

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9468 HOUSE STATE AFFAIRS

1 complaint. A copy of the dismissal order and decision shall be sent to the
2 complainant and to the subject of the complaint. Notwithstanding (l) of this section,
3 a dismissal order and decision is open to inspection and copying by the public.

4 * Sec. 44. AS 24.60.170(g) is amended to read:

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

21 * Sec. 45. AS 24.60.170(h) is amended to read:

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

1 * Sec. 46. AS 24.60.170(i) is amended to read:

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

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

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

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

18 * Sec. 47. AS 24.60.170(l) is amended to read:

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

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attend a meeting other than the deliberations on probable cause. The confidentiality provisions of this subsection may be waived by the subject of the complaint, except that the subject of the complaint may not waive the confidentiality duty the committee owes to others and may not require the committee to deliberate in public.

* Sec. 48. AS 24.60.170 is amended by adding a new subsection to read:

(c) The committee shall return a complaint concerning the conduct of a candidate for state office received during a campaign period to the complainant unless the subject of the complaint permits the committee to assume jurisdiction under this subsection. If the committee receives a complaint concerning the conduct of a candidate during the campaign period, the committee shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the committee's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the committee mails or otherwise sends notice of the complaint to the candidate, notify the committee that the candidate chooses to have the committee proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the committee that the candidate is not waiving the suspension of committee jurisdiction, the committee shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period. A campaign period under this subsection begins on the later of 45 days before a primary election in which the legislator or legislative employee is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

* Sec. 49. AS 24.60.174(a) is amended to read:

(a) If the person found to have violated this chapter is or was a member of the

1 legislature, the committee's recommendations shall be forwarded by the chair of the
2 committee to the presiding officer of the appropriate house of the legislature. If the
3 committee recommends sanctions other than expulsion from the legislature, the
4 committee recommendation

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

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

10 * Sec. 50. AS 24.60.174 is amended by adding a new subsection to read:

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

20 * Sec. 51. AS 24.60.176 is amended to read:

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

22 If the person found to have violated this chapter is or was a legislative employee, the
23 committee's recommendations shall be forwarded to the appropriate appointing
24 authority which shall, as soon as is reasonably possible, determine the sanctions, if
25 any, to be imposed. The appointing authority may not question the committee's
26 findings of fact. The appointing authority shall assume the validity of the committee's
27 findings [,] and determine and impose the appropriate sanctions. The appointing
28 authority has the power to impose a sanction recommended by the committee or
29 to impose a different sanction. The appointing authority shall enforce the
30 sanction and shall report to the committee at a time specified by the committee
31 concerning the employee's compliance with the sanction.

1 * **Sec. 52.** AS 24.60.176 is amended by adding a new subsection to read:

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

3 (1) the legislative council for employees of the Legislative Affairs
4 Agency and of the legislative council and for legislative employees not otherwise
5 covered under this subsection;

6 (2) the Legislative Budget and Audit Committee for the legislative
7 fiscal analyst and employees of the division of legislative finance, the legislative
8 auditor and employees of the division of legislative audit, and employees of the
9 Legislative Budget and Audit Committee;

10 (3) the appropriate finance committee for employees of the senate or
11 house finance committees;

12 (4) the appropriate rules committee for employees of standing
13 committees of the legislature, other than the finance committees, and employees of the
14 senate secretary's office and the office of the chief clerk of the house of
15 representatives;

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

19 (6) the ombudsman for employees of the office of the ombudsman,
20 other than the ombudsman;

21 (7) the legislature for the ombudsman.

22 * **Sec. 53.** AS 24.60 is amended by adding a new section to read:

23 **Sec. 24.60.178. Recommended sanctions.** (a) When the committee finds that
24 a person has violated this chapter, the committee may recommend appropriate
25 sanctions, including sanctions set out in (b) of this section.

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

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

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

31 (3) additional, detailed disclosure, either as a public disclosure or as a

1 confidential disclosure to the committee;

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

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

7 (6) public or private written reprimand;

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

12 (8) placing the person on probationary status;

13 (9) in the case of a legislator, expulsion from the house of the
14 legislature;

15 (10) any other appropriate measure.

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

20 * Sec. 54. AS 24.60.200 is amended to read:

21 Sec. 24.60.200. Financial disclosure by legislators, upper-level employees,
22 and public members of the committee [LEGISLATIVE DIRECTORS]. A
23 legislator, an upper-level employee, and a public member of the committee
24 [LEGISLATIVE DIRECTOR] shall file a disclosure statement, under oath and on
25 penalty of perjury, with the Alaska Public Offices Commission giving the following
26 information about the income received by the discloser, the discloser's spouse or
27 spousal equivalent, the discloser's [THEM, THEIR SPOUSES, THEIR] dependent
28 children, and the discloser's [THEIR] nondependent children who are living with the
29 discloser [THEM]:

30 (1) the information that a public official is required to report under
31 AS 39.50.030, other than information about gifts [EXCEPT THAT SOURCES OF

1 INCOME OTHER THAN GIFTS OF \$1,000 OR LESS, AND LOANS OF \$1,000 OR
2 LESS NEED NOT BE REPORTED];

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

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

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

21 * Sec. 55. AS 24.60.210 is amended to read:

22 Sec. 24.60.210. **Deadlines for filing of disclosure statements.** A legislator
23 and an upper-level employee [A LEGISLATIVE DIRECTOR] shall file an annual
24 report with the Alaska Public Offices Commission, covering the previous calendar
25 year, containing the disclosures required by AS 24.60.200, on or before February
26 [APRIL] 15 of each year. However, an upper-level employee who was first
27 appointed to a position compensated at Range 19 or above on or after January
28 1 of the calendar year in which the report is to be filed is required to file the
29 report on or before the 60th day after the employee was hired into the position.

30 * Sec. 56. AS 24.60.240 is amended to read:

31 Sec. 24.60.240. **Civil penalty for late filing.** A legislator or an upper-level

1 employee [A LEGISLATIVE DIRECTOR] who fails to file a properly completed
2 report under AS 24.60.200 is subject to a civil penalty of not more than \$10 a day for
3 each day the delinquency continues as the Alaska Public Offices Commission
4 determines, subject to appeal to the superior court. An affidavit stating facts in
5 mitigation may be submitted to the Alaska Public Offices Commission by the person
6 against whom the civil penalty is assessed. However, the imposition of the penalties
7 prescribed in this section does not excuse the person from filing reports required by
8 AS 24.60.200.

9 * Sec. 57. AS 24.60.250 is amended to read:

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

27 * Sec. 58. AS 24.60.260(a) is amended to read:

28 (a) A person required to make a disclosure under this chapter may not
29 knowingly make a false or deliberately misleading or incomplete disclosure to the
30 committee or to the Alaska Public Offices Commission. **A person who files** [, OR
31 **FILE**] a disclosure after a deadline set by this chapter or by a regulation adopted by

1 the committee or by the Alaska Public Offices Commission has violated this chapter
2 and may be subject to imposition of a fine as provided in (c) of this section or
3 AS 24.60.240.

4 * Sec. 59. AS 24.60.260 is amended by adding a new subsection to read:

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

10 * Sec. 60. AS 24.60.990(a)(5) is amended to read:

11 (5) "immediate family" means

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

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

17 * Sec. 61. AS 24.60.990(a) is amended by adding new paragraphs to read:

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

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

22 (17) "upper-level employee" means a legislative employee, other than
23 a legislator, who is compensated at Range 19 or above of the state salary schedule
24 under AS 39.27.011.

25 * Sec. 62. AS 39.25.070 is amended to read:

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

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

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

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

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

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

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

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

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

12 (9) APPOINT, AND REVIEW THE FINDINGS, CONCLUSIONS,
13 AND RECOMMENDATIONS OF, HEARING OFFICERS IN ACCORDANCE WITH
14 AS 39.52.350(c), 39.52.360, AND 39.52.370;

15 (10) ISSUE FINDINGS, CONCLUSIONS, AND DECISIONS
16 REGARDING VIOLATIONS OF THE CODE OF ETHICS IN AS 39.52.110 -
17 39.52.190; AND

18 (11) IMPOSE THE PENALTIES DESCRIBED IN AS 39.52.410,
19 39.52.440, AND 39.52.450].

20 * Sec. 63. AS 39.25.160(e) is amended to read:

21 (e) An employee in the classified, [OR] partially exempt, or exempt service
22 who seeks nomination or becomes a candidate for state or national elective political
23 office shall immediately resign or take leave from any position held in the state
24 service. The employee's position becomes vacant on the date the employee files a
25 declaration of candidacy for state or national elective office. This subsection does not
26 apply to

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

29 (2) the governor or the lieutenant governor;

30 (3) a member of the legislature;

31 (4) an employee seeking election as a delegate to a constitutional

1 convention;

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

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

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

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

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

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

18 (11) students employed by the state institutions in which the
19 students are enrolled;

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

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

25 * Sec. 64. AS 39.25.160 is amended by adding a new subsection to read:

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

1 governor and members of the legislature.

2 * Sec. 65. AS 39.50.020 is amended to read:

3 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
4 official other than the governor or the lieutenant governor [JUDICIAL OFFICER,
5 COMMISSIONER, CHAIR OR MEMBER OF A STATE COMMISSION OR BOARD
6 SPECIFIED IN AS 39.50.200(b), A PERSON HIRED OR APPOINTED AS HEAD
7 OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A
8 DEPARTMENT IN THE EXECUTIVE BRANCH, A PERSON APPOINTED
9 AS ASSISTANT TO THE GOVERNOR, A STATE INVESTMENT OFFICER AND
10 THE STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, AND A
11 MUNICIPAL OFFICER] shall file a statement giving income sources and business
12 interests, under oath and on penalty of perjury, within 30 days after taking office as
13 a public official. Candidates for state elective office other than a candidate who is
14 subject to AS 24.60 shall file the [SUCH A] statement with the director of elections
15 at the time of filing a declaration of candidacy or a nominating petition [,] or
16 [WITHIN 30 DAYS OF] becoming a candidate by any other means. Candidates for
17 elective municipal office shall file the [SUCH A] statement at the time of filing a
18 nominating petition, declaration of candidacy, or other required filing for the elective
19 municipal office. Refusal or failure to file within the time prescribed shall require that
20 the candidate's filing fees, if any, and filing for office be refused or that a previously
21 accepted filing fee be returned and the candidate's name removed from the filing
22 records. A statement shall also be filed by public officials no later than March
23 [APRIL] 15 or 15 days after the person files a federal income tax return in each
24 following year, whichever comes first. Persons who are members of boards or
25 commissions not named in AS 39.50.200(b) are not required to file financial
26 statements.

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

1 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR
2 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER
3 THIS CHAPTER,] shall file the statement with the Alaska Public Offices Commission.
4 Candidates for the office of governor and lieutenant governor and, if the candidate is
5 not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or
6 15.25.180. Municipal officers, and candidates for elective municipal office, shall file
7 with the municipal clerk or other municipal official designated to receive their filing
8 for office. All statements required to be filed under this chapter are public records.

9 * Sec. 66. AS 39.50.030(a) is amended to read:

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

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

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

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

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

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

31 (4) the identity and nature of each interest in real property, including

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

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

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

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

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

1 controlling interest.

2 * Sec. 68. AS 39.50.030 is amended by adding new subsections to read:

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

10 (1) a legislator;

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

13 (3) a lobbyist; or

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

16 (e) If a public official required to disclose a close economic association under
17 (d) of this section forms a close economic association after the date on which the
18 public official files the financial disclosure statement required by (a) of this section,
19 disclosure of the association must be made to the commission within 60 days after the
20 formation of the association.

21 (f) When making a disclosure under (d) of this section concerning a
22 relationship with a lobbyist to whom the public official is married or who is the public
23 official's spousal equivalent, the public official shall also disclose the name and
24 address of each employer of the lobbyist and the total monetary value received from
25 the lobbyist's employer. The public official shall report changes in the employers of
26 the spouse or spousal equivalent within 48 hours after the change. In this subsection,
27 "employer of the lobbyist" means the person from whom the lobbyist received money,
28 or goods or services having a monetary value, for engaging in lobbying on behalf of
29 the person.

30 (g) In this section,

31 (1) "close economic association" means a financial relationship that

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

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

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

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

9 * Sec. 69. AS 39.50.070 is amended to read:

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

27 * Sec. 70. AS 39.50.200(a)(8) is amended to read:

28 (8) "public official" means

29 (A) a judicial officer;

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

31 (C) [,] a person hired or appointed in [AS THE HEAD OR

1 DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION,) a department in the
2 executive branch as

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

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

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

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

7 department;

8 (D) a person hired as [,] an employee in the office of
9 [ASSISTANT TO] the governor or the office of the lieutenant governor
10 other than

11 (i) a clerical, security, messenger, or maintenance
12 employee, or other employee in the office of the governor or the
13 office of the lieutenant governor whom the personnel board
14 designates because the employee is not employed in an executive or
15 professional capacity or as an administrator and does not exercise
16 discretion over policy matters;

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

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

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

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

25 (vi) an employee of the Alaska Human Relations
26 Commission, including the director;

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

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

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

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

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

* Sec. 71. 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;

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

(7) compliance with a code of ethics is an individual responsibility; thus all who serve the state have a solemn responsibility to avoid improper

1 conduct and prevent improper behavior by colleagues and subordinates.

2 * Sec. 72. AS 39.52.120(b) is amended to read:

3 (b) A public officer may not

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

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

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

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

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

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

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

22 a

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

24 or

25 (ii) political party or group;

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

28 * Sec. 73. AS 39.52.120 is amended by adding a new subsection to read:

29 (d) 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 engages in political campaign activities other than incidental campaign
3 activities as described in this subsection during the work day shall take approved leave
4 for the period of campaigning.

5 * Sec. 74. 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. 75. 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. 76. 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. 77. 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. 78. 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. 79. 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. 80. AS 39.52.220 is amended to read:

24 **Sec. 39.52.220. Declaration of potential violations by members of boards**
25 **or commissions.** (a) A member of a board or commission who is involved in a
26 matter that may result in a violation of AS 39.52.110 - 39.52.190 shall disclose the
27 matter on the public record and in writing to the designated supervisor and to the
28 attorney general. The supervisor shall determine whether the member's involvement
29 violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written
30 determination to the board or commission member and to the attorney general.

31 If a member of the board or commission objects to the ruling of the supervisor, or if

1 the supervisor discloses an involvement requiring a determination, the members present
2 at a meeting, excluding the involved member, shall vote on the matter. If the
3 supervisor or a majority of the members voting determine that a violation will exist
4 if the member continues to participate, the member shall refrain from voting,
5 deliberating, or participating in the matter.

6 (b) The member of a board or commission, the designated supervisor, or the
7 board or commission may request guidance from the attorney general, in accordance
8 with AS 39.52.240, when determining whether a member of a board or commission
9 is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

10 * Sec. 81. AS 39.52.230 is amended to read:

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

18 * Sec. 82. AS 39.52.240(c) is amended to read:

19 (c) In the case of a request for advice from a designated supervisor or a
20 board or commission, the [THE] designated supervisor or the [A] board or
21 commission shall make a written determination based on the advice of the attorney
22 general. If the advice [OF THE ATTORNEY GENERAL] provides more than one
23 way for a public officer to avoid or correct a problem found under AS 39.52.110 -
24 39.52.190, the designated supervisor or the board or commission shall, after
25 consultation with the officer, determine the alternative that is most appropriate and
26 advise the officer of any action required of the officer to avoid or correct the problem.

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

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

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

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

9 (b) A designated supervisor who receives a disclosure statement under
10 AS 39.52.110 - 39.52.220 shall review it. If the designated supervisor believes that
11 there is a possibility that the activity or situation reported in a disclosure statement
12 filed under AS 39.52.110 - 39.52.190 may result in a violation of this chapter, the
13 designated supervisor shall take appropriate steps under AS 39.52.210 - 39.52.240.
14 Failure of the designated supervisor to proceed under AS 39.52.210 - 39.52.240 does
15 not relieve the public officer of the public officer's obligations under those statutes.

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

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

19 (a) The attorney general may initiate a complaint or elect to treat as a
20 complaint, any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or
21 39.52.260. The attorney general may not, during a campaign period, initiate a
22 complaint concerning the conduct of the governor or lieutenant governor who is
23 a candidate for election to state office.

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

25 (c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the
26 governor, lieutenant governor, or the attorney general, the matter shall be referred to
27 the personnel board. The personnel board shall return a complaint concerning the
28 conduct of the governor or lieutenant governor who is a candidate for election to
29 state office as provided in (j) of this section if the complaint is initiated during a
30 campaign period. The personnel board shall retain independent counsel who shall act
31 in the place of the attorney general under (d) - (i) of this section, AS 39.52.320 -

1 39.52.350, and 39.52.360(c) and (d). Notwithstanding AS 36.30.015(d), the
2 personnel board may contract for or hire independent counsel under this
3 subsection without notifying or securing the approval of the Department of Law.

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

5 (j) The personnel board shall return a complaint concerning the conduct of the
6 governor or lieutenant governor who is a candidate for state office received during a
7 campaign period to the complainant unless the governor or lieutenant governor, as
8 appropriate, permits the personnel board to assume jurisdiction under this subsection.
9 If the personnel board receives a complaint concerning the conduct of the governor or
10 lieutenant governor who is a candidate during the campaign period, the personnel
11 board shall immediately notify the subject of the complaint of the receipt of the
12 complaint, of the suspension of the personnel board's jurisdiction during the campaign
13 period, and of the candidate's right to waive the suspension of jurisdiction under this
14 subsection. The candidate may, within 11 days after the personnel board mails or
15 otherwise sends notice of the complaint to the candidate, notify the personnel board
16 that the candidate chooses to have the personnel board proceed with the complaint
17 under this section. If the candidate does not act within that time or if the candidate
18 notifies the personnel board that the candidate is not waiving the suspension of
19 jurisdiction, the personnel board shall return the complaint to the complainant with
20 notice of the suspension of jurisdiction under this subsection and of the right of the
21 complainant to file the complaint after the end of the campaign period.

22 (k) A campaign period under this section begins on the later of 45 days before
23 a primary election in which the governor or lieutenant governor is a candidate for state
24 office or the day on which the individual files as a candidate for state office and ends
25 at the close of election day for the general or special election in which the individual
26 is a candidate or on the day that the candidate withdraws from the election, if earlier.
27 For a candidate who loses in the primary election, the campaign period ends on the
28 day that results of the primary election showing that another individual won the
29 election are certified.

30 * Sec. 88. AS 39.52 is amended by adding a new section to read:

31 **Sec. 39.52.335. Summary of disposition of complaints and review by**

1 personnel board. (a) When the attorney general initiates or receives a complaint
2 under AS 39.52.310, the attorney general shall immediately forward a copy of the
3 complaint to the personnel board.

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

7 (c) If a complaint is dismissed under AS 39.52.320 or resolved under
8 AS 39.52.330, the attorney general shall promptly prepare a summary of the matter
9 and provide a copy of the summary to the personnel board and the complainant. The
10 summary is confidential unless the

11 (1) attorney general designates that it is a public document; or

12 (2) personnel board makes the matter public under (f) of this section.

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

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

23 (f) After review of the summary, the personnel board may issue a report on
24 the disposition of the complaint. If the personnel board finds that a dismissal or
25 resolution of a complaint clearly was contrary to the requirements of this chapter, the
26 board may notify the subject of the complaint that the board intends to make the
27 complaint, the disposition by the attorney general, and the board's findings public.
28 The subject of the complaint may request a hearing before the board within 15 days
29 after the board notifies the subject of its intention to make the matter public to request
30 the board to reconsider its decision. If the subject requests a hearing, the board may
31 not make the matter public until after the hearing to reconsider its decision.

1 (g) If the summary is confidential under (c) of this section, then, unless the
2 personnel board determines that the matter should be made public under (f) of this
3 section,

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

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

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

11 * Sec. 89. 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. 90. AS 39.52.950 is amended to read:

30 Sec. 39.52.950. Regulations. The attorney general may adopt regulations
31 under AS 44.62 ([THE] Administrative Procedure Act) necessary to interpret and

1 implement this chapter. The personnel board may adopt regulations under
2 AS 44.62 (Administrative Procedure Act) necessary to interpret and implement
3 its duties under this chapter.

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

5 (11) "immediate family member" means

6 (A) the spouse of the person;

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

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

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

13 (E) a parent, sibling, grandparent, aunt, or uncle of the
14 person's spouse [A PUBLIC OFFICER'S SPOUSE, A RELATION BY
15 BLOOD WITHIN AND INCLUDING THE SECOND DEGREE OF
16 KINDRED, AND A REGULAR MEMBER OF THE OFFICER'S
17 HOUSEHOLD];

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

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

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

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

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

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 105(), Draft Version "P"

1 Page 27, line 28, following " .":

2 Insert **"The committee shall treat a complaint concerning the conduct of a**
3 **candidate for election to state office that is pending at the beginning of a campaign**
4 **period in accordance with (p) of this section."**

5 Page 31, line 6:

6 Delete "a new subsection"

7 Insert "new subsections"

8 Page 31, line 21, following " .":

9 Insert

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

1 proceedings provided for in this subsection, a candidate who is the subject of a
2 complaint may notify the committee in writing that the candidate chooses to have the
3 committee proceed with the complaint under this section.

4 (q)"

5 Page 31, line 22:

6 Delete "subsection"

7 Insert "section"

AMENDMENT

0-LS0074P.2

Cramer

4/13/98

Hold: Will work on how to define "fund-raising event"

OFFERED IN THE HOUSE

TO: HCS CSSB 105(), Draft Version "P"

1 Page 15, following line 31:

2 Insert a new bill section to read:

3 **** Sec. 17.** AS 24.60.031 is amended by adding a new subsection to read:

4 (c) A legislator may not travel at state expense to a place in which the
5 legislator plans to hold a campaign fund raising event if the travel occurs less than 48
6 hours before the event is scheduled to begin. This subsection does not prohibit a
7 legislator from holding a campaign fund raising event in a place to which the
8 legislator traveled at state expense if the

9 (1) travel to the place is completed at least 48 hours before the event
10 was scheduled to begin;

11 (2) legislator made a trip at state expense to a place, returned from that
12 place, and then, within 48 hours, made a second trip to the place and the cost of the
13 second trip was not paid for at state expense; or

14 (3) travel was to the capital city immediately before the beginning of
15 a legislative session or from the capital city to the legislator's home immediately after
16 the final adjournment of a regular or special legislative session."

17 Renumber the following bill sections accordingly.

18 Page 47, line 28:

19 Delete "a new subsection"

20 Insert "new subsections"

(Withdrawn)

21 Page 47, following line 28:

22 Insert a new subsection to read:

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

7 (1) travel to the place is completed at least 48 hours before the event
8 was scheduled to begin;

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

12 Reletter the following subsection accordingly.

13 Renumber internal references to bill sections in accordance with this amendment. Below are
14 listed all the internal bill section references in this bill:

15 Page 55, line 21

16 Page 55, line 25

17 Page 55, line 27

18 Page 55, line 28

19 Page 55, line 30

Passed

0-LS0074VP.3
Cramer
4/15/98

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 105(), Draft Version "P"

1 Page 10, line 23:

2 Delete "nongovernmental"

3 Insert "nonlegislative [NONGOVERNMENTAL]"

4 Page 11, line 5:

5 Delete "nongovernmental"

6 Insert "nonlegislative"

7 Page 11, line 31:

8 Delete "nongovernmental"

9 Insert "nonlegislative [NONGOVERNMENTAL]"

10 Page 12, line 8:

11 Delete "nongovernmental"

12 Insert "nonlegislative"

13 Page 13, line 25, through page 14, line 29:

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

15 **** Sec. 14.** AS 24.60.030(g) is amended to read:

16 (g) Unless required by the Uniform Rules of the Alaska State Legislature, a
17 legislator [OR LEGISLATIVE EMPLOYEE] may not vote on a question
18 [PARTICIPATE IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL
19 ACTION] if the legislator [OR LEGISLATIVE EMPLOYEE] has an equity or
20 ownership interest in a business, investment, real property, lease, or other enterprise
21 if the interest is substantial and the effect of the action on that interest is greater than

O-I.S0074P.3

1 the effect on a substantial class of persons to which the legislator [OR LEGISLATIVE
2 EMPLOYEE] belongs as a member of a profession, occupation, industry, or region."

3 Page 14, line 31, through page 15, line 2:

4 Delete "In this section, when determining whether an employee is considered to be
5 performing a task on government time, the committee shall consider the employee's work
6 schedule as set by the employee's immediate supervisor."

7 Page 15, lines 3 - 4:

8 Delete "as described in this subsection"

9 Page 21, lines 14 - 19:

10 Delete all material.

11 Reletter the following subsections accordingly.

12 Page 22, lines 2 - 3:

13 Delete "This subsection does not permit a legislator or legislative employee to accept
14 a gift of services for nonlegislative purposes."

15 Page 23, line 26:

16 Delete all material.

17 Renumber the following paragraph accordingly.

Failed
3-2
P. 4
AMENDMENT

by Berkowitz

OFFERED IN THE HOUSE
TO: CSSB 105(FIN) am

1 Page 33, following line 31:

2 Insert a new bill section to read:

3 **** Sec. 60.** AS 24.60 is amended by adding new sections to read:

4 **Article 4A. Open Meetings Requirements.**

5 **Sec. 24.60.300. Right of members of the general public to attend meetings**
6 **of a legislative body.** (a) A member of the general public may attend a meeting of
7 a legislative body unless a portion of the meeting is closed to the public under (b) of
8 this section or unless the meeting is a closed meeting of a caucus or of another
9 legislative body as described in AS 24.60.340.

10 (b) A portion of a meeting of a legislative body may be closed to the public
11 for an executive session or to discuss political strategy. If a portion of a meeting is
12 to be held in executive session, the legislative body shall first convene in open session
13 and then move to go into executive session. During the executive session, members
14 of the legislative body may only discuss topics included in the motion to go into the
15 executive session. A legislative body may not take action in executive session unless
16 a statute specifically provides that the entire proceeding held in executive session is
17 to be kept confidential. At an executive session, the following subjects may be
18 considered:

19 (1) matters the immediate knowledge of which would clearly have an
20 adverse effect upon the finances of the state;

21 (2) subjects that tend to prejudice the reputation and character of any
22 person; however, the person may request a public discussion;

23 (3) matters that are by law required to be confidential;

24 (4) pending litigation if the meeting is with an attorney with whom the
25 attorney-client privilege applies;

1 (5) matters involving consideration of government records that by law
2 are not subject to public disclosure.

3 **Sec. 24.60.310. Meetings of a house of the legislature.** (a) If a house of
4 the legislature plans to meet, the chief clerk or senate secretary shall post notice of
5 the meeting on the door of the legislative chamber during the preceding legislative
6 day, and the meeting must be announced during the previous floor session.

7 (b) A calendar for a session of a house of the legislature may be changed
8 without additional notice if two-thirds of the members present approve a change to
9 the calendar or the adoption of a supplemental calendar.

10 (c) At a floor session, the galleries of the chambers must be available to the
11 public, and copies of bills on the calendar must be available in advance. The voices
12 of speakers shall be amplified and a recording of the session made.

13 **Sec. 24.60.320. Meetings of committees and subcommittees.** (a) Written
14 notice of the time, place, and subject matter of all meetings of standing, special, joint,
15 permanent interim, or conference committees or task forces during a week shall be
16 provided by the person who chairs the committee to the chief clerk or senate secretary
17 by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to
18 which a bill is first referred shall provide to the chief clerk or senate secretary written
19 notice of the time and place of the first public hearing on the bill at least five days
20 before the hearing. The committee chair shall give supplemental notice at least 24
21 hours before the committee continues consideration of a bill previously heard in the
22 committee. If a bill has been referred to a subcommittee, the subcommittee shall give
23 notice of a subcommittee meeting on the bill at least 24 hours before the
24 subcommittee meets. Notice concerning a bill under this subsection must include the
25 bill number and title. If a bill has not yet been referred to the committee, the notice
26 shall also state that the hearing is scheduled pending referral of the bill.

27 (b) The chief clerk or senate secretary shall publish and distribute the weekly
28 schedule of meetings and hearings for which notice has been received. Copies of the
29 schedule shall be available to the public in the capitol and in the legislative
30 information offices. Notice of changes to the schedule shall be made available
31 promptly and in the same way.

32 (c) A scheduled meeting of a committee or subcommittee may be cancelled

1 at any time. If possible, notice of the cancellation shall be given in the same manner
2 as provided for notice of change in (b) of this section.

3 (d) The provisions of (a) and (b) of this section do not apply to a committee
4 or subcommittee meeting scheduled after the date a conference committee has been
5 chosen to consider amendments to or differences between versions of the general
6 appropriations Act. However, a person who chairs a committee shall post written
7 notice of the time, place, and subject matter of a meeting at least 12 hours before the
8 meeting.

9 (e) The provisions of (a) - (d) of this section do not apply to meetings of

10 (1) the Rules Committee when it meets for the purpose of preparing
11 the daily calendar; or

12 (2) the Committee on Committees.

13 (f) During a special session, notice of a committee meeting is sufficient if it
14 meets the requirements of (d) of this section.

15 (g) At a meeting, the committee or subcommittee shall provide appropriate
16 seating for members of the public and an appropriate number of copies of the
17 committee materials being discussed. The committee or subcommittee is not required
18 to provide copies of materials supplied by witnesses who testify before the body. The
19 voices of speakers shall be amplified. A committee shall record its proceedings. A
20 subcommittee is not required to record its proceedings.

21 (h) If a meeting is held at a number of sites through use of a teleconferencing
22 system, then each teleconference site must meet the requirements of (g) of this
23 section. The meeting must be conducted in a manner that, periodically throughout the
24 meeting, enables listeners or observers at each teleconference site to identify the
25 legislators who are present.

26 **Sec. 24.60.330. Caucus meetings.** (a) A caucus meeting is open to the
27 public unless it is a meeting called for the sole purpose of discussing political
28 strategy. A caucus meeting may go into an executive session if permitted under
29 AS 24.60.300(b). If the meeting is called for the sole purpose of discussing political
30 strategy, notice does not have to be given, and the meeting is not open to the public.

31 (b) At a caucus meeting or portion of a caucus meeting held to discuss
32 political strategy, the caucus may not make decisions on substantive issues and

1 may only discuss substantive issues in the context of political strategy.

2 (c) Written notice of a caucus meeting, other than a caucus meeting called for
3 the sole purpose of discussing political strategy, must be given to the chief clerk and
4 senate secretary at least 24 hours before the meeting. Notice must contain the time
5 and place of the meeting.

6 (d) At a caucus meeting that is open to the public, adequate seating must be
7 provided for the public, and the voices of witnesses and legislators must be amplified
8 to the extent necessary for the public to hear the speaker. If a meeting is held at a
9 number of sites through use of a teleconferencing system, then each teleconference
10 site must meet the requirements of this subsection. The meeting must be conducted
11 in a manner that, periodically throughout the meeting, enables listeners or observers
12 at each teleconference site to identify the legislators who are present.

13 **Sec. 24.60.340. Meetings not otherwise described.** (a) A member of the
14 general public may attend a meeting of legislators meeting on legislative business that
15 is not subject to AS 24.60.310 - 24.60.330 unless a portion of the meeting is closed
16 to the public under AS 24.60.300(b) or unless the meeting is a closed meeting of a
17 caucus or of another legislative body as described in AS 24.60.300 - 24.60.390.

18 (b) A legislative group meeting under this section shall give as much notice
19 of the meeting as is practical.

20 (c) A group of legislators who do not constitute a quorum of a committee or
21 subcommittee that is considering the legislative business that is the topic of the
22 meeting may meet under this section so long as the group does not set priorities for
23 legislative issues, formulate positions on legislative issues, or take legislative action.

24 (d) A number of legislators at a gathering, on a trip, or attending a meeting
25 arranged by another organization or entity who are attending the event to present
26 information relating to legislative issues may meet under this section so long as they
27 do not, as a group, set priorities for legislative issues, formulate positions on
28 legislative issues, or take legislative action while attending the event.

29 (e) At a meeting held under this section, the legislative body shall provide
30 appropriate seating for members of the public.

31 **Sec. 24.60.350. Exceptions.** (a) Two legislators, even if they constitute a
32 quorum of a legislative body, may speak together in private.

1 (b) Three legislators, so long as they do not constitute a quorum of a
2 legislative body, may speak together in private. If three legislators constitute a
3 quorum of a legislative body, they may speak together in private, but they may not
4 discuss the business of the legislative body on which they constitute a quorum.

5 (c) Any number of legislators may speak together in the Legislative Lounge,
6 but they may not, as a group, set priorities for legislative issues, formulate positions
7 on legislative issues, or take legislative action.

8 (d) Any number of legislators may speak together about matters that are not
9 legislative business.

10 (e) Conversations between legislators, even on legislative business, that occur
11 under the auspices of a nonlegislative organization at a nonlegislative event are
12 permitted under AS 24.60.300 - 24.60.390 so long as the legislators do not use the
13 occasion to set priorities for legislative issues, formulate positions on legislative
14 issues, or take legislative action. Public access may not be purposefully denied. For
15 purposes of this subsection, a nonlegislative organization is an organization that is not
16 affiliated with the Legislature of the State of Alaska. An agency of the executive or
17 judicial branch of state government is considered to be a nonlegislative organization,
18 as are private, nonprofit, and professional organizations.

19 **Sec. 24.60.360. Serial meetings prohibited.** (a) Legislators may not hold
20 a series of meetings that are excepted from the requirement that meetings be open
21 under AS 24.60.300 - 24.60.350 for the purpose of evading the principles of open
22 meetings.

23 (b) Notwithstanding (a) of this section, it is not a violation of AS 24.60.300 -
24 24.60.390 for legislators to hold sequential individual meetings among themselves for
25 the purpose of evaluating support for a bill before floor action even though the notice
26 and public access requirements of AS 24.60.300 - 24.60.390 were not met.

27 (c) AS 24.60.300 - 24.60.390 may not be interpreted to preclude a legislator
28 from asking one or more legislators, individually, about the legislator's opinion or
29 concerns on a particular issue or bill.

30 **Sec. 24.60.370. Political strategy sessions.** The public may be excluded from
31 the portion of a meeting in which only political strategy is discussed. Discussions of
32 political strategy may include the organization of a house of the legislature, committee

1 memberships, the scheduling of bills, vehicles for adoption, relations between the
 2 legislative houses, and similar matters. A legislative body may not make a decision
 3 on a substantive issue in a political strategy session and may only discuss a
 4 substantive issue at a political strategy session if the discussion occurs in the context
 5 of political strategy.

6 **Sec. 24.60.390. Definitions.** In AS 24.60.300 - 24.60.390,

7 (1) "committee" includes a standing, special, joint, permanent interim,
 8 or conference committee;

9 (2) "legislative body" includes a house of the legislature, a committee,
 10 a subcommittee, a task force, or another group of legislators as described in
 11 AS 24.60.340."

12 Renumber the following bill sections accordingly.

13 Page 59, following line 19:

14 Insert a new bill section to read:

15 **** Sec. 113.** AS 24.60.037 and sec. 10, ch. 69, SLA 1994, are repealed."

16 Renumber the following bill sections accordingly.

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

19 Page 59, line 21
 20 Page 59, line 28
 21 Page 60, line 1
 22 Page 60, line 3
 23 Page 60, line 4
 24 Page 60, line 6

Passed

0-LS0074P/5
Cramer
4/17/98

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 105(), Draft Version "P"

1 Page 21, line 5, following "equivalent":

2 Insert ";

3 Page 21, lines 7 - 9:

4 Delete "AND ALSO INCLUDES A PERSON DESCRIBED IN THIS SUBSECTION
5 OR AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON BY MARRIAGE]"

6 Insert "]" and

7 (6) [ALSO INCLUDES] a person described in this subsection [OR
8 AS 24.60.990(a)(5)] who is related to the person by marriage, including step
9 relationships"

Passed

0-LS0074P #6
Cramer
4/17/98

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 105(), Draft Version "P"

1 Page 48, line 3:

2 Delete "as described in this subsection"

Slotnik
"other than incidental campaign activities"
Passed

3 Page 49, line 23:

4 Delete "AS 39.52.220"

5 Insert "AS 39.52.220(a)"

#7
minor, inconsequential, & unavoidable
Passed

6 Page 49, line 24:

7 Delete "Sec. 39.52.220. Declaration of potential violations by members of boards
8 or commissions."

9 Page 50, lines 6 - 9:

10 Delete all material.

11 Page 50, lines 18 - 26:

12 Delete all material.

13 Renumber the following bill sections accordingly.

14 Page 52, following line 29:

15 Insert a new bill section to read:

16 **** Sec. 87. 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

1 FILE A CONFIDENTIAL SUMMARY WITH THE PERSONNEL BOARD]. The
2 attorney general shall communicate disposition of the matter promptly to the
3 complainant under AS 39.52.335(c) and to the subject of the complaint."

4 Renumber the following bill sections accordingly.

5 Page 53, lines 11 - 12:

6 Delete all material and insert:

7 "(1) dismissal or resolution agreed to under AS 39.52.320 or 39.52.330
8 is public; or

9 (2) superior court makes the matter public under (h) of this section"

10 Page 53, lines 23 - 31:

11 Delete all material and insert:

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

16 Page 54, lines 1 - 3:

17 Delete "then, unless the personnel board determines that the matter should be made
18 public under (f) of this section,"

19 Page 54, line 7:

20 Delete "declining to make the matter public"

21 Page 54, following line 10:

22 Insert a new subsection to read:

23 "(h) If the disposition of a complaint is not made public and the personnel
24 board report under (f) of this section includes a recommendation that the matter be
25 made public, an interested party may file an action against the state in superior court
26 requesting that the court make public the complaint, the attorney general's disposition

1 of the complaint, and the personnel board report. The court may order the matter or
2 portions of the matter made public if the court determines that

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

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

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

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

10 Page 54, line 29, through page 55, line 3:

11 Delete all material.

12 Renumber the following bill sections accordingly.

13 Page 55, line 13:

14 Delete "a parent, sibling, grandparent, aunt, or uncle of the person's spouse"

15 Insert "a parent or sibling of the person's spouse"

Failed!

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 105(), Draft Version "P"

1 Page 14, line 30:

2 Delete "a new subsection"

3 Insert "new subsections"

4 Page 15, following line 7:

5 Insert a new subsection to read:

6 "(i) A legislative employee may not directly, or by authorizing another to act
7 on the employee's behalf,

8 (1) seek to induce or induce a person to provide or not provide a
9 political contribution, donate or not donate to a cause identified by the legislative
10 employee, or provide or not provide a thing of value by stating or implying that,
11 based on the person's decision about contributing, donating, or providing value, the
12 legislative employee will seek to persuade or will cause a legislator to

13 (A) take or withhold a legislative, administrative, or political
14 action, including support or opposition to a bill, employment, nominations, and
15 appointment; or

16 (B) perform or refrain from performing a lawful constituent
17 service; or

18 (2) unless required by the Uniform Rules of the Alaska State
19 Legislature, take or withhold official action or exert official influence that could
20 substantially benefit or harm the financial interest of another person with whom the
21 legislative employee is negotiating for employment."

Passed
AMENDMENT

0-LS0074P-~~7~~9
Cramer
4/17/98

OFFERED IN THE HOUSE

TO: HCS CSSB 105(), Draft Version "P"

1 Page 15, following line 31:

2 Insert a new bill section to read:

3 **** Sec. 17.** AS 24.60.031 is amended by adding new subsections to read:

4 (c) A legislator may not travel at state expense to a place in which the
5 legislator plans to hold a campaign fund raising event if the travel occurs less than 48
6 hours before the event is scheduled to begin. This subsection does not prohibit a
7 legislator from holding a campaign fund raising event in a place to which the
8 legislator traveled at state expense if the

9 (1) travel to the place is completed at least 48 hours before the event
10 was scheduled to begin;

11 (2) legislator made a trip at state expense to a place, returned from that
12 place, and then, within 48 hours, made a second trip to the place and the cost of the
13 second trip was not paid for at state expense; or

14 (3) travel was to the capital city immediately before the beginning of
15 a legislative session or from the capital city to the legislator's home immediately after
16 the final adjournment of a regular or special legislative session.

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

20 (1) asks for contributions for the legislator's campaign at the event;

21 (2) announces that the legislator will accept contributions for the
22 legislator's campaign at the event; or

23 (3) otherwise uses the event in a manner that clearly demonstrates that
24 a primary purpose of the event is to raise contributions for the legislator's campaign;
25 the fact that a legislator received campaign contributions at an event is insufficient,

1 without other evidence, to satisfy the proof required by this paragraph."

2 Renumber the following bill sections accordingly.

3 Page 47, line 28:

4 Delete "a new subsection"

5 Insert "new subsections"

6 Page 47, following line 28:

7 Insert a new subsection to read:

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

14 (1) travel to the place is completed at least 48 hours before the event
15 was scheduled to begin;

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

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

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

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

27 (3) otherwise uses the event in a manner that clearly demonstrates that
28 a primary purpose of the event is to raise contributions for the governor's or
29 lieutenant governor's campaign; the fact that the governor or lieutenant governor

1 received campaign contributions at an event is insufficient, without other evidence,
2 to satisfy the proof required by this paragraph."

3 Reletter the following subsection accordingly.

4 Renumber internal references to bill sections in accordance with this amendment. Below are
5 listed all the internal bill section references in this bill:

6 Page 55, line 21

7 Page 55, line 25

8 Page 55, line 27

9 Page 55, line 28

10 Page 55, line 30

p. 38 line #P-10
23

Take out
"on take leave
from"

gained

0-LS0074\L
Cramer
4/2/98

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 15.13.060(c) is amended to read:

9 (c) Each candidate for state office or for retention as a justice or judge shall
10 file the name and address of the campaign treasurer with the commission, or submit,
11 in writing, the name and address of the campaign treasurer to the director for filing
12 with the commission, no later than 15 days after the date of filing the declaration of
13 candidacy or the nominating petition. Each candidate for municipal office shall file

1 the name and address of the campaign treasurer with the commission no later than
2 seven days after the date of filing the declaration of candidacy or the nominating
3 petition. If the candidate does not designate a campaign treasurer, the candidate is the
4 campaign treasurer.

5 * Sec. 2. AS 15.13.072(d) is amended to read:

6 (d) A candidate for state office or an individual who has filed with the
7 commission the document necessary to permit that individual to incur election-related
8 expenses under AS 15.13.100 for election to state office may not solicit or accept a
9 contribution if the legislature is convened in a regular or special legislative session.
10 The [, AND THE] candidate or individual may, however, solicit and accept
11 contributions during the 90 days immediately preceding an election in which the
12 candidate or individual is a candidate even if the legislature is in session [IS A
13 MEMBER OF THE LEGISLATURE, OR EMPLOYED AS A MEMBER OF THE
14 LEGISLATOR'S STAFF OR AS A MEMBER OF THE STAFF OF A LEGISLATIVE
15 COMMITTEE].

16 * Sec. 3. AS 15.13.074(c) is amended to read:

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

18 (1) [TO A CANDIDATE FOR GOVERNOR OR LIEUTENANT
19 GOVERNOR OR AN INDIVIDUAL WHO FILES WITH THE COMMISSION THE
20 DOCUMENT NECESSARY TO PERMIT THAT INDIVIDUAL TO INCUR
21 CERTAIN ELECTION-RELATED EXPENSES AS AUTHORIZED BY AS 15.13.100
22 FOR GOVERNOR OR LIEUTENANT GOVERNOR, WHEN THE OFFICE IS TO
23 BE FILLED AT A GENERAL ELECTION, BEFORE THE LATER OF THE
24 FOLLOWING DATES:

25 (A) THE DATE THE INDIVIDUAL

26 (i) BECOMES A CANDIDATE; OR

27 (ii) FILES WITH THE COMMISSION THE
28 DOCUMENT NECESSARY TO PERMIT THE INDIVIDUAL TO
29 INCUR CERTAIN ELECTION-RELATED EXPENSES
30 AS AUTHORIZED BY AS 15.13.100; OR

31 (B) JANUARY 1 OF THE YEAR OF THE GENERAL

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ELECTION;

(2) to a candidate for state office [THE STATE LEGISLATURE] 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 state office [THE STATE LEGISLATURE, WHEN THE OFFICE IS TO BE FILLED AT A GENERAL ELECTION,] while the legislature is convened in a [ITS] regular or special legislative session, except as provided in (i) of this section, or [AND] 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 the individual to incur certain election-related expenses as authorized by AS 15.13.100; or

(B) June [JANUARY] 1 of the year before the year of the general election;

(2) [(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) 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

(3) [(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

1 running as a write-in candidate; and

2 (ii) is not opposed at the general election;

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

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

8 * Sec. 4. AS 15.13.074(h) is amended to read:

9 (h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant
10 governor and a group that is not a political party and that, under the definition of the
11 term "group," is presumed to be controlled by a candidate for governor or lieutenant
12 governor, may not make a contribution to a candidate for another office, to a person
13 who conducts a write-in campaign as a candidate for other office, or to another group
14 of amounts [RECEIVED BY] that the candidate or controlled group received as
15 contributions between June 1 of the year preceding the year in which there is a
16 general election for governor and lieutenant governor [JANUARY 1] and the date
17 of the general election [OF THE YEAR OF A GENERAL ELECTION FOR AN
18 ELECTION] for governor and lieutenant governor. This subsection does not prohibit

19 (1) the group described in this subsection from making contributions
20 to the candidates for governor and lieutenant governor whom the group supports; or

21 (2) the governor or lieutenant governor, or the group described in this
22 subsection, from making contributions under AS 15.13.116(a)(3)(A).

23 * Sec. 5. AS 15.13.074 is amended by adding a new subsection to read:

24 (i) Notwithstanding the prohibition against making a contribution to a
25 candidate while the legislature is convened in a regular or special session under (c) of
26 this section, a person or group may make a contribution to a candidate for state office
27 during a regular or special session if the contribution is otherwise permitted under (c)
28 of this section and if the contribution is made during the 90 days immediately
29 preceding an election in which the candidate or individual is a candidate.

30 * Sec. 6. AS 15.13.110(a) is amended to read:

31 (a) Each candidate and group shall make a full report in accordance with

1 AS 15.13.040 for the period ending three days before the due date of the report and
2 beginning on the last day covered by the most recent previous report. If the report is
3 a first report, it shall cover the period from the beginning of the campaign to the date
4 three days before the due date of the report. If the report is a report due February 15,
5 it shall cover the period beginning on the last day covered by the most recent previous
6 report or on the day that the campaign started, whichever is later, and ending on
7 December 31 of the prior year. The report shall be filed

8 (1) 30 days before the election; however, this report is not required if
9 the deadline for filing a nominating petition or declaration of candidacy is within 30
10 days of the election;

11 (2) one week before the election;

12 (3) 10 days after the election; and

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

19 * Sec. 7. AS 15.13.116(a) is amended to read:

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

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

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

30 (3) make donations, without condition, to

31 (A) a political party;

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(B) the state's general fund;

(C) a municipality of the state; or

(D) the federal government;

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

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

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

(A) to all contributors;

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

(C) to contributors who have made larger contributions;

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

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

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

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

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

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

(9) transfer all or a portion of the unused campaign contributions to a public [LEGISLATIVE] office expense term account or to a public office expense term account reserve in accordance with (d) of this section; a transfer under this

1 paragraph is subject to the following:

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

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

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

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

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

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

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

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

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

24 * Sec. 8. AS 15.13.116 is amended by adding a new subsection to read:

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

1 for the house of representatives may transfer up to \$10,000 from unused campaign
2 contributions to a public office expense term account reserve. The public office
3 expense term account reserve may only be used to make transfers to the public office
4 expense term account. At the end of the candidate's term of office, a balance in the
5 public office expense term account reserve must be disposed of as provided in (a) of
6 this section but may not be disposed of as provided in (a)(1), (2), (5), or (7) - (10) of
7 this section. All amounts expended under this subsection shall be annually accounted
8 for under AS 15.13.110(a)(4).

9 * Sec. 9. AS 15.13.400 is amended by adding a new paragraph to read:

10 (12) "state office" includes the office of governor, lieutenant governor,
11 member of the legislature, or similar state office.

12 * Sec. 10. AS 23.20.526(d) is amended to read:

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

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

18 (2) in a facility conducted for the purpose of carrying out a program
19 of rehabilitation for individuals whose earning capacity is impaired by age or physical
20 or mental deficiency or injury or providing remunerative work for individuals who,
21 because of their impaired physical or mental capacity, cannot be readily absorbed in
22 the competitive labor market by an individual receiving the rehabilitation or
23 remunerative work;

24 (3) as part of an unemployment work-relief or work-training program
25 assisted or financed in whole or in part by any federal agency or any agency of a state
26 or political subdivision of the state, by an individual receiving work relief or work
27 training;

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

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

1 school, college, or university;

2 (6) by an individual under the age of 22 who is enrolled at a nonprofit
3 or public educational institution that [WHICH] normally maintains a regular faculty
4 and curriculum and normally has a regularly organized body of students in attendance
5 at the place where its educational activities are carried on as a student in a full-time
6 program, taken for credit at the institution, that [WHICH] combines academic
7 instruction with work experience, if the service is an integral part of the program, and
8 the institution has so certified to the employer, except that this paragraph does not
9 apply to service performed in a program established for or on behalf of an employer
10 or group of employers;

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

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

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

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

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

31 (9) in the employ of

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

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

5 * Sec. 11. AS 24.25.010(e) is amended to read:

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

9 * Sec. 12. AS 24.45.041(b) is amended to read:

10 The registration form prescribed by the commission must include

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

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

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

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

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

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

30 (7) the identification of a legislator, legislative employee, or public
31 official to whom the lobbyist is married or who is the spousal equivalent of the

1 lobbyist; in this paragraph, "spousal equivalent" has the meaning given in
2 AS 39.50.030(g).

3 * Sec. 13. AS 24.45.171(12) is amended to read:

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

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

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

8 (C) an upper-level employee [A LEGISLATIVE DIRECTOR]
9 as defined in AS 24.60.990(a) [; HOWEVER, IT DOES NOT INCLUDE A
10 JUDICIAL OFFICER OR AN ELECTED OR APPOINTED MUNICIPAL
11 OFFICER].

12 * Sec. 14. AS 24.60.030(a) is amended to read:

13 (a) A legislator or legislative employee may not

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

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

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

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

30 (C) telephone or facsimile use that does not carry a special
31 charge;

1 (D) the legislative council, notwithstanding AS 24.05.190,
2 from designating a public facility for use by legislators and legislative
3 employees for health or fitness purposes; when the council designates a
4 facility to be used by legislators and legislative employees for health or
5 fitness purposes, it shall adopt guidelines governing access to and use of
6 the facility; the guidelines may establish times in which use of the facility
7 is limited to specific groups; or

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

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

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

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

31 (A) limited use of state property and resources for personal

1 purposes if the use does not interfere with the performance of public duties and
2 either the cost or value related to the use is nominal or the legislator or
3 legislative employee reimburses the state for the cost of the use;

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

7 (C) telephone or facsimile use that does not carry a special
8 charge;

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

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

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

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

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

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

1 (B) ends the day after the cooperative election, municipal
2 election, or general or special election;

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

7 * Sec. 16. AS 24.60.030(d) is amended to read:

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

16 * Sec. 17. AS 24.60.030(f) is amended to read:

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

31 * Sec. 18. AS 24.60.030(g) is repealed and reenacted to read:

1 (g) A legislator or legislative employee who has a substantial financial interest
2 that may be affected by official action may not take official action on the matter unless
3 the financial interest has been disclosed as required by this subsection. In the case of
4 a matter that is before a legislative committee or a house of the legislature, the
5 legislator or legislative employee shall orally disclose the financial interest to the
6 legislative committee or to the legislative house, as appropriate. The disclosure must
7 be reported in the journal or in the committee minutes, as appropriate. In the case of
8 a matter that is not before a legislative committee or a house of the legislature, the
9 legislator or legislative employee shall disclose the financial interest to the ethics
10 committee in writing, to be received by the committee within seven days after the
11 legislator or legislative employee takes the action. This written disclosure is a public
12 document. The committee shall promptly forward the disclosure to the clerk of the
13 house or the senate secretary for publication in the journal. A disclosure under this
14 subsection, whether written or oral, must include the nature of the financial interest and
15 a short description of how the action taken affects the interest. In this subsection,

16 (1) "financial interest" includes

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

22 (B) an interest based on employment of the legislator or
23 legislative employee or the spouse, spousal equivalent, or dependent child of
24 the legislator or legislative employee;

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

29 (D) an interest created by membership on the board of directors
30 of a corporation regardless of whether the effect of the action on that interest
31 is greater than the effect on a substantial class of persons to which the

1 legislator or legislative employee belongs as a member of a profession,
2 occupation, industry, or region;

3 (2) "official action" includes legislative, administrative, and political
4 action.

5 * Sec. 19. AS 24.60.030 is amended by adding a new subsection to read:

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

14 * Sec. 20. AS 24.60.031(a) is amended to read:

15 (a) A legislator or legislative employee may not

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

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

30 (3) in a campaign for state office, expend money that was raised on
31 a day when either house of the legislature was in a [STATE] legislative session

1 [CAMPAIGN THAT WAS RAISED] by or on behalf of a legislator [DURING A
2 LEGISLATIVE SESSION] under a declaration of candidacy or a general letter of
3 intent to become a candidate for public office; however, this paragraph does not
4 apply to money raised during the 90 days immediately preceding an election in
5 which the legislator is a candidate for state office.

6 * Sec. 21. AS 24.60.039 is amended by adding a new subsection to read:

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

12 * Sec. 22. AS 24.60.040(a) is amended to read:

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

1 concerns a contract or lease in which a family member of the discloser is
2 participating, the disclosure must identify the relationship between the participant
3 and the discloser.

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

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

8 * Sec. 24. AS 24.60.050(c) is amended to read:

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

29 * Sec. 25. AS 24.60.060 is amended by adding a new subsection to read:

30 (b) A legislator or legislative employee who is the subject of a complaint
31 under AS 24.60.170 violates this section if the legislator or legislative employee

1 violates a protective order issued under AS 24.60.170(i).

2 * Sec. 26. AS 24.60.070(b) is amended to read:

3 (b) A legislator or legislative employee required to make a disclosure
4 under this section shall make a disclosure by the date set under AS 24.60.105 of
5 the legislator's or legislative employee's close economic associations then in
6 existence. A disclosure under this section must be sufficiently detailed that a reader
7 of the disclosure can ascertain the nature of the association.

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

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

18 * Sec. 28. AS 24.60.080(a) is amended to read:

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

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

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

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

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

4 (B) at a social event or meal;

5 (2) discounts that are available

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

8 (B) when on official state business, but only if receipt of the
9 discount benefits the state;

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

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

14 (5) gifts from the immediate family of the person; [OR]

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

16 or

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

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

28 (d) A legislator or legislative employee who accepts a gift under (c)(4) [OR
29 (6)] of this section shall disclose the gift if it has a value of \$250 [\$100] or more; the
30 [. THE] disclosure must include the name and occupation of the person making the
31 gift, [AND] the approximate value of the gift, and [. A GIFT UNDER (c)(4) OF

1 THIS SECTION REQUIRED TO BE DISCLOSED UNDER THIS SUBSECTION]
2 shall be disclosed to the committee within 30 days after [OF] the receipt of the gift.
3 Except as provided in (i) of this section, a gift [TO THE COMMITTEE. GIFTS]
4 under (c)(6) of this section that has a value of \$250 or more shall be disclosed to the
5 committee annually on or before February 15 [APRIL 15] of the following calendar
6 year; the [AND THE] disclosure needs to include only a description of the gift and
7 the identity of the donor [THE VALUE ONLY IF THE VALUE OF THE GIFT
8 EXCEEDS \$250]. The committee shall maintain a public record of the disclosure it
9 receives relating to gifts under (c)(4) of this section and shall forward the disclosure
10 to the appropriate house for inclusion in the journal. Disclosures relating to gifts under
11 (c)(6) of this section shall be maintained, but are confidential and may only be used
12 by the committee and its employees and contractors in the investigation of a possible
13 violation of this section or in a proceeding under AS 24.60.170. If the disclosures
14 become part of the record of a proceeding under AS 24.60.170, the confidentiality
15 provisions of that section apply to the disclosures. The committee shall forward to
16 the Alaska Public Offices Commission copies of the disclosures concerning gifts
17 under (c)(4) of this section that it receives from legislative employees who are
18 required to file financial disclosure statements under AS 24.60.200 and from
19 legislators.

20 * Sec. 31. AS 24.60.080(e) is amended to read:

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

24 * Sec. 32. AS 24.60.080(f) is amended to read:

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

1 another state, a municipality, or another jurisdiction.

2 * Sec. 33. AS 24.60.080(g) is amended to read:

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

4 (1) the spouse of the person;

5 (2) the person's spousal equivalent;

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

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

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

15 * Sec. 34. AS 24.60.080 is amended by adding new subsections to read:

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

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

25 (j) A legislator, a legislative committee other than the Select Committee on
26 Legislative Ethics, or a legislative agency may accept (1) a gift of volunteer services
27 for legislative purposes so long as the person making the gift of services is not
28 receiving compensation from another source for the services or (2) a gift of the
29 services of a trainee who is participating in an educational program approved by the
30 committee if the services are used for legislative purposes. The committee shall
31 approve training under a program of the University of Alaska and training under 29

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

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

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

17 * Sec. 35. AS 24.60.085(a) is amended to read:

18 (a) A legislator or legislative employee may not

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

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

28 * Sec. 36. AS 24.60.100 is amended to read:

29 **Sec. 24.60.100. Representation.** A legislator or legislative employee who
30 represents another person for compensation before an agency, board, or commission
31 of the state shall disclose the name of the person represented, the subject matter of the

1 representation, and the body before which the representation is to take place to the
2 committee. The disclosure shall be made by the deadlines set out in AS 24.60.105.
3 The committee shall maintain a public record of a [THE] disclosure under this section
4 and forward the disclosure to the respective house for inclusion in the journal. A
5 legislator or legislative employee may not represent another person for compensation
6 before an agency, committee, or other entity of the legislative branch.

7 * Sec. 37. AS 24.60 is amended by adding a new section to read:

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

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

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

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

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

29 (4) formation or maintenance of a close economic association under
30 AS 24.60.070;

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

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

2 * Sec. 38. AS 24.60.130(f) is amended to read:

3 (f) The committee may contract for professional services and may employ staff
4 as it considers necessary. A committee employee, including a person who provides
5 personal services under a contract with the committee, may not be a legislator, an
6 elected or appointed official of a state or local governmental entity, an officer of a
7 political party, a candidate for public office, or a registered lobbyist. The legislative
8 council shall provide office space, equipment, and additional staff support for the
9 committee. The committee shall submit a budget for each fiscal year to the finance
10 committees of the legislature and shall annually submit an estimated budget to the
11 governor for information purposes in preparation of the state operating budget. Public
12 members of the committee serve without compensation for their services, but are
13 entitled to per diem and travel expenses authorized for boards and commissions
14 under AS 39.20.180.

15 * Sec. 39. AS 24.60.130(h) is amended to read:

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

1 OF THE SUBCOMMITTEE OF THAT HOUSE, TO ACT AS A MEMBER OF THE
2 COMMITTEE IN THE PROCEEDING].

3 * Sec. 40. AS 24.60.130 is amended by adding a new subsection to read:

4 (o) When appointing members of the legislature to serve on the committee, the
5 speaker of the house or the president of the senate, as appropriate, shall appoint an
6 alternate member for each regular member. An alternate must have the same
7 qualifications as the regular member for whom the alternate stands as alternate and is
8 subject to confirmation as required for the regular member. If a regular legislative
9 member of the committee or a subcommittee is disqualified under (h) of this section
10 from serving on the committee or the subcommittee concerning a proceeding under
11 AS 24.60.170, the chair of the committee or a subcommittee shall designate the regular
12 member's alternate to serve in place of the regular member in the proceeding unless
13 the alternate is also disqualified from serving. The designation shall be treated as
14 confidential to the same extent that the identity of the subject of a complaint is
15 required to be kept confidential.

16 * Sec. 41. AS 24.60.134(a) is amended to read:

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

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

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

29 (A) a candidate for the legislature;

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

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

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

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

8 * Sec. 42. AS 24.60.134 is amended by adding a new subsection to read:

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

16 * Sec. 43. AS 24.60.160 is amended to read:

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

28 (b) An [THE] opinion issued under this section is binding on the committee
29 in any subsequent proceedings concerning the facts and circumstances of the particular
30 case unless material facts were omitted or misstated in the request for the advisory
31 opinion. Except as provided in this chapter, an advisory opinion is confidential but

1 shall be made public if a written request by the person who requested the opinion is
2 filed with the committee. A person who requested an opinion, including a
3 legislator, may not require admittance to an executive session of the committee
4 when it is deliberating concerning the advisory opinion.

5 * Sec. 44. AS 24.60.170(a) is amended to read:

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

21 * Sec. 45. AS 24.60.170(b) is amended to read:

22 (b) A complaint may be initiated by any person. The complaint must be in
23 writing and signed under oath by the person making the complaint and must contain
24 a statement that the complainant has reason to believe that a violation of this
25 chapter has occurred and describe any facts known to the complainant to support
26 that belief. The committee shall upon request provide a form for a complaint to a
27 person wishing to file a complaint. Upon receiving a complaint, the committee shall
28 advise the complainant that the committee or the subject of the complaint may
29 ask the complainant to testify at any stage of the proceeding as to the
30 complainant's belief that the subject of the complaint has violated this chapter.

31 The committee shall immediately provide a copy of the complaint to the person who

1 is the subject of the complaint.

2 * Sec. 46. AS 24.60.170(c) is amended to read:

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

27 * Sec. 47. AS 24.60.170(f) is amended to read:

28 (f) If the committee determines after investigation that there is not probable
29 cause to believe that the subject of the complaint has violated this chapter, the
30 committee shall dismiss the complaint. The committee may also dismiss portions of
31 a complaint if it finds no probable cause to believe that the subject of the complaint

1 has violated this chapter as alleged in those portions. The committee shall issue a
2 decision explaining its dismissal. Committee deliberations and vote on the
3 dismissal order and decision are not open to the public or to the subject of the
4 complaint. A copy of the dismissal order and decision shall be sent to the
5 complainant and to the subject of the complaint. Notwithstanding (l) of this section,
6 a dismissal order and decision is open to inspection and copying by the public.

7 * Sec. 48. AS 24.60.170(g) is amended to read:

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

24 * Sec. 49. AS 24.60.170(h) is amended to read:

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

1 of the charge shall be sent to the complainant. The person charged may file a
2 responsive pleading to the committee admitting or denying some or all of the
3 allegations of the charge.

4 * Sec. 50. AS 24.60.170(i) is amended to read:

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

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

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

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

21 * Sec. 51. AS 24.60.170(l) is amended to read:

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

1 Commission. All meetings of the committee before the determination of probable
2 cause are closed to the public and to legislators who are not members of the
3 committee. However, the committee may permit the subject of the complaint to
4 attend a meeting other than the deliberations on probable cause. The
5 confidentiality provisions of this subsection may be waived by the subject of the
6 complaint, except that the subject of the complaint may not waive the
7 confidentiality duty the committee owes to others and may not require the
8 committee to deliberate in public.

9 * Sec. 52. AS 24.60.174(a) is amended to read:

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

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

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

20 * Sec. 53. AS 24.60.174 is amended by adding a new subsection to read:

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

30 * Sec. 54. AS 24.60.176 is amended to read:

31 Sec. 24.60.176. Recommendations where violator is a legislative employee.

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

11 * Sec. 55. AS 24.60.176 is amended by adding a new subsection to read:

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

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

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

20 (3) the appropriate finance committee for employees of the senate or
21 house finance committees;

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

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

29 (6) the ombudsman for employees of the office of the ombudsman,
30 other than the ombudsman;

31 (7) the legislature for the ombudsman.

1 * **Sec. 56.** AS 24.60 is amended by adding a new section to read:

2 **Sec. 24.60.178. Recommended sanctions.** (a) When the committee finds that
3 a person has violated this chapter, the committee may recommend appropriate
4 sanctions, including sanctions set out in (b) of this section.

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

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

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

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

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

15 (5) restitution of property or reimbursement of improperly received
16 benefits;

17 (6) public or private written reprimand;

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

22 (8) placing the person on probationary status;

23 (9) in the case of a legislator, expulsion from the house of the
24 legislature;

25 (10) any other appropriate measure.

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

30 * **Sec. 57.** AS 24.60.200 is amended to read:

31 **Sec. 24.60.200. Financial disclosure by legislators, upper-level employees,**

1 and public members of the committee [LEGISLATIVE DIRECTORS]. A
2 legislator, an upper-level employee, and a public member of the committee
3 [LEGISLATIVE DIRECTOR] shall file a disclosure statement, under oath and on
4 penalty of perjury, with the Alaska Public Offices Commission giving the following
5 information about the income received by the discloser, the discloser's spouse or
6 spousal equivalent, the discloser's [THEM, THEIR SPOUSES, THEIR] dependent
7 children, and the discloser's [THEIR] nondependent children who are living with the
8 discloser [THEM]:

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

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

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

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

31 * Sec. 58. AS 24.60.210 is amended to read:

1 **Sec. 24.60.210. Deadlines for filing of disclosure statements.** A legislator
2 and an upper-level employee [A LEGISLATIVE DIRECTOR] shall file an annual
3 report with the Alaska Public Offices Commission, covering the previous calendar
4 year, containing the disclosures required by AS 24.60.200, on or before February
5 [APRIL] 15 of each year. However, an upper-level employee who was first
6 appointed to a position compensated at Range 19 or above on or after January
7 1 of the calendar year in which the report is to be filed is required to file the
8 report on or before the 60th day after the employee was hired into the position.

9 * **Sec. 59.** AS 24.60.240 is amended to read:

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

19 * **Sec. 60.** AS 24.60.250 is amended to read:

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

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

6 * Sec. 61. AS 24.60.260(a) is amended to read:

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

14 * Sec. 62. AS 24.60.260 is amended by adding a new subsection to read:

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

20 * Sec. 63. AS 24.60.990(a)(5) is amended to read:

21 (5) "immediate family" means

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

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

27 * Sec. 64. AS 24.60.990(a) is amended by adding new paragraphs to read:

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

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