



# LAWS OF ALASKA

1998

**Source**

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**Chapter No.**

74

**AN ACT**

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

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** June 3, 1998

**Actual Effective Date:** Sections 1 - 10, 19, 61, 104 - 106 take effect June 4, 1998; sections 11 - 18, 20 - 60, and 62 - 103 take effect January 1, 1999; sections 8, 10, and 104 are retroactive to December 31, 1996

AN ACT

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

6

7 \* **Section 1.** AS 15.13.040 is amended by adding a new subsection to read:

8 (i) The permission of the owner of real or personal property to post political  
9 signs, including bumper stickers, or to use space for an event or to store campaign-  
10 related materials is not considered to be a contribution to a candidate under this  
11 chapter unless the owner customarily charges a fee or receives payment for that  
12 activity. The fact that the owner customarily charges a fee or receives payment for

Chapter 74

1 posting signs that are not political signs is not determinative of whether the owner  
2 customarily does so for political signs.

3 \* Sec. 2. AS 15.13.070 is amended by adding a new subsection to read:

4 (e) This section does not prohibit a candidate from using up to a total of  
5 \$1,000 from campaign contributions in a year to pay the cost of

6 (1) attendance by a candidate or guests of the candidate at an event or  
7 other function sponsored by a political party or by a subordinate unit of a political  
8 party;

9 (2) membership in a political party, subordinate unit of a political party,  
10 or other entity within a political party, or subscription to a publication from a political  
11 party; or

12 (3) co-sponsorship of an event or other function sponsored by a  
13 political party or by a subordinate unit of a political party.

14 \* Sec. 3. AS 15.13.072(d) is amended to read:

15 (d) A candidate or an individual who has filed with the commission the  
16 document necessary to permit that individual to incur election-related expenses under  
17 AS 15.13.100 for election or reelection to the state legislature may not solicit or accept  
18 a contribution while the legislature is convened in a regular or special legislative  
19 session unless the solicitation or acceptance occurs

20 (1) during the 90 days immediately preceding an election in which the  
21 candidate or individual is a candidate; and

22 (2) in a place other than the capital city.

23 \* Sec. 4. AS 15.13.072 is amended by adding a new subsection to read:

24 (g) A candidate or an individual who has filed with the commission the  
25 document necessary to permit that individual to incur election-related expenses under  
26 AS 15.13.100 for election or reelection to the office of governor or lieutenant governor  
27 may not solicit or accept a contribution in the capital city while the legislature is  
28 convened in a regular or special legislative session.

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

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

31 (1) to a candidate for governor or lieutenant governor or an individual

1 who files with the commission the document necessary to permit that individual to  
2 incur certain election-related expenses as authorized by AS 15.13.100 for governor or  
3 lieutenant governor [,] before the later of the following dates:

4 (A) the date the individual

5 (i) becomes a candidate; or

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

9 (B) January 1 of the year of the election **when the office is to**  
10 **be filled at a general election; or**

11 **(C) the date of the proclamation when the office is to be**  
12 **filled at a special election;**

13 (2) to a candidate for the state legislature or an individual who files  
14 with the commission the document necessary to permit that individual to incur certain  
15 election-related expenses as authorized by AS 15.13.100 for the state legislature while  
16 the legislature is convened in a regular or special legislative session, unless the  
17 contribution is made **in a place other than the capital city** during the 90 days  
18 immediately preceding an election in which the candidate or individual is a candidate,  
19 or before the later of the following dates:

20 (A) the date the individual

21 (i) becomes a candidate; or

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

25 (B) January 1 of the year of the election;

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

30 (A) the date the individual

31 (i) becomes a candidate; or

Chapter 74

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

(B) the date that is nine months before the date of the municipal election; or

(4) to any candidate after the earlier of December 31 of the year of the election or the 60th [LATER THAN THE 45TH] day

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

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

(ii) is not opposed at the general election;

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

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

(5) in the capital city to a candidate for governor or lieutenant governor or the state legislature when the legislature is convened in a regular or special legislative session.

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

(a) Each candidate and group shall make a full report in accordance with AS 15.13.040 for the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. If the report is a first report, it shall cover the period from the beginning of the campaign to the date three days before the due date of the report. If the report is a report due February 15, it shall cover the period beginning on the last day covered by the most recent previous report or on the day that the campaign started, whichever is later, and ending on December 31 of the prior year. The report shall be filed

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

1 (2) one week before the election;

2 (3) 10 days after the election; and

3 (4) February 15 for expenditures made and contributions received that  
4 were not reported during the previous year, including, if applicable, all amounts  
5 expended from a **public** [LEGISLATIVE] office **expense term** account established  
6 under **AS 15.13.116(a)(8)** [AS 15.13.116(a)(9)] and all amounts expended from a  
7 municipal office account under **AS 15.13.116(a)(9)** [AS 15.13.116(a)(10)], or when  
8 expenditures were not made or contributions were not received during the previous  
9 year.

10 \* **Sec. 7.** AS 15.13.112 is amended by adding a new subsection to read:

11 (c) A candidate may use up to a total of \$1,000 in campaign contributions in  
12 a year to pay the cost of

13 (1) attending, or paying the cost for guests of the candidate to attend,  
14 an event or other function sponsored by a political party or subordinate unit of a  
15 political party;

16 (2) membership in a political party, subordinate unit of a political party,  
17 or other entity within a political party, or subscription to a publication from a political  
18 party; and

19 (3) co-sponsorship of an event or other function sponsored by a  
20 political party or by a subordinate unit of a political party.

21 \* **Sec. 8.** AS 15.13.116(a) is amended to read:

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

26 (1) pay bills incurred for expenditures reasonably related to the  
27 campaign and the winding up of the affairs of the campaign, **including a victory or**  
28 **thank you party and thank you gifts to campaign employees and volunteers**, and  
29 to pay expenditures associated with post-election fund raising that may be needed to  
30 raise funds to pay off campaign debts;

31 (2) [PAY FOR A VICTORY OR A THANK YOU PARTY COSTING

Chapter 74

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

3 (3)] make donations, without condition, to

4 (A) a political party;

5 (B) the state's general fund;

6 (C) a municipality of the state; or

7 (D) the federal government;

8 (3) [(4)] make donations, without condition, to organizations qualified  
9 as charitable organizations under 26 U.S.C. 501(c)(3), provided the organization is not  
10 controlled by the candidate or a member of the candidate's immediate family;

11 (4) [(5)] repay loans from the candidate to the candidate's own  
12 campaign under AS 15.13.078(b);

13 (5) [(6)] repay contributions to contributors, but only if repayment of  
14 the contribution is made pro rata in approximate proportion to the contributions made  
15 using one of the following, as the candidate determines:

16 (A) to all contributors;

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

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

19 (6) [(7)] establish a fund for, and from that fund to pay, attorney fees  
20 or costs incurred in the prosecution or defense of an administrative or civil judicial  
21 action that directly concerns a challenge to the victory or defeat of the candidate in the  
22 election;

23 (7) [(8)] transfer all or a portion of the unused campaign contributions  
24 to an account for a future election campaign; a transfer under this paragraph is limited  
25 to

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

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

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

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

3 (8) [(9)] transfer all or a portion of the unused campaign contributions  
4 to a public [LEGISLATIVE] office expense term account or to a public office  
5 expense term account reserve in accordance with (d) of this section; a transfer  
6 under this paragraph is subject to the following:

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

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

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

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

18 (9) [(10)] transfer all or a portion of the unused campaign contributions  
19 to a municipal office account; a transfer under this paragraph is subject to the  
20 following:

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

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

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

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

30 \* Sec. 9. AS 15.13.116(b) is amended to read:

31 (b) After a general, special, municipal, or municipal runoff election, a

Chapter 74

1 candidate may retain the ownership of one computer and one printer and of personal  
2 property, except money, that was acquired by and for use in the campaign. The  
3 current fair market value of the property retained, exclusive of the computer and  
4 printer, may not exceed \$2,500. All other property shall be disposed of, or sold and  
5 the sale proceeds disposed of, in accordance with (a) or (c) of this section.  
6 Notwithstanding any other provision of this chapter, a candidate may (1) retain  
7 a bulk mailing permit that was paid for with campaign funds, and (2) use  
8 personal funds, campaign funds, or unused campaign contributions transferred  
9 to a public office expense term account under (a)(8) of this section to pay the  
10 continuing charges for the permit after the election. Money used to continue the  
11 life of the permit is not considered to be a contribution under this chapter. In  
12 addition to any other use permitted under this chapter, during the candidate's  
13 term of office, the candidate may use the bulk mailing permit for mailings  
14 associated with service in the office to which the candidate was elected. During  
15 the candidate's term of office, if the candidate files a declaration of candidacy or  
16 a letter of intent to become a candidate for the same or a different elective office,  
17 the candidate may also use the bulk mailing permit in that election campaign.

18 \* Sec. 10. AS 15.13.116 is amended by adding a new subsection to read:

19 (d) After a general or special election, a candidate for the state legislature who  
20 has been elected to the state legislature in that election may, from the amount retained  
21 in the public office expense term account reserve under this subsection, transfer to a  
22 public office expense term account not more than \$5,000 each calendar year for use  
23 only for expenses associated with the candidate's serving as a member of the  
24 legislature. A candidate for the senate may transfer up to \$20,000 from unused  
25 campaign contributions to a public office expense term account reserve. A candidate  
26 for the house of representatives may transfer up to \$10,000 from unused campaign  
27 contributions to a public office expense term account reserve. The public office  
28 expense term account reserve may only be used to make transfers to the public office  
29 expense term account. At the end of the candidate's term of office, a balance in the  
30 public office expense term account reserve must be disposed of as provided in (a) of  
31 this section but may not be disposed of as provided in (a)(1), (4), or (6) - (9) of this

1 section. All amounts expended under this subsection shall be annually accounted for  
2 under AS 15.13.110(a)(4).

3 \* **Sec. 11.** AS 23.20.526(d) is amended to read:

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

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

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

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

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

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

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

## Chapter 74

1 or group of employers;

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

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

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

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

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

22 (9) in the employ of

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

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

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

28 (b) The registration form prescribed by the commission must include

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

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

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

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

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

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

17 (7) the identification of a legislator, legislative employee, or public  
18 official to whom the lobbyist is married or who is the spousal equivalent of the  
19 lobbyist; in this paragraph, "spousal equivalent" has the meaning given in  
20 AS 39.50.030(g).

21 \* Sec. 13. AS 24.60.030(a) is amended to read:

22 (a) A legislator or legislative employee may not

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

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

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

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

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

10 (D) the legislative council, notwithstanding AS 24.05.190,  
11 from designating a public facility for use by legislators and legislative  
12 employees for health or fitness purposes; when the council designates a  
13 facility to be used by legislators and legislative employees for health or  
14 fitness purposes, it shall adopt guidelines governing access to and use of  
15 the facility; the guidelines may establish times in which use of the facility  
16 is limited to specific groups; or

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

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

31 (4) require a legislative employee to perform services for the private

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

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

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

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

16 (C) telephone or facsimile use that does not carry a special  
 17 charge;

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

20 (E) a legislator from using the legislator's private office in  
 21 the capital city during a legislative session, and for the five days  
 22 immediately before and the five days immediately after a legislative  
 23 session, for nonlegislative purposes if the use does not interfere with the  
 24 performance of public duties and if there is no cost to the state for the use  
 25 of the space and equipment, other than utility costs and minimal wear and  
 26 tear, or the legislator promptly reimburses the state for the cost; an office  
 27 is considered a legislator's private office under this subparagraph if it is  
 28 the primary space in the capital city reserved for use by the legislator,  
 29 whether or not it is shared with others.

30 \* Sec. 14. AS 24.60.030(c) is repealed and reenacted to read:

31 (c) Unless approved by the committee, during a campaign period for an

## Chapter 74

1 election in which the legislator or legislative employee is a candidate, a legislator or  
2 legislative employee may not use or permit another to use state funds, other than funds  
3 to which the legislator is entitled under AS 24.10.110, to print or distribute a political  
4 mass mailing to individuals eligible to vote for the candidate. In this subsection,

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

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

10 (B) ends the day after the cooperative election, municipal  
11 election, or general or special election;

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

16 \* Sec. 15. AS 24.60.030(d) is amended to read:

17 (d) A legislator, **legislative employee**, or another person on behalf of the  
18 legislator **or legislative employee**, or a campaign committee of the legislator **or**  
19 **legislative employee**, may not distribute or post campaign literature, placards, posters,  
20 **fund-raising notices**, or other communications intended to influence the election of  
21 a candidate in an election in public areas in a facility ordinarily used to conduct state  
22 government business. **This prohibition applies whether or not the election has been**  
23 **concluded. However, a legislator may post, in the legislator's private office,**  
24 **communications related to an election that has been concluded.**

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

26 (f) A legislative employee may not serve in a position that requires  
27 confirmation by the legislature. A legislator or legislative employee may serve on a  
28 board of an organization, including a governmental entity, that regularly has a  
29 substantial interest in the legislative activities of the legislator or employee [,] if the  
30 legislator or employee discloses the board membership to the committee. **A legislator**  
31 **or legislative employee who is required to make a disclosure under this subsection**

1 shall file the disclosure with the committee by the deadlines set out in  
2 AS 24.60.105 stating the name of each organization on whose board the person  
3 serves. The committee shall maintain a public record of the disclosure and  
4 forward the disclosure to the appropriate house for inclusion in the journal. This  
5 subsection does not require a legislator or legislative employee who is appointed  
6 to a board by the presiding officer to make a disclosure of the appointment to the  
7 committee if the appointment has been published in the appropriate legislative  
8 journal during the calendar year.

9 \* Sec. 17. AS 24.60.030(g) is amended to read:

10 (g) Unless required by the Uniform Rules of the Alaska State Legislature, a  
11 legislator [OR LEGISLATIVE EMPLOYEE] may not vote on a question  
12 [PARTICIPATE IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION]  
13 if the legislator [OR LEGISLATIVE EMPLOYEE] has an equity or ownership interest  
14 in a business, investment, real property, lease, or other enterprise if the interest is  
15 substantial and the effect on that interest of the action to be voted on [THAT  
16 INTEREST] is greater than the effect on a substantial class of persons to which the  
17 legislator [OR LEGISLATIVE EMPLOYEE] belongs as a member of a profession,  
18 occupation, industry, or region.

19 \* Sec. 18. AS 24.60.030 is amended by adding a new subsection to read:

20 (h) An employee who engages in political campaign activities other than  
21 incidental campaign activities during the employee's work day shall take leave for the  
22 period of campaigning. Political campaign activities while on government time are  
23 permissible if the activities are part of the normal legislative duties of the employee,  
24 including answering telephone calls and handling incoming correspondence.

25 \* Sec. 19. AS 24.60.031(a) is amended to read:

26 (a) A legislator or legislative employee may not

27 (1) on a day when either house of [WHILE] the legislature is in  
28 regular or special session, solicit or accept a contribution or a promise or pledge to  
29 make a contribution for a **campaign for the state legislature; however, a legislator**  
30 **or legislative employee may, except in the capital city, solicit or accept a**  
31 **contribution, promise, or pledge for a campaign for the state legislature that**

1 occurs during the 90 days immediately preceding an election [STATE  
2 LEGISLATIVE CAMPAIGN];

3 (2) accept money from an event held on a day when either house of  
4 the legislature is in regular or special [DURING A LEGISLATIVE] session if a  
5 substantial purpose of the event is [EITHER] to raise money on behalf of the member  
6 or legislative employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR]  
7 state legislative political purposes; however, this paragraph does not prohibit a  
8 legislator or legislative employee from accepting money from an event held in a  
9 place other than the capital city during the 90 days immediately preceding an  
10 election; or

11 (3) in a campaign for the state legislature, expend money that was  
12 raised on a day when either house of the legislature was in a [STATE] legislative  
13 session [CAMPAIGN THAT WAS RAISED] by or on behalf of a legislator [DURING  
14 A LEGISLATIVE SESSION] under a declaration of candidacy or a general letter of  
15 intent to become a candidate for public office; however, this paragraph does not  
16 apply to money raised in a place other than the capital city during the 90 days  
17 immediately preceding an election.

18 \* Sec. 20. AS 24.60.039 is amended by adding a new subsection to read:

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

24 \* Sec. 21. AS 24.60.040(a) is amended to read:

25 (a) A legislator or legislative employee, or a member of the immediate family  
26 of a legislator or legislative employee, may not be a party to or have an interest in a  
27 state contract or lease unless the contract or lease is let [THROUGH COMPETITIVE  
28 SEALED BIDDING] under AS 36.30 (State Procurement Code) or, for agencies that  
29 are not subject to AS 36.30, under similar procedures, or the total annual amount  
30 of the state contract or lease is \$5,000 [\$1,000] or less, or is a standardized contract  
31 or lease that was developed under publicly established guidelines and is generally

1 available to the public at large, members of a profession, occupation, or group. A  
 2 person has an interest in a state contract or lease under this section if the person  
 3 receives direct or indirect financial benefits. A legislator or legislative employee who  
 4 participates in, or who knows or reasonably should know that a family member  
 5 is participating in, a state contract or lease that has an annual value of \$5,000 or  
 6 more shall disclose the participation to the committee by the date required under  
 7 AS 24.60.105. The legislator or legislative employee shall also disclose the  
 8 renegotiation of a state contract or lease if the original had to be disclosed under  
 9 this section or if, as a result of renegotiation, disclosure is required under this  
 10 section. The disclosure must state the amount of the contract or lease and the  
 11 name of the state agency issuing the contract or lease and must identify the  
 12 procedures under which the contract or lease was issued. If the disclosure  
 13 concerns a contract or lease in which a family member of the discloser is  
 14 participating, the disclosure must identify the relationship between the participant  
 15 and the discloser.

16 \* Sec. 22. AS 24.60.040 is amended by adding a new subsection to read:

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

20 \* Sec. 23. AS 24.60.050(c) is amended to read:

21 (c) A legislator or legislative employee who participates in a program or  
 22 receives a loan that is not exempt from disclosure under (a) of this section shall file  
 23 a written report with the committee by the date required under AS 24.60.105  
 24 [FEBRUARY 15 OF EACH YEAR] stating the amounts of the loans outstanding or  
 25 benefits received during the preceding calendar year from nonqualifying programs. If  
 26 the committee requests additional information necessary to determine the propriety of  
 27 participating in the program or receiving the loan, it shall be promptly provided. The  
 28 committee shall promptly compile a list of the statements indicating the loans and  
 29 programs and amounts and send it to the presiding officer of each house who shall  
 30 have it published in the supplemental journals within three weeks after [OF] the filing  
 31 date. A legislator or legislative employee who believes that disclosure of

1 participation in a program would be an invasion of the participant's right to  
2 privacy under the state constitution may request the committee to keep the  
3 disclosure confidential. If the committee finds that publication would constitute  
4 an invasion of privacy, the committee shall publish only the fact that a person has  
5 participated in the program and the amount of benefit that the unnamed person  
6 received. The committee shall maintain the disclosure of the name of the person  
7 as confidential and may only use the disclosure in a proceeding under  
8 AS 24.60.170. If the disclosure becomes part of the record of a proceeding under  
9 AS 24.60.170, the disclosure may be made public as provided in that section.

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

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

14 \* Sec. 25. AS 24.60.070(b) is amended to read:

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

20 \* Sec. 26. AS 24.60.070 is amended by adding a new subsection to read:

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

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

31 (a) Except as otherwise provided in this section, a [A] legislator or

1 legislative employee may not solicit, accept, or receive, directly or indirectly, a gift  
 2 worth **\$250** [\$100] or more, whether in the form of money, services, a loan, travel,  
 3 entertainment, hospitality, promise, or other form, or gifts from the same person worth  
 4 less than **\$250** [\$100] that in a calendar year aggregate to **\$250** [\$100] or more in  
 5 value. **Except for food or beverage for immediate consumption, a legislator or**  
 6 **legislative employee** [, AND] may not solicit, accept, or receive during a legislative  
 7 session a gift with any monetary value from a lobbyist or a person acting on behalf  
 8 of a lobbyist.

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

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

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

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

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

16 (B) at a social event or meal;

17 (2) discounts that are available

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

20 (B) **when on official state business, but only if receipt of the**  
 21 **discount benefits the state;**

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

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

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

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

28 (7) **a discount for all or part of a legislative session, including time**  
 29 **immediately preceding or following the session, or other gift to welcome a**  
 30 **legislator or legislative employee who is employed on the personal staff of a**  
 31 **legislator or by a standing or special committee to the capital city or in**

1 recognition of the beginning of a legislative session if the gift or discount is  
2 available generally to all legislators and the personal staff of legislators and staff  
3 of standing and special committees; this paragraph does not apply to legislative  
4 employees who are employed by the Legislative Affairs Agency, the office of the  
5 chief clerk, the office of the senate secretary, the legislative budget and audit  
6 committee, or the office of the ombudsman; or

7 (8) a gift of legal services in a matter of legislative concern and a  
8 gift of other services related to the provision of legal services in a matter of  
9 legislative concern.

10 \* Sec. 29. AS 24.60.080(d) is repealed and reenacted to read:

11 (d) A legislator or legislative employee who accepts a gift under (c)(4) of this  
12 section that has a value of \$250 or more shall disclose to the committee, within 30  
13 days after receipt of the gift, the name and occupation of the donor and the  
14 approximate value of the gift. A legislator or legislative employee who accepts a gift  
15 under (c)(8) of this section that the recipient expects will have a value of \$250 or more  
16 in the calendar year shall disclose to the committee, within 30 days after receipt of the  
17 gift, the name and occupation of the donor, a general description of the matter of  
18 legislative concern with respect to which the gift is made, and the approximate value  
19 of the gift. The committee shall maintain a public record of the disclosures it receives  
20 relating to gifts under (c)(4) and (8) of this section and shall forward the disclosures  
21 to the appropriate house for inclusion in the journal. The committee shall forward to  
22 the Alaska Public Offices Commission copies of the disclosures concerning gifts under  
23 (c)(4) and (8) of this section that it receives from legislators and legislative directors.  
24 A legislator or legislative employee who accepts a gift under (c)(6) of this section that  
25 has a value of \$250 or more shall disclose to the committee annually on or before  
26 March 15 the name and occupation of the donor and a description of the gift. The  
27 committee shall maintain disclosures relating to gifts under (c)(6) of this section as  
28 confidential records and may only use, or permit a committee employee or contractor  
29 to use, a disclosure under (c)(6) of this section in the investigation of a possible  
30 violation of this section or in a proceeding under AS 24.60.170. If the disclosure  
31 under (c)(6) of this section becomes part of the record of a proceeding under

1 AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.

2 \* Sec. 30. AS 24.60.080(e) is amended to read:

3 (e) A political contribution [THAT IS REPORTED UNDER AS 15.13.040] is  
4 not a gift under this section if it is reported under AS 15.13.040 or is exempt from  
5 the reporting requirement under AS 15.13.040(g). The use of a bulk mailing  
6 permit owned by a legislator's campaign committee or used in a legislator's  
7 election campaign is not a gift to that legislator under this section.

8 \* Sec. 31. AS 24.60.080(f) is amended to read:

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

17 \* Sec. 32. AS 24.60.080(g) is amended to read:

18 (g) In this section, "immediate family" or "family member" means  
19 (1) the spouse of the person;  
20 (2) the person's spousal equivalent;  
21 (3) a child, including a stepchild and an adoptive child, of the  
22 person or of the person's spousal equivalent;  
23 (4) a parent, sibling, grandparent, aunt, or uncle of the person;  
24 (5) a parent, sibling, grandparent, aunt, or uncle of the person's  
25 spouse or the person's spousal equivalent; and  
26 (6) a stepparent, stepsister, stepbrother, step-grandparent, step-  
27 aunt, or step-uncle of the person, the person's spouse, or the person's spousal  
28 equivalent [HAS THE MEANING GIVEN IN AS 24.60.990(a)(5) AND INCLUDES  
29 THE GRANDPARENTS, AUNTS, AND UNCLES OF A PERSON, ALSO  
30 INCLUDES A PERSON DESCRIBED IN THIS SUBSECTION OR  
31 AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON BY MARRIAGE].

## Chapter 74

1 \* Sec. 33. AS 24.60.080 is amended by adding new subsections to read:

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

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

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

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

27 \* Sec. 34. AS 24.60.085(a) is amended to read:

28 (a) A legislator or legislative employee may not

29 (1) seek or accept compensation for personal services that is  
30 significantly greater than the value of [INVOLVES PAYMENTS THAT ARE NOT  
31 COMMENSURATE WITH] the services rendered taking into account the higher rates

1 generally charged by specialists in a profession; or

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

7 \* **Sec. 35.** AS 24.60.100 is amended to read:

8 **Sec. 24.60.100. Representation.** A legislator or legislative employee who  
 9 represents another person for compensation before an agency, board, or commission  
 10 of the state shall disclose the name of the person represented, the subject matter of the  
 11 representation, and the body before which the representation is to take place to the  
 12 committee. The disclosure shall be made by the deadlines set out in AS 24.60.105.  
 13 The committee shall maintain a public record of a [THE] disclosure under this section  
 14 and forward the disclosure to the respective house for inclusion in the journal. A  
 15 legislator or legislative employee may not represent another person for compensation  
 16 before an agency, committee, or other entity of the legislative branch.

17 \* **Sec. 36.** AS 24.60 is amended by adding a new section to read:

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

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

31 (1) service on the board of an organization as set out in

Chapter 74

1 AS 24.60.030(f);

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

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

8 (4) formation or maintenance of a close economic association under  
9 AS 24.60.070;

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

11 \* Sec. 37. AS 24.60.130(f) is amended to read:

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

24 \* Sec. 38. AS 24.60.130(g) is amended to read:

25 (g) Each legislative member serves for the duration of the legislature during  
26 which the member is appointed. Each public member serves for a term that  
27 commences on the date the member is ratified and ends on the first day of the third  
28 regular session that follows the ratification. A public member whose term has expired  
29 continues in office until a successor has been appointed and ratified or until the 30th  
30 calendar day of the first legislative session that follows the successor's appointment,  
31 whichever is earlier. **A member of the committee may be removed from**

1 membership on the committee for failure to carry out the person's duties as a  
2 member of the committee. A legislator may be removed with the concurrence by  
3 roll call vote of two-thirds of the full membership of the house of the legislature  
4 to which the member belongs. A public member may be removed with the  
5 concurrence by roll call vote of two-thirds of the full membership of each house  
6 of the legislature.

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

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

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

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

## Chapter 74

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

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

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

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

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

21 (A) a candidate for the legislature;

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

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

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

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

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

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

8 \* Sec. 43. AS 24.60.160 is amended to read:

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

20 **(b) An** [THE] opinion issued **under this section** is binding on the committee  
 21 in any subsequent proceedings concerning the facts and circumstances of the particular  
 22 case unless material facts were omitted or misstated in the request for the advisory  
 23 opinion. Except as provided in this chapter, an advisory opinion is confidential but  
 24 shall be made public if a written request by the person who requested the opinion is  
 25 filed with the committee.

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

27 (a) The committee shall consider a complaint alleging a violation of this  
 28 chapter if the alleged violation occurred within **two** [FIVE] years **before** [OF] the date  
 29 that the complaint is filed with the committee and, when the subject of the complaint  
 30 is a former member of the legislature, the complaint is filed within one year **after** [OF]  
 31 the subject's departure from the legislature. The committee may not consider a

1 complaint filed against all members of the legislature, against all members of one  
2 house of the legislature, or against a person employed by the legislative branch of  
3 government after the person has terminated legislative service. However, the  
4 committee may reinstitute proceedings concerning a complaint that was closed  
5 because a former employee terminated legislative service or because a legislator  
6 left the legislature if the former employee or legislator resumes legislative service,  
7 whether as an employee or a legislator, within two years after the alleged  
8 violation. [THE COMMITTEE MAY ALSO INITIATE COMPLAINTS ON ITS  
9 OWN MOTION, SUBJECT TO THE SAME TIME LIMITATIONS.] The time  
10 limitations of this subsection do not bar proceedings against a person who intentionally  
11 prevents discovery of a violation of this chapter.

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

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

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

30 (c) When the committee receives a complaint under (a) of this section, it may  
31 assign the complaint to a staff person. The staff person shall conduct a

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

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

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

Chapter 74

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

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

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

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

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

1 consistent with the service of summons under the rules of civil procedure, and a copy  
2 of the charge shall be sent to the complainant. The person charged may file a  
3 responsive pleading to the committee admitting or denying some or all of the  
4 allegations of the charge.

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

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

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

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

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

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

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

## Chapter 74

1 factual findings limited to the probable violation to the Alaska Public Offices  
2 Commission. All meetings of the committee before the determination of probable  
3 cause are closed to the public and to legislators who are not members of the  
4 committee. However, the committee may permit the subject of the complaint to  
5 attend a meeting other than the deliberations on probable cause. The  
6 confidentiality provisions of this subsection may be waived by the subject of the  
7 complaint.

8 \* Sec. 52. AS 24.60.170 is amended by adding new subsections to read:

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

24 (p) When the committee has a complaint concerning the conduct of a candidate  
25 for state office pending before it at the beginning of a campaign period that has not  
26 resulted in the issuance of formal charges under (h) of this section, the committee may  
27 proceed with its consideration of the complaint only to the extent that the committee's  
28 actions are confidential under this section. The committee may not, during a campaign  
29 period, issue a dismissal order or decision under (f) of this section, issue an opinion  
30 under (g) of this section, or formally charge a person under (h) of this section. If the  
31 committee has formally charged a person under (h) of this section and the charge is

1 still pending when a campaign period begins, the committee shall suspend any public  
2 hearings on the matter until after the campaign period ends. The parties to the hearing  
3 may continue with discovery during the campaign period. If a hearing has been  
4 completed before the beginning of a campaign period but the committee has not yet  
5 issued its decision, the committee may not issue the decision until after the end of the  
6 campaign period. Notwithstanding the suspension of public proceedings provided for  
7 in this subsection, a candidate who is the subject of a complaint may notify the  
8 committee in writing that the candidate chooses to have the committee proceed with  
9 the complaint under this section.

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

18 \* Sec. 53. AS 24.60.174(a) is amended to read:

19 (a) If the person found to have violated this chapter is or was a member of the  
20 legislature, the committee's recommendations shall be forwarded by the chair of the  
21 committee to the presiding officer of the appropriate house of the legislature. **If the**  
22 **committee recommends sanctions other than expulsion from the legislature, the**  
23 **committee recommendation**

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

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

29 \* Sec. 54. AS 24.60.174 is amended by adding a new subsection to read:

30 (e) When a house of the legislature imposes a sanction other than expulsion  
31 on a member or former member, it shall advise the committee at the time of imposing

## Chapter 74

1 the sanction of the terms it has imposed and of the timetable for compliance adopted  
2 with the sanctions. A legislator or former legislator on whom sanctions other than  
3 expulsion have been imposed shall report to the committee as required by the  
4 timetable. If the committee determines that the legislator or former legislator has not  
5 complied fully and in a timely manner with the sanctions imposed by the legislature,  
6 the committee may recommend that the legislature impose a fine or additional  
7 sanctions.

8 \* Sec. 55. AS 24.60.176 is amended to read:

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

10 If the person found to have violated this chapter is or was a legislative employee, the  
11 committee's recommendations shall be forwarded to the appropriate appointing  
12 authority which shall, as soon as is reasonably possible, determine the sanctions, if  
13 any, to be imposed. The appointing authority may not question the committee's  
14 findings of fact. The appointing authority shall assume the validity of the committee's  
15 findings [,] and determine and impose the appropriate sanctions. **The appointing**  
16 **authority has the power to impose a sanction recommended by the committee or**  
17 **to impose a different sanction. The appointing authority shall enforce the**  
18 **sanction and shall report to the committee at a time specified by the committee**  
19 **concerning the employee's compliance with the sanction.**

20 \* Sec. 56. AS 24.60.176 is amended by adding a new subsection to read:

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

22 (1) the legislative council for employees of the Legislative Affairs  
23 Agency and of the legislative council and for legislative employees not otherwise  
24 covered under this subsection;

25 (2) the Legislative Budget and Audit Committee for the legislative  
26 fiscal analyst and employees of the division of legislative finance, the legislative  
27 auditor and employees of the division of legislative audit, and employees of the  
28 Legislative Budget and Audit Committee;

29 (3) the appropriate finance committee for employees of the senate or  
30 house finance committees;

31 (4) the appropriate rules committee for employees of

1 (A) standing committees of the legislature, other than the  
2 finance committees;

3 (B) the senate secretary's office and the office of the chief clerk  
4 of the house of representatives; and

5 (C) house records and senate records;

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

9 (6) the ombudsman for employees of the office of the ombudsman,  
10 other than the ombudsman;

11 (7) the legislature for the ombudsman.

12 \* Sec. 57. AS 24.60 is amended by adding a new section to read:

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

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

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

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

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

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

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

28 (6) public or private written reprimand;

29 (7) censure, including, in the case of a legislator, removal from a  
30 leadership position or committee membership and a determination that the legislator  
31 will not be appointed to serve in a leadership position or on a committee during the

Chapter 74

1 remainder of that legislature;

2 (8) placing the person on probationary status;

3 (9) in the case of a legislator, expulsion from the house of the  
4 legislature;

5 (10) any other appropriate measure.

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

10 \* Sec. 58. AS 24.60.200 is amended to read:

11 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**  
12 **committee, and legislative directors.** A legislator, **a public member of the**  
13 **committee,** and a legislative director shall file a disclosure statement, under oath and  
14 on penalty of perjury, with the Alaska Public Offices Commission giving the following  
15 information about the income received by **the discloser, the discloser's spouse or**  
16 **spousal equivalent, the discloser's** [THEM, THEIR SPOUSES, THEIR] dependent  
17 children, and **the discloser's** [THEIR] nondependent children who are living with **the**  
18 **discloser** [THEM]:

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

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

29 (3) as to each loan or loan guarantee over \$1,000 from a source with  
30 a substantial interest in legislative, administrative, or political action, the name and  
31 address of the person making the loan or guarantee, the amount of the loan, the terms

1 and conditions under which the loan or guarantee was given, the amount outstanding  
2 at the time of filing, and whether or not a written loan agreement exists [;

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

9 \* Sec. 59. AS 24.60.210 is amended to read:

10 **Sec. 24.60.210. Deadlines for filing of disclosure statements.** A person  
11 required to file a disclosure statement under AS 24.60.200 [LEGISLATOR AND  
12 A LEGISLATIVE DIRECTOR] shall file an annual report with the Alaska Public  
13 Offices Commission, covering the previous calendar year, containing the disclosures  
14 required by AS 24.60.200, on or before March [APRIL] 15 of each year.

15 \* Sec. 60. AS 24.60.240 is amended to read:

16 **Sec. 24.60.240. Civil penalty for late filing.** A person required to file a  
17 disclosure statement under AS 24.60.200 [LEGISLATOR OR A LEGISLATIVE  
18 DIRECTOR] who fails to file a properly completed report under AS 24.60.200 is  
19 subject to a civil penalty of not more than \$10 a day for each day the delinquency  
20 continues as the Alaska Public Offices Commission determines, subject to appeal to  
21 the superior court. An affidavit stating facts in mitigation may be submitted to the  
22 Alaska Public Offices Commission by the person against whom the civil penalty is  
23 assessed. However, the imposition of the penalties prescribed in this section does not  
24 excuse the person from filing reports required by AS 24.60.200.

25 \* Sec. 61. AS 24.60.250 is repealed and reenacted to read:

26 **Sec. 24.60.250. Effect of failure to file.** (a) In addition to the sanctions  
27 described in AS 24.60.260, if the Alaska Public Offices Commission finds that a  
28 candidate for the legislature who is an incumbent legislator has failed to file a report  
29 under AS 24.60.200 by March 15, the commission shall notify the candidate that the  
30 report is late. If the candidate fails to file the report within 30 days after it is due,

31 (1) the commission shall notify the lieutenant governor;

Chapter 74

1 (2) the candidate shall forfeit nomination to office and may not be  
2 seated in office;

3 (3) the lieutenant governor may not certify the person's nomination for  
4 office or election to office; and

5 (4) nomination to the office shall be certified as provided in  
6 AS 39.50.060(b).

7 (b) In addition to the sanctions described in AS 24.60.260, if the Alaska Public  
8 Offices Commission finds that a member of the committee has failed or refused to file  
9 a report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify  
10 the presiding officer of the appropriate legislative body. In the case of a public  
11 member of the committee, the commission shall notify both presiding officers.

12 (c) In addition to the sanctions described in AS 24.60.260, if the Alaska Public  
13 Offices Commission finds that a legislative director has failed or refused to file a  
14 report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify  
15 the Alaska Legislative Council or the Legislative Budget and Audit Committee, as  
16 appropriate. For the ombudsman, the Alaska Legislative Council shall be notified.

17 \* Sec. 62. AS 24.60.260(a) is amended to read:

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

25 \* Sec. 63. AS 24.60.260 is amended by adding a new subsection to read:

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

31 \* Sec. 64. AS 24.60.990(a)(5) is amended to read:

1 (5) "immediate family" means

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

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

7 \* Sec. 65. AS 24.60.990(a) is amended by adding new paragraphs to read:

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

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

12 \* Sec. 66. AS 39.25.070 is amended to read:

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

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

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

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

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

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

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

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

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

30 (9) APPOINT, AND REVIEW THE FINDINGS, CONCLUSIONS,  
31 AND RECOMMENDATIONS OF, HEARING OFFICERS IN ACCORDANCE WITH

Chapter 74

1 AS 39.52.350(c), 39.52.360, AND 39.52.370;

2 (10) ISSUE FINDINGS, CONCLUSIONS, AND DECISIONS  
3 REGARDING VIOLATIONS OF THE CODE OF ETHICS IN AS 39.52.110 -  
4 39.52.190; AND

5 (11) IMPOSE THE PENALTIES DESCRIBED IN AS 39.52.410,  
6 39.52.440, AND 39.52.450].

7 \* Sec. 67. AS 39.25.160(e) is amended to read:

8 (e) An employee in the classified, [OR] partially exempt, or exempt service  
9 who seeks nomination or becomes a candidate for state or national elective political  
10 office shall immediately resign any position held in the state service. The employee's  
11 position becomes vacant on the date the employee files a declaration of candidacy for  
12 state or national elective office. This subsection applies to employees in the exempt  
13 service, except those listed below, notwithstanding AS 39.25.110. This subsection  
14 does not apply to

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

17 (2) the governor or the lieutenant governor;

18 (3) a member of the legislature;

19 (4) an employee seeking election as a delegate to a constitutional  
20 convention;

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

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

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

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

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

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

6                   (11) students employed by the state institutions in which the  
7 students are enrolled;

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

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

13 \* Sec. 68. AS 39.25.160 is amended by adding a new subsection to read:

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

21 \* Sec. 69. AS 39.50.020 is amended to read:

22                   **Sec. 39.50.020. Report of financial and business interests.** (a) A **public**  
23 **official other than the governor or the lieutenant governor** [JUDICIAL OFFICER,  
24 COMMISSIONER, CHAIR OR MEMBER OF A STATE COMMISSION OR BOARD  
25 SPECIFIED IN AS 39.50.200(b), A PERSON HIRED OR APPOINTED AS HEAD  
26 OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A  
27 DEPARTMENT IN THE EXECUTIVE BRANCH, A PERSON APPOINTED  
28 AS ASSISTANT TO THE GOVERNOR, A STATE INVESTMENT OFFICER AND  
29 THE STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, AND A  
30 MUNICIPAL OFFICER] shall file a statement giving income sources and business  
31 interests, under oath and on penalty of perjury, within 30 days after taking office as

Chapter 74

1 a public official. Candidates for state elective office other than a candidate who is  
2 subject to AS 24.60 shall file the [SUCH A] statement with the director of elections  
3 at the time of filing a declaration of candidacy or a nominating petition [,] or  
4 [WITHIN 30 DAYS OF] becoming a candidate by any other means. Candidates for  
5 elective municipal office shall file the [SUCH A] statement at the time of filing a  
6 nominating petition, declaration of candidacy, or other required filing for the elective  
7 municipal office. Refusal or failure to file within 30 days after the time prescribed  
8 shall require that the candidate's filing fees, if any, and filing for office be refused or  
9 that a previously accepted filing fee be returned and the candidate's name removed  
10 from the filing records. A statement shall also be filed by public officials no later than  
11 March [APRIL] 15 [OR 15 DAYS AFTER THE PERSON FILES A FEDERAL  
12 INCOME TAX RETURN] in each following year [, WHICHEVER COMES FIRST].  
13 Persons who are members of boards or commissions not named in AS 39.50.200(b)  
14 are not required to file financial statements.

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

28 \* **Sec. 70.** AS 39.50.030(a) is amended to read:

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

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

4 \* Sec. 71. AS 39.50.030(b) is amended to read:

5 (b) Except as provided in (g) of this section, each [EACH] statement filed  
6 by a public official or candidate under this chapter must [SHALL] include the  
7 following:

8 (1) the source of all income over \$1,000 [\$100] during the preceding  
9 calendar year, including taxable and nontaxable capital gains, received by the person,  
10 the person's spouse or spousal equivalent, or the person's [DEPENDENT] child,  
11 except that a source of income that is a gift must be included if the value of the  
12 gift exceeds \$250 [OR A NONDEPENDENT CHILD OF THE PERSON WHO IS  
13 LIVING WITH THAT PERSON];

14 (2) the identity, by name and address, of each business in which the  
15 person, the person's spouse or spousal equivalent, or the person's [DEPENDENT]  
16 child [, OR A NONDEPENDENT CHILD OF THE PERSON WHO IS LIVING  
17 WITH THAT PERSON] was a stockholder, owner, officer, director, partner, proprietor,  
18 or employee during the preceding calendar year;

19 (3) the identity and nature of each interest owned in any business  
20 during the preceding calendar year by the person, the person's spouse or spousal  
21 equivalent, or the person's [DEPENDENT] child [, OR A NONDEPENDENT  
22 CHILD OF THE PERSON WHO IS LIVING WITH THAT PERSON];

23 (4) the identity and nature of each interest in real property, including  
24 an option to buy, owned at any time during the preceding calendar year by the person,  
25 the person's spouse or spousal equivalent, or the person's [DEPENDENT] child [,  
26 OR A NONDEPENDENT CHILD OF THE PERSON WHO IS LIVING WITH THAT  
27 PERSON];

28 (5) the identity of each trust or other fiduciary relation in which the  
29 person, the person's spouse or spousal equivalent, or the person's [DEPENDENT]  
30 child [, OR A NONDEPENDENT CHILD OF THE PERSON WHO IS LIVING  
31 WITH THAT PERSON] held a beneficial interest exceeding \$1,000 during the

Chapter 74

1 preceding calendar year, a description and identification of the property contained in  
2 each trust or relation, and the nature and extent of the beneficial interest in it;

3 (6) any loan or loan guarantee of more than \$1,000 made to the  
4 person, the person's spouse or spousal equivalent, or the person's [DEPENDENT]  
5 child [, OR A NONDEPENDENT CHILD OF THE PERSON WHO IS LIVING  
6 WITH THAT PERSON], and the identity of the maker of the loan or loan guarantor  
7 and the identity of each creditor to whom the person, the person's spouse or spousal  
8 equivalent, or the person's [DEPENDENT] child [, OR A NONDEPENDENT  
9 CHILD OF THE PERSON WHO LIVES WITH THAT PERSON] owed more than  
10 \$1,000; this paragraph requires disclosure of a loan, loan guarantee, or  
11 indebtedness only if the loan or guarantee was made, or the indebtedness  
12 incurred, during the preceding calendar year, or if the amount still owing on the  
13 loan, loan guarantee, or indebtedness was more than \$1,000 at any time during  
14 the preceding calendar year [\$500 OR MORE];

15 (7) a list of all contracts and offers to contract with the state or an  
16 instrumentality of the state during the preceding calendar year held, bid, or offered by  
17 the person, the person's spouse or spousal equivalent, or the person's  
18 [DEPENDENT] child, a partnership or professional corporation of which the  
19 person is a member [A NONDEPENDENT CHILD OF THE PERSON WHO IS  
20 LIVING WITH THAT PERSON, THE PERSON'S MOTHER OR FATHER], or a  
21 corporation in which the person or the person's spouse, spousal equivalent, or  
22 children, or a combination of them, hold a controlling interest; and

23 (8) a list of all mineral, timber, oil, or any other natural resource lease  
24 held, or lease offer made, during the preceding calendar year by the person, the  
25 person's spouse or spousal equivalent, or the person's [DEPENDENT] child, [A  
26 NONDEPENDENT CHILD OF THE PERSON WHO IS LIVING WITH THAT  
27 PERSON, THE PERSON'S MOTHER OR FATHER,] a partnership or professional  
28 corporation of which the person is a member, or a corporation in which the person or  
29 the person's spouse or spousal equivalent or children, or a combination of them,  
30 holds a controlling interest.

31 \* Sec. 72: AS 39.50.030 is amended by adding new subsections to read:

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

8 (1) a legislator;

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

11 (3) a lobbyist; or

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

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

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

28 (g) The requirements in this section for disclosures related to a person's  
29 spousal equivalent do not apply to an elected or appointed municipal officer.

30 (h) In this section,

31 (1) "child" means a person's dependent child or a person's

Chapter 74

1 nondependent child who is living with the person;

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

7 (3) "lobbyist" has the meaning given in AS 24.60.990(a);

8 (4) "public officer" has the meaning given in AS 39.52.960.

9 \* Sec. 73. AS 39.50.060(b) is amended to read:

10 (b) Any person failing or refusing to comply with the requirements of this  
11 chapter, in addition to the penalties prescribed, shall forfeit nomination to office and  
12 may not be seated or installed in office if the person has not complied. Nominated,  
13 hired, or appointed officials, commissioners, chairs, [CHAIRMEN] or members of  
14 commissions or boards specified in AS 39.50.200(b) may not be confirmed by the  
15 legislature if compliance has not been made. In the case of elected officials, the  
16 lieutenant governor, or other certifying authority, may not certify a person's nomination  
17 for office or the person's election to office if compliance was not made within the time  
18 required. The nomination to office or election to office shall be certified to the highest  
19 vote getter for that nomination for that office or election to that office who has  
20 complied within the times required and who shall be declared nominated or elected.  
21 For purposes of this subsection, a person is considered to have complied within  
22 the time required if the person complies within 30 days after the due date  
23 established by this chapter.

24 \* Sec. 74. AS 39.50.070 is amended to read:

25 Sec. 39.50.070. Failure to report by certain public officials  
26 [DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT HEADS]. A public  
27 official [PERSON HIRED OR APPOINTED AS THE HEAD OR DEPUTY HEAD  
28 OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT] in the executive  
29 branch of state government, other than the governor or lieutenant governor or a  
30 chair or member of a state board or commission, who refuses or fails to file a  
31 report of financial interests required under this chapter when due may not hold office,

1 and the person's name may not be submitted to the legislature for confirmation, until  
 2 the person complies. The person may not be confirmed, hired, or appointed, and the  
 3 person forfeits and may not be paid any salary, per diem, or travel expenses, until the  
 4 person complies. If, after installation in office or beginning employment in the  
 5 position [AS THE HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A  
 6 DIVISION WITHIN, A DEPARTMENT], the person refuses or fails to file the  
 7 required statement when due, the person is guilty of a misdemeanor and upon  
 8 conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and  
 9 shall be removed from office if compliance is not made within 30 days after the due  
 10 date of the report.

11 \* Sec. 75. AS 39.50.090(a) is amended to read:

12 (a) A public official may not use the official position or office for the primary  
 13 purpose of obtaining personal financial gain or financial gain for a spouse, child,  
 14 mother, father, or business with which the official is associated or in which the official  
 15 owns stock. A public official other than an elected or appointed municipal official  
 16 may not use the official's position or office for the primary purpose of obtaining  
 17 financial gain for the official's spousal equivalent.

18 \* Sec. 76. AS 39.50.200(a)(1) is amended to read:

19 (1) "assistant to the governor or the lieutenant governor" includes any  
 20 executive, legislative, special, administrative, or press assistant to the governor or  
 21 lieutenant governor, and any person similarly employed in a policy-making position;

22 \* Sec. 77. AS 39.50.200(a)(8) is amended to read:

23 (8) "public official" means

24 (A) a judicial officer;

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

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

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

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

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



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

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

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

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

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

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

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

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

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

25 \* Sec. 81. AS 39.52.120(b) is amended to read:

26 (b) A public officer may not

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

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

31 (3) use state time, property, equipment, or other facilities to benefit

Chapter 74

1 personal or financial interests;

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

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

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

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

14 a

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

16 or

17 (ii) political party or group;

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

20 \* Sec. 82. AS 39.52.120 is amended by adding a new subsection to read:

21 (d) In this section, when determining whether a public officer is considered to  
22 be performing a task on government time, the attorney general and personnel board  
23 shall consider the public officer's work schedule as set by the public officer's  
24 immediate supervisor, if any. A public officer other than the governor and lieutenant  
25 governor who, during the work days, engages in political campaign activities other  
26 than minor, inconsequential, and unavoidable campaign activities shall take approved  
27 leave for the period of campaigning.

28 \* Sec. 83. AS 39.52.130(b) is amended to read:

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

1 the date of its receipt

2 (1) if the public officer may take or withhold official action that affects  
3 the giver; or  
4 (2) if the gift is connected to the public officer's governmental  
5 status.

6 \* **Sec. 84.** AS 39.52.130 is amended by adding new subsections to read:

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

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

19 \* **Sec. 85.** AS 39.52.170 is amended by adding a new subsection to read:

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

22 \* **Sec. 86.** AS 39.52.180 is amended by adding a new subsection to read:

23 (d) A former governor, lieutenant governor, or head of a principal department  
24 in the executive branch may not engage in activity as a lobbyist under AS 24.45 for  
25 a period of one year after leaving service as the governor, lieutenant governor, or  
26 department head, as appropriate. This subsection does not prohibit service as a  
27 volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as  
28 defined under regulations of the Alaska Public Offices Commission.

29 \* **Sec. 87.** AS 39.52.210(a) is amended to read:

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

## Chapter 74

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

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

5 \* **Sec. 88.** AS 39.52.210(b) is amended to read:

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

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

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

15 \* **Sec. 89.** AS 39.52.220(a) is amended to read:

16 (a) A member of a board or commission who is involved in a matter that may  
17 result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the public  
18 record and in writing to the designated supervisor **and to the attorney general.** The  
19 supervisor shall determine whether the member's involvement violates AS 39.52.110 -  
20 39.52.190 **and shall provide a copy of the written determination to the board or**  
21 **commission member and to the attorney general.** If a member of the board or  
22 commission objects to the ruling of the supervisor, or if the supervisor discloses an  
23 involvement requiring a determination, the members present at a meeting, excluding  
24 the involved member, shall vote on the matter. If the supervisor or a majority of the  
25 members voting determine that a violation will exist if the member continues to  
26 participate, the member shall refrain from voting, deliberating, or participating in the  
27 matter.

28 \* **Sec. 90.** AS 39.52.230 is amended to read:

29 **Sec. 39.52.230. Reporting of potential violations.** A person may report to  
30 a public officer's designated supervisor, under oath and in writing, a potential violation  
31 of AS 39.52.110 - 39.52.190 by the public officer. The supervisor shall provide a

1 copy of the report to the officer who is the subject of the report and to the attorney  
2 general, and shall review the report to determine whether a violation may exist. The  
3 supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor  
4 determines that the matter may result in a violation of AS 39.52.110 - 39.52.190.

5 \* **Sec. 91.** AS 39.52.260 is amended by adding a new subsection to read:

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

9 \* **Sec. 92.** AS 39.52 is amended by adding a new section to article 3 to read:

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

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

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

27 \* **Sec. 93.** AS 39.52.310(a) is amended to read:

28 (a) The attorney general may initiate a complaint, or elect to treat as a  
29 complaint, any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or  
30 39.52.260. The attorney general may not, during a campaign period, initiate a  
31 complaint concerning the conduct of the governor or lieutenant governor who is

Chapter 74

1 a candidate for election to state office.

2 \* Sec. 94. AS 39.52.310(c) is amended to read:

3 (c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the  
4 governor, lieutenant governor, or the attorney general, the matter shall be referred to  
5 the personnel board. The personnel board shall return a complaint concerning the  
6 conduct of the governor or lieutenant governor who is a candidate for election to  
7 state office as provided in (j) of this section if the complaint is initiated during a  
8 campaign period. The personnel board shall retain independent counsel who shall act  
9 in the place of the attorney general under (d) - (i) of this section, AS 39.52.320 -  
10 39.52.350, and 39.52.360(c) and (d). Notwithstanding AS 36.30.015(d), the  
11 personnel board may contract for or hire independent counsel under this  
12 subsection without notifying or securing the approval of the Department of Law.

13 \* Sec. 95. AS 39.52.310 is amended by adding new subsections to read:

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

31 (k) A campaign period under this section begins on the later of 45 days before

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

8 \* **Sec. 96.** AS 39.52.320 is amended to read:

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

15 \* **Sec. 97.** AS 39.52 is amended by adding a new section to read:

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

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

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

27 (1) dismissal or resolution agreed to under AS 39.52.320 or 39.52.330  
28 is public; or

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

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

## Chapter 74

1 the complaint.

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

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

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

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

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

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

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

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

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

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

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

3 \* **Sec. 98.** AS 39.52.340(a) is amended to read:

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

21 \* **Sec. 99.** AS 39.52.960(2) is amended to read:

22 (2) "agency" means a department, office of the governor, or entity in  
23 the executive branch, including but not limited to the University of Alaska, public or  
24 quasi-public corporations, [AND] boards or commissions, and [BUT EXCLUDING]  
25 the Alaska Railroad Corporation;

26 \* **Sec. 100.** AS 39.52.960(4) is amended to read:

27 (4) "board or commission" means a board, commission, authority, or  
28 board of directors of a public or quasi-public corporation, established by statute in the  
29 executive branch, including [BUT EXCLUDING] the Alaska Railroad;

30 \* **Sec. 101.** AS 39.52.960(11) is amended to read:

31 (11) "immediate family member" means

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

12    \* Sec. 102. AS 42.40.710 is amended to read:

13                                    **Sec. 42.40.710. Corporation employees.** Employees of the Alaska Railroad  
14                                    are employees of the corporation and not of the state. **However, employees of the**  
15                                    **corporation shall be treated as employees of the state for purposes of AS 39.52.**  
16                                    The provisions of AS 39, **other than AS 39.52,** do not apply to employees of the  
17                                    corporation. [HOWEVER, NO LATER THAN JANUARY 1, 1987, THE  
18                                    CORPORATION SHALL ADOPT A CODE OF ETHICS FOR ITS DIRECTORS  
19                                    AND EMPLOYEES THAT IS SUBSTANTIALLY EQUIVALENT TO THAT  
20                                    ADOPTED IN AS 39.]

21    \* Sec. 103. AS 42.40.230 is repealed.

22    \* Sec. 104. PROVISIONS MADE SPECIFICALLY APPLICABLE TO INCUMBENT  
23    LEGISLATORS. Notwithstanding any other provision of AS 15.13, the provisions of  
24    AS 15.13.116(d), added by sec. 10 of this Act, apply to authorize a legislator holding office  
25    in the legislature during the First Regular Session of the Twentieth Alaska State Legislature  
26    who, under sec. 32, ch. 48, SLA 1996, retains unused campaign contributions in the  
27    candidate's election campaign account, to transfer to a public office expense term account  
28    reserve as permitted under AS 15.13.116(d), enacted by sec. 10 of this Act. All amounts  
29    expended under this section shall be annually accounted for under AS 15.13.110(a)(4).

30    \* Sec. 105. The provisions of this Act are severable in accordance with AS 01.10.030.

31    \* Sec. 106. Sections 8, 10, and 104 of this Act are retroactive to December 31, 1996.

## Chapter 74

- 1     \* **Sec. 107.** Sections 1 - 10, 19, 61, 104 - 106 of this Act take effect immediately under
- 2     AS 01.10.070(c).
- 3     \* **Sec. 108.** Sections 11 - 18, 20 - 60, and 62 - 103 of this Act take effect January 1, 1999.