

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

BY THE CONFERENCE COMMITTEE

Offered: 5/11/92

Sponsor(s): SENATE SPECIAL COMMITTEE ON ETHICS REFORM

A BILL

FOR AN ACT ENTITLED

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

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

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 AS 24.60.010 is repealed and reenacted to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Sec. 24.60.037. OPEN MEETINGS LAW. Legislators shall abide by AS 44.62.310 -
15 44.62.312 (open meetings law). The committee shall develop guidelines for the application of
16 this section to the legislature. The guidelines must permit closed caucuses and private, informal
17 meetings or conversations between legislators in which political strategy is discussed. In a
18 proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee
19 finds that a person acted within the adopted guidelines, the committee shall dismiss the complaint
20 as to that violation.

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

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

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

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

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

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

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

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

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

1 (f) The committee shall annually recommend to the Legislative Budget and Audit
2 Committee the programs and loans to be audited by the division of legislative audit during the
3 following year, including the scope of the audit. The records of the relevant state agencies shall
4 be made available to the division of legislative audit. The division of legislative audit shall
5 prepare a report to the Legislative Budget and Audit Committee on its findings. The report is
6 confidential until it is released by the Legislative Budget and Audit Committee.

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

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

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

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

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

27 (2) legislators;

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

30 (4) a registered lobbyist; or

31 (5) a legislative employee [PERSON TO WHOM THIS CHAPTER APPLIES

1 WHO IS EMPLOYED BY THE LEGISLATIVE BRANCH OF GOVERNMENT] if the person
2 required to make the disclosure [CLOSE ECONOMIC ASSOCIATION] is [WITH] a legislator.

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

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

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

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

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

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

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

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

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

26 (B) at a social event or meal;

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

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

31 (4) travel and hospitality primarily for the purpose of obtaining information on

1 matters of legislative concern;

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

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

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

5 (d) A legislator or legislative employee [PERSON TO WHOM THIS CHAPTER
6 APPLIES] who accepts a gift under (c)(4) or (6) of this section [OF TRAVEL AND
7 HOSPITALITY PRIMARILY FOR THE PURPOSE OF OBTAINING INFORMATION ON
8 MATTERS OF LEGISLATIVE CONCERN] shall disclose the gift if it has a value of \$100 or
9 more. The disclosure must include the name and occupation of the person making the gift and
10 the approximate value of the gift. A gift under (c)(4) of this section [EACH GIFT] required
11 to be disclosed under this subsection shall be disclosed within 30 days of the receipt of the gift
12 [IN THE JOURNAL OF THE APPROPRIATE BODY OR, IF THE LEGISLATURE IS NOT
13 IN SESSION,] to the committee. Gifts under (c)(6) of this section shall be disclosed to the
14 committee annually on or before April 15 of the following calendar year and the disclosure
15 needs to include the value only if the value of the gift exceeds \$250. The committee shall
16 maintain a public record of the disclosure it receives relating to gifts under (c)(4) of this
17 section and shall forward the disclosure to the appropriate house for inclusion in the journal,
18 Disclosures relating to gifts under (c)(6) of this section shall be maintained, but are
19 confidential and may only be used by the committee and its employees and contractors in
20 the investigation of a possible violation of this section or in a proceeding under
21 AS 24.60.170. If the disclosures become part of the record of a proceeding under
22 AS 24.60.170, the confidentiality provisions of that section apply to the disclosures [BY THE
23 FIFTH DAY OF THE NEXT REGULAR SESSION].

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

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

30 (g) In this section, "immediate family" has the meaning given in AS 24.60.990(a)(5) and
31 includes the grandparents, aunts, and uncles of a person, and also includes a person described in

1 this subsection or AS 24.60.990(a)(5) who is related to the person by marriage.

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

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

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

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

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

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

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

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

1 Sec. 24.60.100. REPRESENTATION. A legislator or legislative employee [PERSON
2 TO WHOM THIS CHAPTER APPLIES] who represents another person for compensation before
3 an agency, board, or commission of the state shall disclose the name of the person represented,
4 the subject matter of the representation, and the body before which the representation is to take
5 place [IN THE JOURNAL OF THE APPROPRIATE BODY OR IF THE LEGISLATURE IS
6 NOT IN SESSION] to the committee. The committee shall maintain a public record of the
7 disclosure and forward the disclosure to the respective house for inclusion in the journal. A
8 legislator or legislative employee may not represent another person for compensation before
9 an agency, committee, or other entity of the legislative branch [BY THE FIFTH DAY OF
10 THE SESSION].

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

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

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

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

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

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

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

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

31 (c) No more than one public member may be a former legislator and no [NO] more

1 than two public [LEGISLATIVE] members of the committee [EACH SUBCOMMITTEE] may
2 be members of the same political party [OR THE SAME ORGANIZATIONAL CAUCUS].

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

4 (d) The members of each subcommittee shall elect a chair and a vice-chair, who serve
5 a term of two years. Neither a chair nor a vice-chair may [WHO MUST] be a member of
6 the legislature. An officer may not hold the same office for more than two consecutive
7 terms. The vice-chair shall act as chair in the absence of the chair. The chair selected by
8 the senate subcommittee shall chair the full committee beginning the first day of the regular
9 session in odd-numbered years and the chair selected by the house subcommittee shall chair the
10 full committee beginning the first day of the regular session in even-numbered years.

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

12 (f) The committee [OR A SUBCOMMITTEE] may contract for professional services and
13 may employ staff as it considers necessary. A committee employee, including a person who
14 provides 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 political
16 party, a candidate for public office, or a registered lobbyist. The legislative council shall
17 provide office space, equipment, and additional staff support for the committee. The
18 committee shall submit a budget for each fiscal year to the finance committees of the
19 legislature and shall annually submit an estimated budget to the governor for information
20 purposes in preparation of the state operating budget.

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

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

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

29 (i) A quorum of the [A] committee [ESTABLISHED UNDER THIS SECTION] consists
30 of a majority of the members and must include at least two legislative members and three
31 public members [OF THE COMMITTEE]. A quorum of a subcommittee established under this

1 section consists of a majority of the members of the subcommittee and must include at least
2 one legislative member and three public members. A vote of a majority of the members
3 appointed to the committee or a subcommittee is required for official action [.
4 NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, A COMMITTEE DOES
5 NOT HAVE A QUORUM UNLESS THREE LEGISLATIVE MEMBERS ARE PRESENT AND
6 A SUBCOMMITTEE DOES NOT HAVE A QUORUM UNLESS TWO LEGISLATIVE
7 MEMBERS ARE PRESENT].

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

9 (j) Except to the extent that a provision would prevent the committee from complying
10 with the confidentiality provisions of this chapter, the committee is subject to AS 44.62.310 -
11 44.62.312 and to the procurement provisions adopted by the legislative council under
12 AS 36.30.020. In this subsection, "committee" includes a subcommittee.

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

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

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

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

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

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

31 (1) participate in political management or in a political campaign during the

1 person's term of office, employment, or contract;

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

4 (A) a candidate for the legislature;

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

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

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

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

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

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

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

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

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

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

26 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an advisory opinion
27 within 30 days on the request of a person to whom the chapter applies or a person elected to the
28 legislature who at the time of election is not a member of the legislature as to whether the facts
29 and circumstances of a particular case constitute a violation of ethical standards. The 30-day
30 period for issuing an opinion may be extended by the committee [FOR NOT MORE THAN AN
31 ADDITIONAL 10 DAYS] if the person requesting the opinion consents. The opinion issued is

1 binding on the committee in any subsequent proceedings concerning the facts and circumstances
2 of the particular case unless material facts were omitted or misstated in the request for the
3 advisory opinion. Except as provided in this chapter an advisory opinion is confidential but shall
4 [MAY] be made public if a written request by the person who requested the opinion is filed with
5 the committee.

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

7 Sec. 24.60.165. USE OF INFORMATION SUBMITTED WITH REQUEST FOR
8 ADVICE. The committee may not bring a complaint against a person based upon information
9 voluntarily given to the committee by the person in connection with a good faith request for
10 advice under AS 24.60.158 or 24.60.160, and may not use that information against the person
11 in a proceeding under AS 24.60.170. This section does not preclude the committee from acting
12 on a complaint concerning the subject of a person's request for advice if the complaint is brought
13 by another person, or if the complaint arises out of conduct taking place after the advice is
14 requested, and does not preclude the committee from using information or evidence obtained
15 from an independent source, even if that information or evidence was also submitted with a
16 request for advice.

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

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

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

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

1 whether the allegations of the complaint, if true, constitute a violation of this chapter. If the
2 committee determines that the allegations, if proven, would not give rise to a violation, or if the
3 committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall
4 dismiss the complaint, and shall notify the complainant and the subject of the complaint of the
5 dismissal.

6 (d) If the committee determines that some or all of the allegations of a complaint, if
7 proven, would constitute a violation of this chapter, or if the committee has initiated a complaint,
8 the committee shall investigate the complaint, on a confidential basis. Before beginning an
9 investigation of a complaint, the committee shall adopt a resolution defining the scope of the
10 investigation. A copy of this resolution shall be provided to the complainant and to the subject
11 of the complaint. As part of its investigation, the committee shall afford the subject of the
12 complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

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

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

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

1 hearing the committee may amend or affirm the opinion.

2 (h) If the subject of a complaint fails to comply with an opinion issued under (g) of this
3 section, or if the committee determines after investigation that there is probable cause to believe
4 that the subject of the complaint has committed a violation of this chapter that may require
5 sanctions instead of or in addition to corrective action, the committee shall formally charge the
6 person. The charge shall be served on the person charged, in a manner consistent with the
7 service of summons under the rules of civil procedure, and a copy of the charge shall be sent to
8 the complainant. The person charged may file a responsive pleading to the committee admitting
9 or denying some or all of the allegations of the charge.

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

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

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

31 (l) Proceedings of the committee relating to complaints before it are confidential until

1 the committee determines that there is probable cause to believe that a violation of this chapter
2 has occurred. The complaint and all documents produced or disclosed as a result of the
3 committee investigation are confidential and not subject to inspection by the public. If in the
4 course of an investigation or probable cause determination the committee finds evidence of
5 probable criminal activity, the committee shall transmit a statement and factual findings limited
6 to that activity to the appropriate law enforcement agency. If the committee finds evidence of
7 a probable violation of AS 15.13, the committee shall transmit a statement to that effect and
8 factual findings limited to the probable violation to the Alaska Public Offices Commission. All
9 meetings of the committee before the determination of probable cause are closed to the public.
10 The confidentiality provisions of this subsection may be waived by the subject of the complaint.

11 (m) All documents issued by the committee after a determination of probable cause to
12 believe that the subject of a complaint has violated this chapter, including an opinion
13 recommending corrective action under (g) of this section and a formal charge under (h) of this
14 section, are subject to public inspection. Hearings of the committee under (j) of this section are
15 open to the public, and documents presented at a hearing, and motions filed in connection with
16 the hearing, are subject to inspection by the public. Deliberations of the committee following
17 a hearing, deliberations on motions filed by the subject of a charge under (h) of this section, and
18 deliberations concerning appropriate sanctions are confidential.

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

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

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

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

31 (c) If the legislature is not in session, the presiding officer of the appropriate house may

1 request the legislature to consider convening itself into special session under AS 24.05.100(a)(2)
2 to consider the committee's recommendations. If expulsion is recommended, the presiding
3 officer shall so request. If the legislature does not convene itself into special session, the
4 appropriate house shall consider the recommendations during the first 10 days of the next regular
5 session.

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

8 Sec. 24.60.176. RECOMMENDATIONS WHERE VIOLATOR IS A LEGISLATIVE
9 EMPLOYEE. If the person found to have violated this chapter is or was a legislative employee,
10 the committee's recommendations shall be forwarded to the appropriate appointing authority that
11 shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed. The
12 appointing authority may not question the committee's findings of fact. The appointing authority
13 shall assume the validity of the committee's findings, and determine and impose the appropriate
14 sanctions.

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

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

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

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

28 (2) as to income in excess of \$1,000 received as compensation for personal
29 services, the name and address of the source of the income, and a statement describing the nature
30 of the services performed; if the source of income is known or reasonably should be known to
31 have a substantial interest in legislative, administrative, or political action and the recipient of

1 the income is a legislator or a legislative director, the amount of income received from the source
2 shall be disclosed;

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

8 (4) the source of a gift, other than an inheritance, received during the preceding
9 calendar year by the person, the person's spouse or dependent child, or a nondependent child of
10 the person who is living with the person, if the amount of the gift exceeds \$100 and is received
11 from a person who is not a member of the recipient's family.

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

16 Sec. 24.60.220. ADMINISTRATION OF AS 24.60.200 - 24.60.260. The Alaska Public
17 Offices Commission shall

18 (1) adopt regulations to implement and interpret the provisions of AS 24.60.200 -
19 24.60.260;

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

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

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

29 Sec. 24.60.240. CIVIL PENALTY FOR LATE FILING. A legislator or a legislative
30 director who fails to file a properly completed report under AS 24.60.200 is subject to a civil
31 penalty of not more than \$10 a day for each day the delinquency continues as the Alaska Public

1 Offices Commission determines, subject to appeal to the superior court. An affidavit stating facts
2 in mitigation may be submitted to the Alaska Public Offices Commission by the person against
3 whom the civil penalty is assessed. However, the imposition of the penalties prescribed in this
4 section does not excuse the person from filing reports required by AS 24.60.200.

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

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

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

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

21 Sec. 24.60.990. DEFINITIONS. (a) In this chapter,

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

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

- 1 (A) an item listed in AS 24.60.080(c);
- 2 (B) campaign contributions, pledges, political endorsements, support in a
3 political campaign, or a promise of endorsement or support;
- 4 (C) contributions to a cause or organization, including a charity, made in
5 response to a direct solicitation from a legislator or a person acting at the legislator's
6 direction; or
- 7 (D) grants under AS 37.05.316 to named recipients;
- 8 (3) "committee" means the Select Committee on Legislative Ethics and includes,
9 when appropriate, the senate or house subcommittee;
- 10 (4) "compensation" means remuneration for personal services rendered, including
11 salary, fees, commissions, bonuses, and similar payments, but does not include reimbursement
12 for actual expenses incurred by a person;
- 13 (5) "immediate family" means the spouse, parents, children, including a stepchild
14 and an adoptive child, and siblings of a person;
- 15 (6) "income" means assets that are received, regardless of whether they are earned
16 or unearned; inheritances and other gifts are not income;
- 17 (7) "knowingly" has the meaning given in AS 11.81.900;
- 18 (8) "legislative action" means conduct relating to the development, drafting,
19 consideration, sponsorship, enactment or defeat, support or opposition to or of a law, amendment,
20 resolution, report, nomination, or other matter affected by legislative action or inaction;
- 21 (9) "legislative director" means the director of the legislative finance division, the
22 legislative auditor, the director of the legislative research agency, the ombudsman, the executive
23 director of the Legislative Affairs Agency, and the directors of the divisions within the
24 Legislative Affairs Agency;
- 25 (10) "legislative employee" means a person, other than a legislator, who is
26 compensated by the legislative branch in return for regular or substantial personal services,
27 regardless of the person's pay level or technical status as a full-time or part-time employee,
28 independent contractor, or consultant; it includes public members and staff of the committee; it
29 does not include individuals who perform functions that are incidental to legislative functions,
30 including security, messenger, maintenance, and print shop employees, and other employees
31 designated by the committee;

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

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

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

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

15 (b) A person has a substantial interest in legislative, administrative, or political action if
16 the person (1) is not a natural person and will be directly and substantially affected financially
17 by a legislative, administrative, or political action; (2) is a natural person and will be directly and
18 substantially affected financially by a legislative, administrative, or political action in a way that
19 is greater than the effect on a substantial class of persons to which the person belongs as a
20 member of a profession, occupation, industry, or region; (3) has or seeks contracts in excess of
21 \$10,000 annually for goods or services with the legislature or with an agency of the state; or (4)
22 is a lobbyist. For the purpose of this subsection, the state, the federal government, and an
23 agency, corporation, or other entity of or owned by the state or federal government do not have
24 a substantial interest in legislative, administrative, or political action.

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

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

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

2 (c) An incumbent public official, other than a legislator, who has a current statement
3 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
4 Commission, or an incumbent legislator who has a current disclosure statement under
5 AS 24.60.200 on file with the Alaska Public Offices Commission, is not required to file a
6 statement of income sources and business interests or a disclosure statement with the
7 declaration of candidacy under (b) of this section.

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

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

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

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

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

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

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

31 (B) as a member of the Alaska Army National Guard or Alaska Air

1 National Guard or Alaska Naval Militia; or

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

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

5 (a) A lobbyist may not

6 (1) engage in any activity as a lobbyist before registering under AS 24.45.041;

7 (2) do anything with the intent of placing a public official under personal
8 obligation to the lobbyist or to the lobbyist's employer;

9 (3) intentionally deceive or attempt to deceive any public official with regard to
10 any material fact pertinent to pending or proposed legislative or administrative action;

11 (4) cause or influence the introduction of a legislative measure solely for the
12 purpose of thereafter being employed to secure its passage or its defeat;

13 (5) cause a communication to be sent to a public official in the name of any
14 fictitious person or in the name of any real person, except with the consent of that person;

15 (6) accept or agree to accept any payment in any way contingent upon the defeat,
16 enactment or outcome of any proposed legislative or administrative action;

17 (7) serve as a member of a state board, or commission, if the lobbyist's employer
18 may receive direct economic benefit from a decision of that board or commission;

19 (8) serve as a campaign manager or director, serve as a campaign treasurer
20 or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising
21 event, or otherwise actively engage in the fund-raising activity of a legislative campaign if
22 the lobbyist has registered during the calendar year; this paragraph does not apply to a
23 representational lobbyist as defined in the regulations of the Alaska Public Offices
24 Commission, and does not prohibit a lobbyist from making personal contributions to or
25 personally advocating on behalf of a candidate;

26 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
27 covered by AS 24.60, during a legislative session, a gift, other than food or beverage for
28 immediate consumption;

29 (10) make or offer a gift or a campaign contribution whose acceptance by the
30 person to whom it is offered would violate AS 24.60.

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

1 (c) A former member of the legislature may not engage in activity as a lobbyist before
2 the legislature for a period of one year after the former member has left the legislature. This
3 subsection does not prohibit a former member from acting as a volunteer lobbyist described in
4 AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the commission.

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

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

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

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

29 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLATURE,] judicial
30 officers, each commissioner, head or deputy head of, or director of a division within, a
31 department in the executive branch, assistant to the governor or chair [CHAIRMAN] or member

1 (c) A former member of the legislature may not engage in activity as a lobbyist before
2 the legislature for a period of one year after the former member has left the legislature. This
3 subsection does not prohibit a former member from acting as a volunteer lobbyist described in
4 AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the commission.

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

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

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

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

29 (b) The governor, lieutenant governor, [MEMBERS OF THE LEGISLATURE,] judicial
30 officers, each commissioner, head or deputy head of, or director of a division within, a
31 department in the executive branch, assistant to the governor or chair [CHAIRMAN] or member

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

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

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

18 * **Sec. 42.** AS 24.55.310, AS 24.60.045, 24.60.080(b), 24.60.090(b), 24.60.090(c), 24.60.110,
19 24.60.120, 24.60.190, AS 39.50.025, and 39.50.120 are repealed.

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

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

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

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

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

29 * **Sec. 44.** TRANSITIONAL PROVISIONS RELATING TO VIOLATIONS AND PROCEEDINGS.
30 Notwithstanding the amendments to AS 24.60 made by this Act, in addition to the provisions of
31 AS 24.60, as amended by this Act, the Select Committee on Legislative Ethics may consider complaints

1 alleging violations of AS 24.60 that occurred before January 11, 1993, and for which proceedings have
2 not been commenced or concluded before January 11, 1993. For the purpose of this section, the Select
3 Committee on Legislative Ethics shall follow the procedures established under AS 24.60, as amended
4 by this Act, but may not recommend a sanction or penalty not authorized under AS 24.60 before
5 January 11, 1993.

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