

ALASKA STATE HOUSE OF REPRESENTATIVES

Contact:

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North Pole, AK 99705
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**Session**

(907)-465-3719
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State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

Date: March 19, 2009

To: Representative Bob Lynn, Chairman
House State Affairs Committee

From: Representative John Coghill

A handwritten signature, likely of John Coghill, written in dark ink.

Re: HB 193 Legislative Ethics Bill

I am requesting a hearing for HB 193, "An Act relating to representation by a legislator or legislative employee of another person in an administrative hearing; relating to charity events under the Legislative Ethics Act; requiring compensation of public members of the Select Committee on Legislative Ethics; exempting certain information from disclosure requirements of the Legislative Ethics Act; relating to the selection of alternate members and the participation of members and alternate members in formal proceedings of the Select Committee on Legislative Ethics and its subcommittees; and defining 'constituent,' 'constituent service,' 'legislative purpose,' 'nonlegislative purpose,' and 'private benefit for the purposes of the Legislative Ethics Act'" at your earliest convenience.

I have attached backup for the bill.

Thank you for your consideration.

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REPRESENTATIVE JOHN COGHILL

House Bill 193 Legislative Ethics Amendments

Sponsor Statement

The Select Committee on Legislative Ethics requested some changes to the Legislative Ethics Statutes to address several issues discussed by the committee.

Two amendments requested by the committee address tickets to charity events and disclosure of gifts of tickets for charitable events that have a value of more than \$250.00. They allow persons who are not lobbyists to give a gift of a ticket to a charitable event sanctioned by the Legislative Council to a legislator or legislative employee that has a value of more than \$250.00. However, the recipient of the ticket must disclose to the Select Committee on Legislative Ethics the value of the ticket that exceeds the \$250.00 limit. The bill clarifies that lobbyists, immediate family members of lobbyists, or persons acting on behalf of a lobbyist may not exceed the \$250 limit.

The committee also recommended two changes to the statutes that deal with the public members of the Select Committee on Legislative Ethics. First, public members would be paid a \$150 a day stipend for attending meetings. Secondly, an alternate member of the committee selected to replace a regular member of the committee for some purpose would serve for the entire duration of the proceeding.

The bill clarifies that disclosures prohibited by state and federal law are not required by the Select Committee on Legislative Ethics.

The bill draws a bright line for legislators and legislative staff to follow for assisting constituents with problems they encounter with state agencies. Once an issue has been appealed to an administrative hearing officer, the legislator or legislative staffer may no longer make contacts with the agency, unless he or she is acting in a private capacity and reports any compensation for the representation to the Select Committee on Legislative Ethics.

Finally this bill reopens the discussion of AS 24.60.030(a)(2), the use of public funds, facilities, etc for the private benefit of either the legislative, a legislative employee, or another person. The committee has recognized that many things a legislator or staff does for constituents, such as problems with child support or the permanent fund dividend, results in a monetary benefit for the constituent. Section 8 of this bill adds definitions for "constituent", "constituent service", "legislative purpose", "nonlegislative purpose", and "private benefit" to better clarify the law. While Representative Coghill disagrees with some of the definitions, he feels it is important to open the dialogue on the subject and fix the problem.

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REPRESENTATIVE JOHN COGHILL

House Bill 193 Legislative Ethics Amendments

Sectional**Section 1.**

Draws a bright line for legislators and legislative staff to follow for assisting constituents with problems they encounter problems with state agencies. Once an issue has been appealed to an administrative hearing officer, the legislator or legislative staffer may no longer make contacts with the agency, unless he or she is acting in a private capacity and reports any compensation for the representation to the Select Committee on Legislative Ethics.

Sec. 2 & Sec. 4.

Two amendments requested by the committee address tickets to charity events and disclosure of gifts of tickets for charitable events that have a value of more than \$250.00. They allow persons who are not lobbyists to give a gift of a ticket to a charitable event sanctioned by the Legislative Council to a legislator or legislative employee that has a value of more than \$250.00. However, the recipient of the ticket must disclose to the Select Committee on Legislative Ethics the value of the ticket that exceeds the \$250.00 limit.

Sec. 3. Clarifies that lobbyists, immediate family members of lobbyists, or persons acting on behalf of a lobbyist may not exceed the \$250 limit.

Sec. 5. Clarifies that disclosures prohibited by state and federal law are not required by the Select Committee on Legislative Ethics.

Sec. 6. The committee also recommended two changes to the statutes that deal with the public members of the Select Committee on Legislative Ethics. First, public members would be paid a \$150 a day compensation for attending meetings.

Sec. 7. Alternate members of the committee selected to replace a regular member of the committee for some purpose would serve for the entire duration of the proceeding.

Sec. 8. Reopens the discussion of AS 24.60.030(a)(2), the use of public funds, facilities, etc for the private benefit of the legislative, a legislative employee, or another person. The committee has recognized that many things a legislator or staff does for constituents, such as problems with child support or the permanent fund dividend, results in a monetary benefit for the constituent. Section 8 of this bill adds definitions for "constituent", "constituent service", "legislative purpose", "nonlegislative purpose", and "private benefit" to better clarify the law. While Representative Coghill disagrees with some of the definitions, he feels it is important to open the dialogue on the subject and fix the problem.

HOUSE BILL NO. 193

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION
BY REPRESENTATIVE COGHILL

Introduced: 3/18/09

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to representation by a legislator or legislative employee of another
2 person in an administrative hearing; relating to charity events under the Legislative
3 Ethics Act; requiring compensation of public members of the Select Committee on
4 Legislative Ethics; exempting certain information from disclosure requirements of the
5 Legislative Ethics Act; relating to the selection of alternate members and the
6 participation of members and alternate members in formal proceedings of the Select
7 Committee on Legislative Ethics and its subcommittees; and defining 'constituent,'
8 'constituent service,' 'legislative purpose,' 'nonlegislative purpose,' and 'private benefit'
9 for the purposes of the Legislative Ethics Act."

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

11 * Section 1. AS 24.60.030(i) is amended to read:

12 (i) Except for supplying information requested by the hearing officer or the

HB0193a

-1-

New Text Underlined [DELETED TEXT BRACKETED]

HB 193

1 individual, board, or commission with authority to make the final decision in the case,
2 or when responding to contacts initiated by the hearing officer or the individual, board,
3 or commission with authority to make the final decision in the case, a legislator or
4 legislative employee may not attempt to influence the outcome of an administrative
5 hearing by directly or indirectly contacting or attempting to contact the hearing officer
6 assigned to the hearing or the individual, board, or commission with authority to make
7 the final decision in the case unless the legislator or legislative employee is
8 representing another person in the case for compensation and subject to
9 AS 24.60.100

10 [(1) CONTACT IS MADE IN THE PRESENCE OF ALL PARTIES
11 TO THE HEARING OR THE PARTIES' REPRESENTATIVES AND THE
12 CONTACT IS MADE A PART OF THE RECORD; OR
13 (2) FACT AND SUBSTANCE OF THE CONTACT IS PROMPTLY
14 DISCLOSED BY THE LEGISLATOR OR LEGISLATIVE EMPLOYEE TO ALL
15 PARTIES TO THE HEARING AND THE CONTACT IS MADE A PART OF THE
16 RECORD].

17 * Sec. 2. AS 24.60.080(a) is amended to read:

18 (a) Except as otherwise provided in this section, a legislator or legislative
19 employee may not

20 (1) solicit, accept, or receive, directly or indirectly, a gift worth \$250
21 or more, whether in the form of money, services, a loan, travel, entertainment,
22 hospitality, promise, or other form, or gifts from the same person worth less than \$250
23 that in a calendar year aggregate to \$250 or more in value;

24 (2) solicit, accept, or receive a gift with any monetary value from a
25 lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a
26 lobbyist, except

27 (A) food or beverage for immediate consumption;

28 (B) a contribution to a charity event, [FROM ANY PERSON
29 AT ANY TIME, AND] tickets to [FOR] a charity event, and [AT ANY TIME,
30 EXCEPT THAT TICKETS TO OR] gifts received in connection with [AT] a
31 charity event; however, tickets to a charity event and gifts received in

1 connection with a charity event that are not included in the price of the
2 ticket [UNDER THIS SUBPARAGRAPH] are subject to the calendar year
3 limit on the value of gifts received by a legislator or legislative employee in (1)
4 of this subsection; in this subparagraph, "charity event" means an event the
5 proceeds of which go to a charitable organization with tax-free status under 26
6 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in
7 advance; the tickets may entitle the bearer to admission to the event, to
8 entertainment, to food or beverages, or to other gifts or services in connection
9 with [INVOLVED IN] the charity event;

10 (C) a gift that is unconnected with the recipient's legislative
11 status and is from a member of the legislator's or legislative employee's
12 immediate family;

13 (D) a gift delivered on the premises of a state facility and
14 accepted on behalf of a recognized nonpolitical charitable organization; or

15 (E) a compassionate gift under AS 24.60.075.

16 * Sec. 3. AS 24.60.080(c) is amended to read:

17 (c) Notwithstanding (a)(1) of this section, it is not a violation of this section
18 for a person who is a legislator or legislative employee to accept

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

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

24 (B) at a social event or meal;

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

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

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

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

3 (5) gifts from the immediate family of the person; in this paragraph,
4 "immediate family" means

5 (A) the spouse of the person;

6 (B) the person's domestic partner;

7 (C) a child, including a stepchild and an adoptive child, of the
8 person or of the person's domestic partner;

9 (D) a parent, sibling, grandparent, aunt, or uncle of the person;

10 (E) a parent, sibling, grandparent, aunt, or uncle of the person's
11 spouse or the person's domestic partner; and

12 (F) a stepparent, stepsister, stepbrother, step-grandparent, step-
13 aunt, or step-uncle of the person, the person's spouse, or the person's domestic
14 partner;

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

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

26 (8) a gift of legal services in a matter of legislative concern and a gift
27 of other services related to the provision of legal services in a matter of legislative
28 concern;

29 (9) a gift of transportation from a legislator or a legislative employee to
30 a legislator or a legislative employee if the transportation takes place in the state on or
31 in an aircraft, boat, motor vehicle, or other means of transport owned or under the

1 control of the donor; this paragraph does not apply to travel described in (4) of this
2 subsection or travel for political campaign purposes; or

3 (10) a contribution to a charity event from any person at any time, or a
4 ticket to a charity event from a person who is not a lobbyist, an immediate family
5 member of a lobbyist, or acting on behalf of a lobbyist; in this paragraph, "charity
6 event" has the meaning given in (a)(2)(B) of this section.

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

8 (d) A legislator or legislative employee who accepts a gift under (c)(4) of this
9 section that has a value of \$250 or more or a ticket to a charity event under
10 (c)(10) of this section that has a value of \$250 or more shall disclose to the committee,
11 within 30 days after receipt of the gift, the name and occupation of the donor and the
12 approximate value of the gift. A legislator or legislative employee who accepts a gift
13 under (c)(8) of this section that the recipient expects will have a value of \$250 or more
14 in the calendar year shall disclose to the committee, within 30 days after receipt of the
15 gift, the name and occupation of the donor, a general description of the matter of
16 legislative concern with respect to which the gift is made, and the approximate value
17 of the gift. The committee shall maintain a public record of the disclosures it receives
18 relating to gifts under (c)(4), (c)(8), (c)(10), and (i) of this section and shall forward
19 the disclosures to the appropriate house for inclusion in the journal. The committee
20 shall forward to the Alaska Public Offices Commission copies of the disclosures
21 concerning gifts under (c)(4), (c)(8), (c)(10), and (i) of this section that it receives
22 from legislators and legislative directors. A legislator or legislative employee who
23 accepts a gift under (c)(6) of this section that has a value of \$250 or more shall, within
24 30 days after receiving the gift, disclose to the committee the name and occupation of
25 the donor and a description of the gift. The committee shall maintain disclosures
26 relating to gifts under (c)(6) of this section as confidential records and may only use,
27 or permit a committee employee or contractor to use, a disclosure under (c)(6) of this
28 section in the investigation of a possible violation of this section or in a proceeding
29 under AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the
30 record of a proceeding under AS 24.60.170, the confidentiality provisions of that
31 section apply to the disclosure.

1 * Sec. 5. AS 24.60.105 is amended by adding a new subsection to read:

2 (d) A person may refrain from making a disclosure that is required by this
 3 chapter if making the disclosure would violate the United States Constitution, the
 4 Constitution of the State of Alaska, or other state or federal law. However, at the
 5 request of the committee or a person authorized to act on behalf of the committee, a
 6 person who refrains from making a disclosure under this subsection shall provide the
 7 committee with justification in writing, and the committee may review the written
 8 justification to determine whether it is sufficient.

9 * Sec. 6. AS 24.60.130(f) is amended to read:

10 (f) The committee may contract for professional services and may employ
 11 staff as it considers necessary. A committee employee, including a person who
 12 provides personal services under a contract with the committee, may not be a
 13 legislator, an elected or appointed official of a state or local governmental entity, an
 14 officer of a political party, a candidate for public office, or a registered lobbyist. The
 15 legislative council shall provide office space, equipment, and additional staff support
 16 for the committee. The committee shall submit a budget for each fiscal year to the
 17 finance committees of the legislature and shall annually submit an estimated budget to
 18 the governor for information purposes in preparation of the state operating budget.
 19 Public members of the committee shall receive [SERVE WITHOUT] compensation
 20 of \$150 a day while attending committee meetings and [FOR THEIR SERVICES,
 21 BUT] are entitled to per diem and travel expenses authorized for boards and
 22 commissions under AS 39.20.180.

23 * Sec. 7. AS 24.60.130(n) is amended to read:

24 (n) A member who participates at the commencement of a proceeding
 25 under AS 24.60.170 shall participate for the duration of the proceeding unless
 26 disqualified or unable to continue participating for any reason; however,
 27 provision shall be made for service by alternate members on the committee or on
 28 a subcommittee, as follows:

29 (1) when [WHEN] appointing members of the legislature to serve on
 30 the committee, the speaker of the house or the president of the senate, as appropriate,
 31 shall appoint an alternate member for each regular member; an [. AN] alternate must

1 have the same qualifications as the regular member for whom the alternate stands as
2 alternate and is subject to confirmation as required for the regular member;

3 (2) when selecting public members to serve on the committee, the
4 Chief Justice of the Alaska Supreme Court shall also select one alternate public
5 member; the alternate public member's selection is subject to ratification as
6 required for selection of the regular public members;

7 (3) if, except as to a proceeding under AS 24.60.170, [IF] a regular
8 [LEGISLATIVE] member of the committee or a subcommittee is unable to
9 participate in [ATTEND] a meeting, the chair of the committee or a subcommittee
10 shall designate the regular member's alternate to participate [SERVE] in place of the
11 regular member at the meeting, and the designated alternate, unless for any reason
12 unable to participate, shall participate for the duration of that meeting; if
13 [SERVE UNLESS UNABLE TO SERVE FOR ANY REASON. IF] a regular
14 [LEGISLATIVE] member of the committee or a subcommittee is disqualified under
15 (h) of this section from participating in [SERVING ON THE COMMITTEE OR
16 THE SUBCOMMITTEE CONCERNING] a proceeding under AS 24.60.170 or if the
17 regular member is unable to participate [ATTEND], the chair of the committee or a
18 subcommittee shall designate the regular member's alternate to participate [SERVE]
19 in place of the regular member for the duration of [IN] the proceeding unless the
20 alternate is [ALSO] disqualified or is for any reason unable to participate; the
21 [FROM SERVING. THE] designation shall be treated as confidential to the same
22 extent that the identity of the subject of a complaint is required to be kept confidential.

23 * Sec. 8. AS 24.60.990(a) is amended by adding new paragraphs to read:

24 (17) "constituent" means a natural person to whom a legislator owes a
25 duty of representation in the legislature because the person resides in the legislator's
26 election district, is registered to vote in that district, or is a member of the immediate
27 family of a person who is registered to vote in that district;

28 (18) "constituent service" means assistance, including representation
29 other than legal representation and advice other than legal advice, that is provided by a
30 legislator or a legislator's staff to a constituent of the legislator;

31 (19) "legislative purpose" means a goal of a legislative action or a

1 constituent service that is a primary goal or, when measured against other goals of the
2 legislative action or constituent service, is a substantial goal;

3 (20) "nonlegislative purpose" means a purpose other than a legislative
4 purpose;

5 (21) "private benefit" means a benefit, other than a benefit to a
6 political party, that is personal to the recipient and does not have a legislative purpose
7 or that satisfies, in whole or in part, a person's substantial interest in legislative,
8 administrative, or political action under (b) of this section.

Bill History/Action for 26 Legislature

BILL: HB 193

SHORT TITLE: LEGISLATIVE ETHICS ACT

BILL VERSION:

CURRENT STATUS: (H) STA

STATUS DATE: 03/18/09

THEN JUD

SPONSOR(S): REPRESENTATIVE(S) COGHILL

TITLE: "An Act relating to representation by a legislator or legislative employee of another person in an administrative hearing; relating to charity events under the Legislative Ethics Act; requiring compensation of public members of the Select Committee on Legislative Ethics; exempting certain information from disclosure requirements of the Legislative Ethics Act; relating to the selection of alternate members and the participation of members and alternate members in formal proceedings of the Select Committee on Legislative Ethics and its subcommittees; and defining 'constituent,' 'constituent service,' 'legislative purpose,' 'nonlegislative purpose,' and 'private benefit' for the purposes of the Legislative Ethics Act."

Bill Number:

Jm-Date Jm-Page Action

03/18/09 0504 (H) READ THE FIRST TIME - REFERRALS

03/18/09 0504 (H) STA, JUD

03/18/09 0504 (H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match
ADMINISTRATIVE PROCEDURE

ATTORNEYS

BOARDS & COMMISSIONS

DISCLOSURE

ETHICS

HEARINGS

LEGISLATORS

LOBBYISTS

Bill Number: [Return to Basis Main Menu \(26 Legislature\)](#)

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 9, 2009

SUBJECT: Amendments to the Legislative Ethics Act
\ (Work Order No. 26-LS0656(E))

TO: Representative John Coghill, Jr.
Attn: Rymnieva Moss

FROM: Dan Wayne 
Legislative Counsel

Enclosed is a bill draft with the new language you requested, subjecting tickets to charity events to the \$250.00 annual limit on gifts if the tickets are received from a lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a lobbyist. As Joyce Anderson recommended in the memorandum you provided, I have also moved, to AS 24.60.105, draft language clarifying that the Act does not require individuals to disclose information that is confidential under other state or federal law. The enclosed draft does not change the bill's language regarding alternate members of the committee as recommended by Ms. Anderson, because that language already provides for the participation of alternates in meetings other than those convened under AS 24.60.170, as she recommends.

If I may be of further assistance, please advise.

DCW:ljw
09-145.ljw

Enclosure

26-LS06561E
Wayne
3/10/09

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE COGHILL

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

"An Act relating to representation by a legislator or legislative employee of another person in an administrative hearing; relating to charity events under the Legislative Ethics Act; requiring compensation of public members of the Select Committee on Legislative Ethics; exempting certain information from disclosure requirements of the Legislative Ethics Act; relating to the selection of alternate members and the participation of members and alternate members in formal proceedings of the Select Committee on Legislative Ethics and its subcommittees; and defining 'constituent,' 'constituent service,' 'legislative purpose,' 'nonlegislative purpose,' and 'private benefit' for the purposes of the Legislative Ethics Act."

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

* Section 1. AS 24.60.030(i) is amended to read: *Prohibitions related to conflicts of interest & unethical conduct*

(i) Except for supplying information requested by the hearing officer or the

individual, board, or commission with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a legislator or legislative employee may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer assigned to the hearing or the individual, board, or commission with authority to make the final decision in the case unless the legislator or legislative employee is representing another person in the case for compensation and subject to AS 24.60.100

[(1) CONTACT IS MADE IN THE PRESENCE OF ALL PARTIES TO THE HEARING OR THE PARTIES' REPRESENTATIVES AND THE CONTACT IS MADE A PART OF THE RECORD; OR

(2) FACT AND SUBSTANCE OF THE CONTACT IS PROMPTLY DISCLOSED BY THE LEGISLATOR OR LEGISLATIVE EMPLOYEE TO ALL PARTIES TO THE HEARING AND THE CONTACT IS MADE A PART OF THE RECORD].

* Sec. 2. AS 24.60.080(a) is amended to read: ~~GIFTS~~

(a) Except as otherwise provided in this section, a legislator or legislative employee may not

(1) solicit, accept, or receive, directly or indirectly, a gift worth \$250 or more, whether in the form of money, services, a loan, travel, entertainment, hospitality, promise, or other form, or gifts from the same person worth less than \$250 that in a calendar year aggregate to \$250 or more in value;

(2) solicit, accept, or receive a gift with any monetary value from a lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a lobbyist, except

(A) food or beverage for immediate consumption;

(B) a contribution to a charity event, [FROM ANY PERSON AT ANY TIME, AND] tickets to [FOR] a charity event, and [AT ANY TIME, EXCEPT THAT TICKETS TO OR] gifts received in connection with [AT] a charity event; however, tickets to a charity event and gifts received in

250.00
limit on
lobbyists
gifts to char
events

1 connection with a charity event that are not included in the price of the
2 ticket [UNDER THIS SUBPARAGRAPH] are subject to the calendar year
3 limit on the value of gifts received by a legislator or legislative employee in (1)
4 of this subsection; in this subparagraph, "charity event" means an event the
5 proceeds of which go to a charitable organization with tax-free status under 26
6 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in
7 advance; the tickets may entitle the bearer to admission to the event, to
8 entertainment, to food or beverages, or to other gifts or services in connection
9 with [INVOLVED IN] the charity event;

10 (C) a gift that is unconnected with the recipient's legislative
11 status and is from a member of the legislator's or legislative employee's
12 immediate family;

13 (D) a gift delivered on the premises of a state facility and
14 accepted on behalf of a recognized nonpolitical charitable organization; or

15 (E) a compassionate gift under AS 24.60.075.

16 * Sec. 3. AS 24.60.080(c) is amended to read: ~~AS 24.60.080(c)~~

17 (c) Notwithstanding (a)(1) of this section, it is not a violation of this section
18 for a person who is a legislator or legislative employee to accept

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

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

24 (B) at a social event or meal;

25 (2) discounts that are available

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

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

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

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

(5) gifts from the immediate family of the person; in this paragraph, "immediate family" means

(A) the spouse of the person;

(B) the person's domestic partner;

(C) a child, including a stepchild and an adoptive child, of the person or of the person's domestic partner;

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

(E) a parent, sibling, grandparent, aunt, or uncle of the person's spouse or the person's domestic partner; and

(F) a stepparent, stepsister, stepbrother, step-grandparent, step-aunt, or step-uncle of the person, the person's spouse, or the person's domestic partner;

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

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

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

(9) a gift of transportation from a legislator or a legislative employee to a legislator or a legislative employee if the transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other means of transport owned or under the

control of the donor; this paragraph does not apply to travel described in (4) of this subsection or travel for political campaign purposes; or

(10) a contribution to a charity event from any person at any time, or a ticket to a charity event from a person who is not a lobbyist, an immediate family member of a lobbyist, or acting on behalf of a lobbyist; in this paragraph, "charity event" has the meaning given in (a)(2)(B) of this section.

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

(d) A legislator or legislative employee who accepts a gift under (c)(4) of this section that has a value of \$250 or more or a ticket to a charity event under (c)(10) of this section that has a value of \$250 or more shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of \$250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4), (c)(8), ~~(c)(10)~~, and (i) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4), (c)(8), ~~(c)(10)~~, and (i) of this section that it receives from legislators and legislative directors. A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of \$250 or more shall, within 30 days after receiving the gift, disclose to the committee the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record of a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.

allowing
gift of ticket
from someone
other than
lobbyist
disclosure
over \$250.

* Sec. 5. AS 24.60.105 is amended by adding a new subsection to read:

(d) A person may refrain from making a disclosure that is required by this chapter if making the disclosure would violate the United States Constitution, the Constitution of the State of Alaska, or other state or federal law. However, at the request of the committee or a person authorized to act on behalf of the committee, a person who refrains from making a disclosure under this subsection shall provide the committee with justification in writing, and the committee may review the written justification to determine whether it is sufficient.

* Sec. 6. AS 24.60.130(f) is amended to read:

(f) The committee may contract for professional services and may employ staff as it considers necessary. A committee employee, including a person who provides personal services under a contract with the committee, may not be a legislator, an elected or appointed official of a state or local governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist. The legislative council shall provide office space, equipment, and additional staff support for the committee. The committee shall submit a budget for each fiscal year to the finance committees of the legislature and shall annually submit an estimated budget to the governor for information purposes in preparation of the state operating budget. Public members of the committee shall receive [SERVE WITHOUT] compensation of \$150 a day while attending committee meetings and [FOR THEIR SERVICES, BUT] are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

* Sec. 7. AS 24.60.130(n) is amended to read:

(n) A member who participates at the commencement of a proceeding under AS 24.60.170 shall participate for the duration of the proceeding unless disqualified or unable to continue participating for any reason; however, provision shall be made for service by alternate members on the committee or on a subcommittee, as follows:

(1) when [WHEN] appointing members of the legislature to serve on the committee, the speaker of the house or the president of the senate, as appropriate, shall appoint an alternate member for each regular member; an [. AN] alternate must

State or
Federal
prohibition for
disclosure

Compensation
for committee
members

Participation of
alternate in meeting

1 have the same qualifications as the regular member for whom the alternate stands as
2 alternate and is subject to confirmation as required for the regular member;

3 (2) when selecting public members to serve on the committee, the
4 Chief Justice of the Alaska Supreme Court shall also select one alternate public
5 member; the alternate public member's selection is subject to ratification as
6 required for selection of the regular public members;

7 (3) if, except as to a proceeding under AS 24.60.170, [IF] a regular
8 [LEGISLATIVE] member of the committee or a subcommittee is unable to
9 participate in [ATTEND] a meeting, the chair of the committee or a subcommittee
10 shall designate the regular member's alternate to participate [SERVE] in place of the
11 regular member at the meeting, and the designated alternate, unless for any reason
12 unable to participate, shall participate for the duration of that meeting; if
13 [SERVE UNLESS UNABLE TO SERVE FOR ANY REASON. IF] a regular
14 [LEGISLATIVE] member of the committee or a subcommittee is disqualified under
15 (h) of this section from participating in [SERVING ON THE COMMITTEE OR
16 THE SUBCOMMITTEE CONCERNING] a proceeding under AS 24.60.170 or if the
17 regular member is unable to participate [ATTEND], the chair of the committee or a
18 subcommittee shall designate the regular member's alternate to participate [SERVE]
19 in place of the regular member for the duration of [IN] the proceeding unless the
20 alternate is [ALSO] disqualified or is for any reason unable to participate; the
21 [FROM SERVING. THE] designation shall be treated as confidential to the same
22 extent that the identity of the subject of a complaint is required to be kept confidential.

23 * Sec. 8. AS 24.60.990(a) is amended by adding new paragraphs to read:

24 (17) "constituent" means a natural person to whom a legislator owes a
25 duty of representation in the legislature because the person resides in the legislator's
26 election district, is registered to vote in that district, or is a member of the immediate
27 family of a person who is registered to vote in that district;

28 (18) "constituent service" means assistance, including representation
29 other than legal representation and advice other than legal advice, that is provided by a
30 legislator or a legislator's staff to a constituent of the legislator;

31 (19) "legislative purpose" means a goal of a legislative action or a

1 constituent service that is a primary goal or, when measured against other goals of the
2 legislative action or constituent service, is a substantial goal;

3 (20) "nonlegislative purpose" means a purpose other than a legislative
4 purpose;

5 (21) "private benefit" means a benefit, other than a benefit to a
6 political party, that is personal to the recipient and does not have a legislative purpose
7 or that satisfies, in whole or in part, a person's substantial interest in legislative,
8 administrative, or political action under (b) of this section.