensation

1 before an agency, committee, or other entity of the legislative branch.

2 * Sec. 33. AS 24.60 is amended by adding a new section to read:

3 **Sec. 24.60.105. Deadlines for filing disclosures.** (a) When a legislator or
4 legislative employee is required to file a disclosure under this chapter and a date by
5 which the disclosure must be filed is not otherwise set by statute, the deadlines set out
6 in this section shall apply. For disclosure of a matter or an interest that began or was
7 acquired during the interim between regular legislative sessions, whether or not the
8 regular session is extended or there is a special session, or during the last 30 days of
9 a regular session, the legislator or legislative employee shall disclose the matter by
10 February 15. For disclosure of a matter or an interest that began or was acquired
11 during a regular legislative session, but not during the last 30 days of the regular
12 session, the disclosure must be made within 30 days after the commencement of the
13 interest or representation.

14 (b) Disclosures under the following statutes are subject to the deadlines set out
15 in this section:

16 (1) service on the board of an organization as set out in
17 AS 24.60.030(f);

18 (2) an interest in a state contract or lease under AS 24.60.040 and the
19 renegotiation of the terms of a state contract or lease that materially affect the
20 obligations of either party;

21 (3) participation in a state program or receipt of a state loan under
22 AS 24.60.050 and the renegotiation of the terms of the program or loan if the
23 renegotiation materially affects the obligations of either party;

24 (4) formation or maintenance of a close economic association under
25 AS 24.60.070;

26 (5) receipt of an inheritance under AS 24.60.080(i);

27 (6) representation of a client under AS 24.60.100.

28 * Sec. 34. AS 24.60.130(f) is amended to read:

29 (f) The committee may contract for professional services and may employ staff
30 as it considers necessary. A committee employee, including a person who provides
31 personal services under a contract with the committee, may not be a legislator, an

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

10 * Sec. 35. AS 24.60.130(h) is amended to read:

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

29 * Sec. 36. AS 24.60.130 is amended by adding a new subsection to read:

30 (o) When appointing members of the legislature to serve on the committee, the
31 speaker of the house or the president of the senate, as appropriate, shall appoint an

1 alternate member for each regular member. An alternate must have the same
2 qualifications as the regular member for whom the alternate stands as alternate and is
3 subject to confirmation as required for the regular member. If a regular legislative
4 member of the committee or a subcommittee is disqualified under (h) of this section
5 from serving on the committee or the subcommittee concerning a proceeding under
6 AS 24.60.170, the chair of the committee or a subcommittee shall designate the regular
7 member's alternate to serve in place of the regular member in the proceeding unless
8 the alternate is also disqualified from serving. The designation shall be treated as
9 confidential to the same extent that the identity of the subject of a complaint is
10 required to be kept confidential.

11 * Sec. 37. AS 24.60.134(a) is amended to read:

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

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

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

24 (A) a candidate for the legislature;

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

27 (C) a person running for another office against an incumbent
28 legislator or legislative employee; [OR]

29 (3) a fund-raising event held on behalf of a political party or attend
30 a political party fund-raising event; or

31 (4) [PARTICIPATE IN] lobbying activities that would require the

1 person to register as a lobbyist except as required to inform the legislature concerning
2 legislation requested by the committee or other matters related to the committee.

3 * Sec. 38. AS 24.60.134 is amended by adding a new subsection to read:

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

11 * Sec. 39. AS 24.60.160 is amended to read:

12 **Sec. 24.60.160. Advisory opinions. (a) On the request of a person to**
13 **whom this chapter applies or who has been newly elected to the legislature, the**
14 [THE] committee shall issue an advisory opinion within 60 [30] days [ON THE
15 REQUEST OF A PERSON TO WHOM THE CHAPTER APPLIES OR A PERSON
16 ELECTED TO THE LEGISLATURE WHO AT THE TIME OF ELECTION IS NOT
17 A MEMBER OF THE LEGISLATURE] as to whether the facts and circumstances of
18 a particular case constitute a violation of ethical standards. **If it finds that it is**
19 **advisable to do so, the committee may issue an opinion under this section on the**
20 **request of a person who reasonably expects to become subject to this chapter**
21 **within the next 45 days.** The 60-day [30-DAY] period for issuing an opinion may
22 be extended by the committee if the person requesting the opinion consents.

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

31 * Sec. 40. AS 24.60.170(a) is amended to read:

1 (a) The committee shall consider a complaint alleging a violation of this
2 chapter if the alleged violation occurred within five years before [OF] the date that the
3 complaint is filed with the committee and, when the subject of the complaint is a
4 former member of the legislature, the complaint is filed within one year after [OF] the
5 subject's departure from the legislature. The committee may not consider a complaint
6 filed against all members of the legislature, against all members of one house of
7 the legislature, or against a person employed by the legislative branch of government
8 after the person has terminated legislative service. However, the committee may
9 reinstitute proceedings concerning a complaint that was closed because a former
10 employee terminated legislative service or because a legislator left the legislature
11 if the former employee or legislator resumes legislative service, whether as an
12 employee or a legislator, within five years after the alleged violation. The
13 committee may also initiate complaints on its own motion, subject to the same time
14 limitations. The time limitations of this subsection do not bar proceedings against a
15 person who intentionally prevents discovery of a violation of this chapter.

16 * Sec. 41. AS 24.60.170(b) is amended to read:

17 (b) A complaint may be initiated by any person. The complaint must be in
18 writing and signed under oath by the person making the complaint and must contain
19 a statement that the complainant has reason to believe that a violation of this
20 chapter has occurred and describe any facts known to the complainant to support
21 that belief. The committee shall upon request provide a form for a complaint to a
22 person wishing to file a complaint. Upon receiving a complaint, the committee shall
23 advise the complainant that the committee or the subject of the complaint may
24 ask the complainant to testify at any stage of the proceeding as to the
25 complainant's belief that the subject of the complaint has violated this chapter.
26 The committee shall respond to a complaint concerning the conduct of a
27 candidate for election to state office received during the campaign period in
28 accordance with (o) of this section. The committee shall immediately provide a copy
29 of the complaint to the person who is the subject of the complaint.

30 * Sec. 42. AS 24.60.170(c) is amended to read:

31 (c) When the committee receives a complaint under (a) of this section, it may

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

1 (a) The committee shall consider a complaint alleging a violation of this
2 chapter if the alleged violation occurred within five years before [OF] the date that the
3 complaint is filed with the committee and, when the subject of the complaint is a
4 former member of the legislature, the complaint is filed within one year after [OF] the
5 subject's departure from the legislature. The committee may not consider a complaint
6 filed against all members of the legislature, against all members of one house of
7 the legislature, or against a person employed by the legislative branch of government
8 after the person has terminated legislative service. However, the committee may
9 reinstitute proceedings concerning a complaint that was closed because a former
10 employee terminated legislative service or because a legislator left the legislature
11 if the former employee or legislator resumes legislative service, whether as an
12 employee or a legislator, within five years after the alleged violation. The
13 committee may also initiate complaints on its own motion, subject to the same time
14 limitations. The time limitations of this subsection do not bar proceedings against a
15 person who intentionally prevents discovery of a violation of this chapter.

16 * Sec. 41. AS 24.60.170(b) is amended to read:

17 (b) A complaint may be initiated by any person. The complaint must be in
18 writing and signed under oath by the person making the complaint and must contain
19 a statement that the complainant has reason to believe that a violation of this
20 chapter has occurred and describe any facts known to the complainant to support
21 that belief. The committee shall upon request provide a form for a complaint to a
22 person wishing to file a complaint. Upon receiving a complaint, the committee shall
23 advise the complainant that the committee or the subject of the complaint may
24 ask the complainant to testify at any stage of the proceeding as to the
25 complainant's belief that the subject of the complaint has violated this chapter.
26 The committee shall respond to a complaint concerning the conduct of a
27 candidate for election to state office received during the campaign period in
28 accordance with (a) of this section. The committee shall immediately provide a copy
29 of the complaint to the person who is the subject of the complaint.

30 * Sec. 42. AS 24.60.170(c) is amended to read:

31 (c) When the committee receives a complaint under (a) of this section, it may

1 assign the complaint to a staff person. The staff person shall conduct a
2 preliminary examination of the complaint and advise the committee whether the
3 allegations of the complaint, if true, constitute a violation of this chapter and
4 whether there is credible information to indicate that a further investigation and
5 proceeding is warranted. The staff recommendation shall be based on the
6 information and evidence contained in the complaint as supplemented by the
7 complainant and by the subject of the complaint, if requested to do so by the staff
8 member. The committee shall consider the recommendation of the staff member,
9 if any, and shall determine whether the allegations of the complaint, if true, constitute
10 a violation of this chapter. If the committee determines that the allegations, if proven,
11 would not give rise to a violation, that the complaint is frivolous on its face, that
12 there is insufficient credible information that can be uncovered to warrant further
13 investigation by the committee, or that [IF] the committee's lack of jurisdiction is
14 apparent on the face of the complaint, the committee shall dismiss the complaint [,]
15 and shall notify the complainant and the subject of the complaint of the dismissal.
16 The committee may ask the complainant to provide clarification or additional
17 information before it makes a decision under this subsection and may request
18 information concerning the matter from the subject of the complaint. Neither the
19 complainant nor the subject of a complaint is obligated to provide the
20 information. A proceeding conducted under this subsection, documents that are
21 part of a proceeding, and a dismissal under this subsection are confidential as
22 provided in (l) of this section unless the subject of the complaint waives
23 confidentiality as provided in that subsection.

24 * Sec. 43. AS 24.60.170(f) is amended to read:

25 (f) If the committee determines after investigation that there is not probable
26 cause to believe that the subject of the complaint has violated this chapter, the
27 committee shall dismiss the complaint. The committee may also dismiss portions of
28 a complaint if it finds no probable cause to believe that the subject of the complaint
29 has violated this chapter as alleged in those portions. The committee shall issue a
30 decision explaining its dismissal. Committee deliberations and vote on the
31 dismissal order and decision are not open to the public or to the subject of the