

CS FOR HOUSE BILL NO. 109(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/28/07

Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act denying public employee retirement pension benefits to certain legislators,**
2 **legislative directors, and public officers who commit certain offenses, and adding to the**
3 **duties of the Alaska Retirement Management Board and to the list of matters governed**
4 **by the Administrative Procedure Act concerning that denial; relating to campaign**
5 **financing and ethics, including disclosures, in state and municipal government, to**
6 **lobbying, and to employment, service on boards, and disclosures by certain public**
7 **officers and employees who leave state or municipal service or leave certain positions in**
8 **state or municipal government; restricting representation of others by legislators and**
9 **legislative employees; relating to blind trusts approved by the Alaska Public Offices**
10 **Commission; and providing for an effective date."**

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

12 * **Section 1.** AS 14.25 is amended by adding a new section to read:

1 **Sec. 14.25.212. Pension forfeiture.** The provisions of AS 37.10.310 apply to
2 pension benefits under AS 14.25.009 - 14.25.220.

3 * **Sec. 2.** AS 14.25 is amended by adding a new section to read:

4 **Sec. 14.25.532. Pension forfeiture.** The provisions of AS 37.10.310 apply to
5 pension benefits under AS 14.25.310 - 14.25.590.

6 * **Sec. 3.** AS 15.13.040(g) is amended to read:

7 (g) The provisions of (a) and (l) of this section do not apply **to a delegate to a**
8 **constitutional convention, a judge seeking judicial retention, or a candidate for**
9 **election to a municipal office under AS 15.13.010, if that delegate, judge, or** [IF A]
10 candidate

11 (1) indicates, on a form prescribed by the commission, an intent not to
12 raise and not to expend more than \$5,000 in seeking election to office, including both
13 the primary and general elections;

14 (2) accepts contributions totaling not more than \$5,000 in seeking
15 election to office, including both the primary and general elections; and

16 (3) makes expenditures totaling not more than \$5,000 in seeking
17 election to office, including both the primary and general elections.

18 * **Sec. 4.** AS 15.13.040(m) is repealed and reenacted to read:

19 (m) Information required under this chapter shall be submitted to the
20 commission electronically, except that the following information may be submitted in
21 clear and legible black typeface or hand-printed in dark ink on paper in a format
22 approved by the commission or on forms provided by the commission:

23 (1) information submitted by a candidate for municipal office; in this
24 paragraph, "municipal office" means the office of an elected borough or city

25 (A) mayor; or

26 (B) assembly, council, or school board member;

27 (2) any information if the commission determines that circumstances
28 warrant an exception to the electronic submission requirement;

29 (3) information submitted before January 1, 2009, by a candidate for
30 the legislature.

31 * **Sec. 5.** AS 15.13.040(m), as amended by sec. 4 of this Act, is amended to read:

1 (m) Information required under this chapter shall be submitted to the
 2 commission electronically, except that the following information may be submitted in
 3 clear and legible black typeface or hand-printed in dark ink on paper in a format
 4 approved by the commission or on forms provided by the commission:

5 (1) information submitted by a candidate for municipal office **for a**
 6 **municipality with a population of less than 15,000**; in this paragraph, "municipal
 7 office" means the office of an elected borough or city

8 (A) mayor; or

9 (B) assembly, council, or school board member;

10 (2) any information if the commission determines that circumstances
 11 warrant an exception to the electronic submission requirement [;

12 (3) INFORMATION SUBMITTED BEFORE JANUARY 1, 2009, BY
 13 A CANDIDATE FOR THE LEGISLATURE].

14 * **Sec. 6.** AS 22.25 is amended by adding a new section to read:

15 **Sec. 22.25.800. Pension forfeiture.** The provisions of AS 37.10.310 apply to
 16 pension benefits under this chapter.

17 * **Sec. 7.** AS 24.45.031(a) is amended to read:

18 (a) In addition to its other duties under this chapter, the commission shall

19 (1) prescribe the forms for registration, reports, statements, notices,
 20 and other documents required by this chapter;

21 (2) prepare and publish instructions setting out the methods of
 22 accounting, bookkeeping, and preservation of records required to facilitate compliance
 23 with and enforcement of this chapter and explaining the duties of persons subject to
 24 the provisions of this chapter; the instructions shall be updated periodically;

25 (3) provide assistance to persons in complying with the provisions of
 26 this chapter;

27 (4) prepare and publish a biennial report of its activities, findings, and
 28 recommendations under this chapter, which shall be made available to the governor,
 29 legislature, and to the public by February 1 of each odd-numbered calendar year; the
 30 commission shall notify the legislature that the report is available;

31 (5) report suspected violations of this chapter to the attorney general;

1 **(6) administer an annually updated training course that promotes**
2 **adherence to high ethical standards of professional conduct and teaches lobbyists**
3 **and employers of lobbyists how to comply with laws that regulate lobbyists.**

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

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

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

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

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

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

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

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

25 (7) the identification of a [LEGISLATOR,] legislative employee [,] or
26 public official to whom the lobbyist is married or who is the domestic partner of the
27 lobbyist;

28 **(8) a sworn affirmation by the lobbyist that the lobbyist has**
29 **completed the training course administered by the commission under**
30 **AS 24.45.031(a) within the 12-month period preceding the date of registration or**
31 **registration renewal under this chapter, except this paragraph does not apply to**

1 **a person who is a representational lobbyist as defined under regulations of the**
2 **commission** [IN THIS PARAGRAPH, "DOMESTIC PARTNER" HAS THE
3 MEANING GIVEN IN AS 39.50.200(a)].

4 * **Sec. 9.** 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
7 AS 24.45.041;

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

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

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

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

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

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

23 (8) serve as a campaign manager or director, serve as a campaign
24 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a
25 fund-raising event, directly or indirectly collect contributions for, or deliver
26 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
27 legislative campaign or campaign for governor or lieutenant governor if the lobbyist
28 has registered, or is required to register, as a lobbyist under this chapter, during the
29 calendar year; this paragraph does not apply to a representational lobbyist as defined
30 in the regulations of the Alaska Public Offices Commission, and does not prohibit a
31 lobbyist from making personal contributions to a candidate as authorized by AS 15.13

1 or personally advocating on behalf of a candidate;

2 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a
3 person covered by AS 24.60 [, DURING A LEGISLATIVE SESSION], a gift, other
4 than food or beverage for immediate consumption; however, this paragraph does not
5 prohibit a lobbyist from providing [, DURING A LEGISLATIVE SESSION OR AT
6 ANY OTHER TIME OF THE YEAR,] tickets to a charity event described in
7 AS 24.60.080(a)(2)(B) [AS 24.60.080(c)(10)], or a contribution to a charity event
8 under AS 24.60.080(c)(10) [AS 24.60.080(c)(11)];

9 (10) make or offer a gift or a campaign contribution whose acceptance
10 by the person to whom it is offered would violate AS 24.60 or AS 39.52.

11 * **Sec. 10.** AS 24.45.121 is amended by adding new subsections to read:

12 (d) An individual may not, at any time that AS 39.52 prohibits that individual
13 from engaging in activity as a lobbyist, register as a lobbyist under this chapter or
14 engage in any activity as a lobbyist. This subsection does not prohibit registration or
15 service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational
16 lobbyist, as defined in regulation by the commission.

17 (e) The spouse or domestic partner of a legislator may not engage in activity
18 as a lobbyist. This subsection does not prohibit the spouse or domestic partner from
19 acting as a volunteer lobbyist under AS 24.45.161(a)(1) or a representational lobbyist,
20 as defined in regulation by the commission.

21 * **Sec. 11.** AS 24.45.171 is amended by adding a new paragraph to read:

22 (15) "domestic partner" has the meaning given in AS 39.50.200(a).

23 * **Sec. 12.** AS 24.60.020(a) is amended to read:

24 (a) Except as otherwise provided in this subsection, this chapter applies to a
25 member of the legislature, to a legislative employee, and to public members of the
26 committee. This chapter does not apply to

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

30 (2) a person elected to the legislature who at the time of election is not
31 a member of the legislature.

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

2 (a) A legislator or legislative employee may not

3 (1) solicit, agree to accept, or accept a benefit other than official
4 compensation for the performance of public duties; this paragraph may not be
5 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
6 solicitation or acceptance of contributions for a charity event, as defined in
7 AS 24.60.080(a)(2)(B) [AS 24.60.080(c)(10)], or the acceptance of a lawful gratuity
8 under AS 24.60.080;

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

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

17 (B) the use of mailing lists, computer data, or other information
18 lawfully obtained from a government agency and available to the general
19 public for nonlegislative purposes;

20 (C) telephone or facsimile use that does not carry a special
21 charge;

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

29 (E) a legislator from using the legislator's private office in the
30 capital city during a legislative session, and for the 10 days immediately before
31 and the 10 days immediately after a legislative session, for nonlegislative

1 purposes if the use does not interfere with the performance of public duties and
 2 if there is no cost to the state for the use of the space and equipment, other than
 3 utility costs and minimal wear and tear, or the legislator promptly reimburses
 4 the state for the cost; an office is considered a legislator's private office under
 5 this subparagraph if it is the primary space in the capital city reserved for use
 6 by the legislator, whether or not it is shared with others;

7 (F) a legislator from use of legislative employees to prepare
 8 and send out seasonal greeting cards;

9 (G) a legislator from using state resources to transport
 10 computers or other office equipment owned by the legislator but primarily used
 11 for a state function;

12 (H) use by a legislator of photographs of that legislator;

13 (I) reasonable use of the Internet by a legislator or a legislative
 14 employee except if the use is for election campaign purposes;

15 (J) a legislator or legislative employee from soliciting,
 16 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
 17 organization in a state facility;

18 (K) a legislator from sending any communication in the form of
 19 a newsletter to the legislator's constituents, except a communication expressly
 20 advocating the election or defeat of a candidate or a newsletter or material in a
 21 newsletter that is clearly only for the private benefit of a legislator or a
 22 legislative employee; or

23 (L) full participation in a charity event approved in advance by
 24 the Alaska Legislative Council;

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

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

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

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

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

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

14 (C) telephone or facsimile use that does not carry a special
 15 charge;

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

18 (E) a legislator from using the legislator's private office in the
 19 capital city during a legislative session, and for the 10 days immediately before
 20 and the 10 days immediately after a legislative session, for nonlegislative
 21 purposes if the use does not interfere with the performance of public duties and
 22 if there is no cost to the state for the use of the space and equipment, other than
 23 utility costs and minimal wear and tear, or the legislator promptly reimburses
 24 the state for the cost; an office is considered a legislator's private office under
 25 this subparagraph if it is the primary space in the capital city reserved for use
 26 by the legislator, whether or not it is shared with others; or

27 (F) use by a legislator of photographs of that legislator.

28 * **Sec. 14.** AS 24.60.030(c) is amended to read:

29 (c) Unless approved by the committee, during a campaign period for an
 30 election in which the legislator or legislative employee is a candidate, a legislator or
 31 legislative employee may not use or permit another to use state funds, other than funds

1 to which the legislator is entitled under AS 24.10.110, to print or distribute a political
2 mass mailing to individuals eligible to vote for the candidate. In this subsection,

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

4 (A) begins 60 [90] days before the date of an election to the
5 board of an electric or telephone cooperative organized under AS 10.25, a
6 municipal election, or a primary election, or that begins on the date of the
7 governor's proclamation calling a special election; and

8 (B) ends the day after the cooperative election, municipal
9 election, or general or special election;

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

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

15 (f) A legislative employee may not serve in a position that requires
16 confirmation by the legislature. A legislator or legislative employee who serves
17 [MAY SERVE] on a board of an organization, including a governmental entity, shall
18 disclose [THAT REGULARLY HAS A SUBSTANTIAL INTEREST IN THE
19 LEGISLATIVE ACTIVITIES OF THE LEGISLATOR OR EMPLOYEE IF THE
20 LEGISLATOR OR EMPLOYEE DISCLOSES] the board membership to the
21 committee. A person [A LEGISLATOR OR LEGISLATIVE EMPLOYEE WHO IS]
22 required to make a disclosure under this subsection shall file the disclosure with the
23 committee by the deadlines set out in AS 24.60.105 stating the name of each
24 organization on whose board the person serves. The committee shall maintain a public
25 record of the disclosure and forward the disclosure to the appropriate house for
26 inclusion in the journal. This subsection does not require a legislator or legislative
27 employee who is appointed to a board by the presiding officer to make a disclosure of
28 the appointment to the committee if the appointment has been published in the
29 appropriate legislative journal during the calendar year.

30 * **Sec. 16.** AS 24.60.040(a) is amended to read:

31 (a) A legislator or legislative employee, or a member of the immediate family

1 of a legislator or legislative employee, may not be a party to or have an interest in a
 2 state contract or lease unless the contract or lease is let under AS 36.30 (State
 3 Procurement Code) or, for agencies that are not subject to AS 36.30, under similar
 4 procedures, or the total annual amount of the state contract or lease is \$5,000 or less,
 5 or is a standardized contract or lease that was developed under publicly established
 6 guidelines and is generally available to the public at large, members of a profession,
 7 occupation, or group. A person has an interest in a state contract or lease under this
 8 section if the person receives direct or indirect financial benefits. A legislator or
 9 legislative employee who participates in, or who knows or reasonably should know
 10 that a family member is participating in, a state contract or lease that has an annual
 11 value of \$5,000 or more shall disclose the participation to the committee by the date
 12 required under AS 24.60.105. **The committee shall promptly forward the**
 13 **disclosure to the appropriate house for inclusion in the journal, and the presiding**
 14 **officer shall cause the disclosure to be published in the journal or in the**
 15 **supplemental journal not later than the next regularly scheduled publication of**
 16 **ethics disclosures**. The legislator or legislative employee shall also disclose the
 17 renegotiation of a state contract or lease if the original had to be disclosed under this
 18 section or if, as a result of renegotiation, disclosure is required under this section. The
 19 disclosure must state the amount of the contract or lease and the name of the state
 20 agency issuing the contract or lease and must identify the procedures under which the
 21 contract or lease was issued. If the disclosure concerns a contract or lease in which a
 22 family member of the discloser is participating, the disclosure must identify the
 23 relationship between the participant and the discloser.

24 * **Sec. 17.** AS 24.60.050(c) is amended to read:

25 (c) A legislator or legislative employee who participates in a program or
 26 receives a loan that is not exempt from disclosure under (a) of this section shall file [A
 27 WRITTEN REPORT] with the committee by the date required under AS 24.60.105 **a**
 28 **disclosure** stating the amounts of the loans outstanding or benefits received during the
 29 preceding calendar year from nonqualifying programs. If the committee requests
 30 additional information necessary to determine the propriety of participating in the
 31 program or receiving the loan, it shall be promptly provided. The committee shall

1 promptly compile a list of the statements indicating the loans and programs and
 2 amounts and send it to the presiding officer of each house who shall have it published
 3 in the supplemental journals **on or before the next regularly scheduled publication**
 4 **of ethics disclosures. If a** [WITHIN THREE WEEKS AFTER THE FILING DATE.
 5 A] legislator or legislative employee **asks** [WHO BELIEVES THAT DISCLOSURE
 6 OF PARTICIPATION IN A PROGRAM WOULD BE AN INVASION OF THE
 7 PARTICIPANT'S RIGHT TO PRIVACY UNDER THE STATE CONSTITUTION
 8 MAY REQUEST] the committee to keep **any part of** the disclosure confidential **and**
 9 **a quorum of the committee determines by vote of a majority of committee**
 10 **members that making the entire disclosure public would cause an unjustifiable**
 11 **invasion of personal privacy, the committee may elect to** [. IF THE COMMITTEE
 12 FINDS THAT PUBLICATION WOULD CONSTITUTE AN INVASION OF
 13 PRIVACY, THE COMMITTEE SHALL] publish only the fact that a person has
 14 participated in the program and the amount of benefit that the unnamed person
 15 received. The committee shall maintain the disclosure of the name of the person as
 16 confidential and may only use the disclosure in a proceeding under AS 24.60.170. If
 17 the disclosure becomes part of the record of a proceeding under AS 24.60.170, the
 18 disclosure may be made public as provided in that section.

19 * **Sec. 18.** AS 24.60.070(a) is amended to read:

20 (a) A legislator or legislative employee shall disclose to the committee, which
 21 shall maintain a public record of the disclosure and forward the disclosure to the
 22 respective house for inclusion in the journal, the formation or maintenance of a close
 23 economic association involving a substantial financial matter with

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

29 (2) legislators;

30 (3) a public official **as that term is defined in** [WHO IS REQUIRED
 31 TO FILE A FINANCIAL DISCLOSURE STATEMENT UNDER] AS 39.50 [AND

1 IS NOT AN APPOINTED MUNICIPAL OFFICER];

2 (4) a registered lobbyist; or

3 (5) a legislative employee if the person required to make the disclosure
4 is a legislator.

5 * **Sec. 19.** AS 24.60.070(c) is amended to read:

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

16 * **Sec. 20.** AS 24.60.080(a) is amended to read:

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

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

23 **(2)** [. EXCEPT FOR FOOD OR BEVERAGE FOR IMMEDIATE
24 CONSUMPTION, A LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT]
25 solicit, accept, or receive [DURING A LEGISLATIVE SESSION] a gift with any
26 monetary value from a lobbyist, **an immediate family member of a lobbyist,** or a
27 person acting on behalf of a lobbyist, **except**

28 **(A) food or beverage for immediate consumption; or**

29 **(B) tickets for a charity event at any time, except that**
30 **tickets to or gifts received at a charity event under this subparagraph are**
31 **subject to the calendar year limit on the value of gifts received by a**

1 legislator or legislative employee in (1) of this subsection; in this
 2 subparagraph, "charity event" means an event the proceeds of which go
 3 to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3)
 4 and that the Alaska Legislative Council has approved in advance; the
 5 tickets may entitle the bearer to admission to the event, to entertainment,
 6 to food or beverages, or to other gifts or services involved in the charity
 7 event.

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

9 (c) Notwithstanding (a)(1) [(a)] of this section, it is not a violation of this
 10 section for a person who is a legislator or legislative employee to accept

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

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

16 (B) at a social event or meal;

17 (2) discounts that are available

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

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

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

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

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

28 (A) the spouse of the person;

29 (B) the person's domestic partner;

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

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

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

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

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

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

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

22 (9) a gift of transportation from a legislator **or a legislative employee**
 23 to a legislator **or a legislative employee** if the transportation takes place in the state on
 24 or in an aircraft, boat, motor vehicle, or other means of transport owned or under the
 25 control of the donor; this paragraph does not apply to travel described in (4) of this
 26 subsection or travel for political campaign purposes; **or**

27 (10) [TICKETS FROM A LOBBYIST FOR A CHARITY EVENT AT
 28 ANY TIME, INCLUDING DURING A LEGISLATIVE SESSION, EXCEPT THAT
 29 TICKETS TO OR GIFTS RECEIVED AT A CHARITY EVENT UNDER THIS
 30 PARAGRAPH ARE SUBJECT TO THE CALENDAR YEAR LIMIT ON THE
 31 VALUE OF GIFTS RECEIVED BY A LEGISLATOR OR LEGISLATIVE

1 EMPLOYEE IN (a) OF THIS SECTION; IN THIS PARAGRAPH, "CHARITY
 2 EVENT" MEANS AN EVENT THE PROCEEDS OF WHICH GO TO A
 3 CHARITABLE ORGANIZATION WITH TAX-FREE STATUS UNDER 26 U.S.C.
 4 501(c)(3) AND THAT THE ALASKA LEGISLATIVE COUNCIL HAS APPROVED
 5 IN ADVANCE; THE TICKETS MAY ENTITLE THE BEARER TO ADMISSION
 6 TO THE EVENT, TO ENTERTAINMENT, TO FOOD OR BEVERAGES, OR TO
 7 OTHER GIFTS OR SERVICES INVOLVED IN THE CHARITY EVENT; OR

8 (11)] a contribution to a charity event from any person at any time; in
 9 this paragraph, "charity event" has the meaning given in (a)(2)(B) [(10)] of this
 10 section.

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

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

1 the investigation of a possible violation of this section or in a proceeding under
 2 AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record
 3 of a proceeding under AS 24.60.170, the confidentiality provisions of that section
 4 apply to the disclosure.

5 * **Sec. 23.** AS 24.60.080(i) is amended to read:

6 (i) A legislator or legislative employee who knows or reasonably should know
 7 that **an immediate** [A] family member has received a gift because of the family
 8 member's connection with the legislator or legislative employee shall **disclose for**
 9 **publication under (d) of this section** [REPORT] the receipt of the gift by the family
 10 member to the committee if the gift would have to be **disclosed** [REPORTED] under
 11 this section if it had been received by the legislator or legislative employee. **If** [OR IF]
 12 receipt of the gift by a **person who is a** legislator or legislative employee would be
 13 prohibited under this section **a member of the person's immediate family may not**
 14 **receive the gift.**

15 * **Sec. 24.** AS 24.60.085 is amended by adding a new subsection to read:

16 (c) During the term for which elected or appointed, a legislator may not,
 17 directly or by authorizing another to act on the legislator's behalf, accept or agree to
 18 accept compensation, except from the State of Alaska, for work associated with
 19 legislative action, administrative action, or political action. Notwithstanding
 20 AS 24.60.990, in this subsection, "administrative action" and "legislative action" have
 21 the meanings given in AS 24.45.171.

22 * **Sec. 25.** AS 24.60.100 is amended to read:

23 **Sec. 24.60.100. Representation.** A legislator or legislative employee who
 24 represents another person, **other than a person that is controlled by the legislator**
 25 **or legislative employee,** for compensation, **other than compensation paid by the**
 26 **state,** before **a municipal board or commission** [AN AGENCY, BOARD, OR
 27 COMMISSION OF THE STATE] shall disclose **to the committee** the name of the
 28 person represented, the subject matter of the representation, and the body before which
 29 the representation **takes place** [IS TO TAKE PLACE TO THE COMMITTEE]. The
 30 disclosure shall be made by the deadlines set out in AS 24.60.105. The committee
 31 shall maintain a public record of a disclosure under this section and forward the

1 disclosure to the respective house for inclusion in the journal. A legislator or
 2 legislative employee may not represent another person, **other than a person that is**
 3 **controlled by the legislator or legislative employee,** for compensation, **other than**
 4 **compensation paid by the state,** before an agency, committee, or other entity of
 5 **either** the legislative **branch or the executive** branch.

6 * **Sec. 26.** AS 24.60.105(a) is amended to read:

7 (a) When a legislator or legislative employee is required to file a disclosure
 8 under this chapter and a date by which the disclosure must be filed is not otherwise set
 9 by statute, the **deadline for filing the disclosure shall be 30 days** [DEADLINES SET
 10 OUT IN THIS SECTION SHALL APPLY. FOR DISCLOSURE OF A MATTER OR
 11 AN INTEREST THAT BEGAN OR WAS ACQUIRED DURING THE INTERIM
 12 BETWEEN REGULAR LEGISLATIVE SESSIONS, WHETHER OR NOT THE
 13 REGULAR SESSION IS EXTENDED OR THERE IS A SPECIAL SESSION, OR
 14 DURING THE LAST 30 DAYS OF A REGULAR SESSION, THE LEGISLATOR
 15 OR LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE MATTER BY MARCH
 16 15. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR
 17 WAS ACQUIRED DURING A REGULAR LEGISLATIVE SESSION, BUT NOT
 18 DURING THE LAST 30 DAYS OF THE REGULAR SESSION, THE
 19 DISCLOSURE MUST BE MADE WITHIN 30 DAYS] after the commencement of
 20 the **matter or** interest **or the date the legislator or legislative employee first**
 21 **becomes subject to this chapter, whichever comes later** [OR
 22 REPRESENTATION].

23 * **Sec. 27.** AS 24.60.105 is amended by adding a new subsection to read:

24 (c) In addition to the filing requirements under (a) and (b) of this section, the
 25 disclosures under (b) of this section shall be made annually, in a report filed with the
 26 committee within 30 days after the first day of the regular legislative session.

27 * **Sec. 28.** AS 24.60 is amended by adding a new section to article 2 to read:

28 **Sec. 24.60.115. Disclosure required of a legislator, legislative employee, or**
 29 **public member of the committee after final day of service.** A person serving as a
 30 legislator, legislative employee, or public member of the committee shall, not later
 31 than 90 days after the person's final day of service as a legislator, legislative employee,

1 or public member, file a final disclosure of every matter or interest, except for a matter
 2 or interest subject to disclosure under AS 24.60.200, that was subject to disclosure
 3 under this chapter while the person was serving, unless the person previously
 4 disclosed the matter or interest and, for that reason, the matter or interest is no longer
 5 subject to disclosure. Nothing in this section excuses the filing of a disclosure or report
 6 as may be required by another section of this chapter.

7 * **Sec. 29.** AS 24.60.130(n) is amended to read:

8 (n) When appointing members of the legislature to serve on the committee, the
 9 speaker of the house or the president of the senate, as appropriate, shall appoint an
 10 alternate member for each regular member. An alternate must have the same
 11 qualifications as the regular member for whom the alternate stands as alternate and is
 12 subject to confirmation as required for the regular member. **If a regular legislative**
 13 **member of the committee or a subcommittee is unable to attend a meeting, the**
 14 **chair of the committee or a subcommittee shall designate the regular member's**
 15 **alternate to serve in place of the regular member at the meeting and the**
 16 **designated alternate shall serve unless unable to serve for any reason.** If a regular
 17 legislative member of the committee or a subcommittee is disqualified under (h) of
 18 this section from serving on the committee or the subcommittee concerning a
 19 proceeding under AS 24.60.170 **or if the regular member is unable to attend,** the
 20 chair of the committee or a subcommittee shall designate the regular member's
 21 alternate to serve in place of the regular member in the proceeding unless the alternate
 22 is also disqualified from serving. The designation shall be treated as confidential to the
 23 same extent that the identity of the subject of a complaint is required to be kept
 24 confidential.

25 * **Sec. 30.** AS 24.60.130(o) is amended to read:

26 (o) In this section,

27 **(1) "majority organizational caucus" means a group of legislators**
 28 **who have organized and elected a majority leader and constitute more than 50**
 29 **percent of the total membership of the house or senate, as appropriate;**

30 **(2) "minority organizational caucus" means a group of legislators who**
 31 **have organized and elected a minority leader and constitute at least 25 percent of the**

1 total membership of the house or senate, as appropriate.

2 * **Sec. 31.** AS 24.60.130 is amended by adding a new subsection to read:

3 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
4 committee alleges a violation of this chapter by a group of legislators that includes a
5 legislative member of the committee and that member's alternate, the member and
6 alternate member are disqualified from serving on the committee with regard to the
7 complaint. If the two disqualified members of the committee are members of the
8 majority organizational caucus, the presiding officer of the house in which the two
9 disqualified members serve shall appoint from that house an alternate to serve with
10 regard to the complaint. If one of the two disqualified legislative members of the
11 committee is not a member of the majority organizational caucus, the leader of the
12 minority organizational caucus with the greatest number of members shall appoint
13 from that house an alternate to serve with regard to the complaint. If a complaint
14 alleges a violation of this chapter that includes all legislative members of the majority
15 organizational caucus of one house, the presiding officer of that house shall appoint
16 from the other house an alternate to serve with regard to the complaint. If the
17 complaint alleges a violation of this chapter that includes all legislative members of a
18 minority organizational caucus of one house, the leader of that minority organizational
19 caucus shall appoint from the other house an alternate to serve with regard to the
20 complaint.

21 * **Sec. 32.** AS 24.60.150(a) is amended to read:

22 (a) The committee shall

23 (1) adopt procedures to facilitate the receipt of inquiries and prompt
24 rendition of its opinions;

25 (2) publish semi-annual summaries of decisions and advisory opinions
26 with sufficient deletions in the summaries to prevent disclosing the identity of the
27 persons involved in the decisions or opinions that have remained confidential;

28 **(3) publish legislative ethics materials, including an annually**
29 **updated handbook on standards of ethical conduct and a bimonthly legislative**
30 **newsletter, to help educate legislators, legislative employees, and public members**
31 **of the committee on the subject of legislative ethics;**

1 **(4) within 10 days of the first day of each regular session of the**
 2 **legislature and at other times determined by the committee, administer a**
 3 **legislative ethics course that teaches means of compliance with this chapter and**
 4 **an understanding of this chapter's purpose under AS 24.60.010.**

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

6 **Sec. 24.60.155. Legislative ethics course.** A person who is a legislator,
 7 legislative employee, or public member of the committee shall complete a legislative
 8 ethics course administered by the committee under AS 24.60.150(a)(4) within 10 days
 9 of the first day of the first regular session of each legislature. However, a person who
 10 first takes office or begins employment after the 10th day of the first regular session of
 11 a legislature shall complete the course required by this section within 30 days after the
 12 person's first day of service and, thereafter, as required by this section. The committee
 13 may grant a person additional time to complete the course required by this section.

14 * **Sec. 34.** AS 24.60.160 is amended to read:

15 **Sec. 24.60.160. Advisory opinions.** (a) On the request of **the committee, the**
 16 **Alaska Public Offices Commission,** a person to whom this chapter applies, or **a**
 17 **person** who has been newly elected to the legislature, the committee shall issue an
 18 advisory opinion within 60 days as to whether the facts and circumstances of a
 19 particular case constitute a violation of ethical standards. If it finds that it is advisable
 20 to do so, the committee may issue an opinion under this section on the request of a
 21 person who reasonably expects to become subject to this chapter within the next 45
 22 days. The 60-day period for issuing an opinion may be extended by the committee if
 23 the person requesting the opinion consents.

24 (b) An opinion issued under this section is binding on the committee in any
 25 subsequent proceedings concerning the facts and circumstances of the particular case
 26 unless material facts were omitted or misstated in the request for the advisory opinion.
 27 **An opinion issued under this section must be issued with sufficient deletions to**
 28 **prevent disclosing the identity of the person or persons involved. Advisory**
 29 **opinion discussions and deliberations are confidential, unless the requester and**
 30 **anyone else named in the request who is covered by this chapter waives**
 31 **confidentiality. The committee's final vote on the advisory opinion is a public**

1 **record** [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY OPINION
2 IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN REQUEST
3 BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH THE
4 COMMITTEE].

5 * **Sec. 35.** AS 24.60.170(j) is amended to read:

6 (j) If the committee has issued a formal charge under (h) of this section, and if
7 the person charged has not admitted the allegations of the charge, the committee shall
8 schedule a hearing on the charge. The committee may appoint an individual to present
9 the case against the person charged if that individual does not provide **other** [AND
10 HAS NOT PROVIDED] legal advice to the committee except in the course of
11 presenting cases under this subsection. The hearing shall be scheduled for a date more
12 than 20 and less than 90 days after service of the charge on the person charged, unless
13 **the committee schedules** [THE PERSON AGREES TO] a later hearing date. **If the**
14 **complainant prevents the hearing from starting before the 90-day deadline passes**
15 **and a quorum of the committee determines by vote of a majority of committee**
16 **members the delay is not supported by a compelling reason or will result in the**
17 **person charged being deprived of a fair hearing, the committee may dismiss the**
18 **complaint with prejudice or enter some other order the committee determines is**
19 **appropriate.** At the hearing, the person charged shall have the right to appear
20 personally before the committee, to subpoena witnesses and require the production of
21 books or papers relating to the proceedings, to be represented by counsel, and to cross-
22 examine witnesses. A witness shall testify under oath. The committee is not bound by
23 the rules of evidence, but the committee's findings must be based upon clear and
24 convincing evidence. Testimony taken at the hearing shall be recorded, and evidence
25 shall be maintained.

26 * **Sec. 36.** AS 24.60.176(b) is amended to read:

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

28 (1) the legislative council for employees of the Legislative Affairs
29 Agency and of the legislative council and for legislative employees not otherwise
30 covered under this subsection;

31 (2) the Legislative Budget and Audit Committee for the legislative

1 fiscal analyst and employees of the division of legislative finance, the legislative
 2 auditor and employees of the division of legislative audit, and employees of the
 3 Legislative Budget and Audit Committee;

4 (3) the appropriate finance committee for employees of the senate or
 5 house finance committees;

6 (4) the appropriate rules committee for employees of

7 (A) standing committees of the legislature, other than the
 8 finance committees;

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

11 (C) house records and senate records;

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

15 (6) the ombudsman for employees of the office of the ombudsman,
 16 other than the ombudsman;

17 (7) the legislature for the ombudsman;

18 **(8) the victims' advocate for employees of the office of victims'**
 19 **rights, other than the victims' advocate;**

20 **(9) the legislature for the victims' advocate.**

21 * **Sec. 37.** AS 24.60.200 is amended to read:

22 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
 23 **committee, and legislative directors.** A legislator, a public member of the committee,
 24 and a legislative director shall file a disclosure statement, under oath and on penalty of
 25 perjury, with the Alaska Public Offices Commission giving the following information
 26 about the income received by the discloser, the discloser's spouse or domestic partner,
 27 the discloser's dependent children, and the discloser's nondependent children who are
 28 living with the discloser:

29 (1) the information that a public official is required to report under
 30 AS 39.50.030, other than information about

31 **(A) income received as compensation for personal services;**

1 **(B) a loan or loan guarantee;**

2 **(C) gifts;**

3 (2) as to income **or deferred income** in excess of \$1,000 **earned or**
 4 received as compensation for personal services, **and as to dividend income or**
 5 **deferred compensation in excess of \$1,000 received from a limited liability**
 6 **company as compensation or deferred compensation for personal services, a**
 7 **statement describing**

8 **(A) the name and address of the source of the income;**

9 **(B) the recipient of the income;**

10 **(C) the amount of the income;**

11 **(D) a brief statement describing whether the income was**
 12 **earned by commission, by the job, by the hour, or by some other method;**

13 **(E) the dates and approximate number of hours worked to**
 14 **earn the income; and**

15 **(F) unless required by law to be kept confidential, a**
 16 **description sufficient to make clear to a person of ordinary understanding**
 17 **the nature of each service performed and the date the service was**
 18 **performed** [, AND A STATEMENT DESCRIBING THE NATURE OF THE
 19 SERVICES PERFORMED; IF THE SOURCE OF INCOME IS KNOWN OR
 20 REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL
 21 INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL
 22 ACTION AND THE RECIPIENT OF THE INCOME IS A LEGISLATOR
 23 OR LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME RECEIVED
 24 FROM THE SOURCE SHALL BE DISCLOSED];

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

30 * **Sec. 38.** AS 24.60.210(a) is amended to read:

31 (a) A person required to file a disclosure statement under AS 24.60.200 shall

1 file an annual report with the Alaska Public Offices Commission, covering the
 2 previous calendar year, containing the disclosures required by AS 24.60.200, on or
 3 before March 15 of each year, **except that a person appointed as a legislator under**
 4 **AS 15.40, a public member of the committee, or a legislative director must file**
 5 **within 30 days after the person's appointment. In addition, a person subject to**
 6 **this subsection shall, within 90 days after leaving service as a legislator, legislative**
 7 **director, or public member of the committee, file a final report containing the**
 8 **disclosures required of the person by AS 24.60.200 for the period that begins on**
 9 **the last day of the last period for which the person filed a report required by that**
 10 **section and ends on the date of the person's last day of service.**

11 * **Sec. 39.** AS 24.60.210 is amended by adding a new subsection to read:

12 (c) The Alaska Public Offices Commission shall require that the reports
 13 required under this section be submitted electronically but may, when circumstances
 14 warrant an exception, accept any information required under this section that is typed
 15 in clear and legible black typeface or hand-printed in dark ink on paper in a format
 16 approved by the commission or on forms provided by the commission and that is filed
 17 with the commission.

18 * **Sec. 40.** AS 24.60.250(c) is amended to read:

19 (c) In addition to the sanctions described in AS 24.60.260, if the Alaska Public
 20 Offices Commission finds that a legislative director has failed or refused to file a
 21 report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify
 22 the Alaska Legislative Council or the Legislative Budget and Audit Committee, as
 23 appropriate. For the ombudsman **and the office of victims' rights**, the Alaska
 24 Legislative Council shall be notified.

25 * **Sec. 41.** AS 24.60.990(a)(2) is amended to read:

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

1 (A) an item listed in AS 24.60.080(a)(2)(B) or (c);

2 (B) campaign contributions, pledges, political endorsements,
3 support in a political campaign, or a promise of endorsement or support;

4 (C) contributions to a cause or organization, including a
5 charity, made in response to a direct solicitation from a legislator or a person
6 acting at the legislator's direction; or

7 (D) grants under AS 37.05.316 to named recipients;

8 * **Sec. 42.** AS 37.10.220(a) is amended by adding a new paragraph to read:

9 (16) administer pension forfeitures required under AS 37.10.310 using
10 the procedures of AS 44.62 (Administrative Procedure Act).

11 * **Sec. 43.** AS 37.10 is amended by adding a new section to read:

12 **Sec. 37.10.310. Pension forfeiture to preserve public trust in government.**

13 (a) A public officer, as defined in AS 39.52.960, a legislator, or a person employed as
14 a legislative director, as that term is defined in AS 24.60.990, who is convicted of a
15 federal or state felony offense of bribery, receiving a bribe, perjury, subornation of
16 perjury, scheme to defraud, or fraud may not receive a state pension benefit if the
17 offense was committed on or after the effective date of this section and was in
18 connection with the person's official duties.

19 (b) Pension benefits and employee contributions that accrue to a person before
20 the date of the person's commission of the offense described in (a) of this section are
21 not diminished or impaired by that subsection.

22 (c) A state pension benefit under (a) of this section does not include

23 (1) insurance, voluntary wage reductions, involuntary wage reductions,
24 or supplemental or health benefits under AS 39.30.090 - 39.30.495 or former
25 AS 39.37.145;

26 (2) member or employee contributions under AS 14.25.050, 14.25.055,
27 14.25.075, 14.25.340, 14.25.360(a), AS 22.25.011, AS 39.35.160, 39.35.165(f),
28 39.35.180, 39.35.730, 39.35.760(a), or former AS 39.37.070.

29 (d) In a pension forfeiture matter under this section the board may award to a
30 spouse, dependent, or former spouse of the person governed by the limitations in (a) of
31 this section some or all of the amount that, but for the forfeiture under (a) of this

1 section, may otherwise be payable. In determining whether to make an award under
2 this subsection, the board shall consider the totality of circumstances, including

3 (1) the role, if any, of the person's spouse, dependent, or former spouse
4 in connection with the illegal conduct for which the person was criminally charged;

5 (2) the degree, if any, to which the person's spouse, dependent, or
6 former spouse profited financially from the person's illegal conduct; and

7 (3) any restitution ordered by the court in the criminal case and the
8 amount of restitution, if any, still owing.

9 * **Sec. 44.** AS 39.35 is amended by adding a new section to read:

10 **Sec. 39.35.672. Pension forfeiture.** The provisions of AS 37.10.310 apply to
11 pension benefits under AS 39.35.095 - 39.35.680.

12 * **Sec. 45.** AS 39.35 is amended by adding a new section to read:

13 **Sec. 39.35.932. Pension forfeiture.** The provisions of AS 37.10.310 apply to
14 pension benefits under AS 39.35.700 - 39.35.990.

15 * **Sec. 46.** AS 39.50.020 is amended to read:

16 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
17 official other than the governor or the lieutenant governor shall file a statement giving
18 income sources and business interests, under oath and on penalty of perjury, within 30
19 days after taking office as a public official. Candidates for state elective office other
20 than a candidate who is subject to AS 24.60 shall file the statement with the director of
21 elections at the time of filing a declaration of candidacy or a nominating petition or
22 becoming a candidate by any other means. Candidates for elective municipal office
23 shall file the statement at the time of filing a nominating petition, declaration of
24 candidacy, or other required filing for the elective municipal office. Refusal or failure
25 to file within the time prescribed shall require that the candidate's filing fees, if any,
26 and filing for office be refused or that a previously accepted filing fee be returned and
27 the candidate's name removed from the filing records. A statement shall also be filed
28 by public officials no later than March 15 in each following year. **On or before the**
29 **90th day after leaving office, a former public official shall file a final statement**
30 **covering any period during the official's service in that office for which the public**
31 **official has not already filed a statement.** Persons who are members of boards or

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

3 (b) A public official **or former public official** other than an elected or
4 appointed municipal officer shall file the statement with the Alaska Public Offices
5 Commission. Candidates for the office of governor and lieutenant governor and, if the
6 candidate is not subject to AS 24.60, the legislature shall file the statement under
7 AS 15.25.030 or 15.25.180. Municipal officers, **former municipal officers**, and
8 candidates for elective municipal office, shall file with the municipal clerk or other
9 municipal official designated to receive their filing for office. All statements required
10 to be filed under this chapter are public records.

11 * **Sec. 47.** AS 39.50.030(b) is amended to read:

12 (b) Each statement filed by a public official or candidate under this chapter
13 must include the following:

14 (1) **for** [THE SOURCE OF] all **sources of** income over **\$1,000**
15 **[\$5,000]** during the preceding calendar year, including taxable [AND
16 NONTAXABLE] capital gains, **and for all gifts from a single source with a**
17 **cumulative value exceeding \$250 in a calendar year**, received by the person, the
18 person's spouse or domestic partner, or the person's dependent child,

19 **(A) each source of the income or gift;**

20 **(B) the recipient of the income or gift;**

21 **(C) the amount of the income or value of the gift;**

22 **(D) a brief statement describing whether the income was**
23 **earned by commission, by the job, by the hour, or by some other method;**

24 **(E) the approximate number of hours worked to earn the**
25 **income; and**

26 **(F) unless required by law to be kept confidential, a**
27 **description sufficient to make clear to a person of ordinary understanding**
28 **the nature of each service performed and the date the service was**
29 **performed** [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT
30 MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250];

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

1 person, the person's spouse or domestic partner, or the person's dependent child has an
 2 interest or was a stockholder, owner, officer, director, partner, proprietor, or employee
 3 during the preceding calendar year, except that an interest of less than \$1,000 [\$5,000]
 4 in the stock of a publicly traded corporation need not be included;

5 (3) the identity and nature of each interest in real property, including
 6 an option to buy, owned at any time during the preceding calendar year by the person,
 7 the person's spouse or domestic partner, or the person's dependent child;

8 (4) the identity of each trust or other fiduciary relation in which the
 9 person, the person's spouse or domestic partner, or the person's dependent child held a
 10 beneficial interest exceeding \$1,000 [\$5,000] during the preceding calendar year, a
 11 description and identification of the property contained in each trust or relation, and
 12 the nature and extent of the beneficial interest in it;

13 (5) any loan or loan guarantee of more than \$1,000 [\$5,000] made to
 14 the person, the person's spouse or domestic partner, or the person's dependent child,
 15 and the identity of the maker of the loan or loan guarantor and the identity of each
 16 creditor to whom the person, the person's spouse or domestic partner, or the person's
 17 dependent child owed more than \$1,000 [\$5,000]; this paragraph requires disclosure of
 18 a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the
 19 indebtedness incurred, during the preceding calendar year, or if the amount still owing
 20 on the loan, loan guarantee, or indebtedness was more than \$1,000 [\$5,000] at any
 21 time during the preceding calendar year;

22 (6) a list of all contracts and offers to contract with the state or an
 23 instrumentality of the state during the preceding calendar year held, bid, or offered by
 24 the person, the person's spouse or domestic partner, or the person's dependent child, a
 25 partnership, limited liability company, or professional corporation of which the
 26 person is a member, or a corporation in which the person or the person's spouse,
 27 domestic partner, or dependent child [CHILDREN], or a combination of them, hold a
 28 controlling interest; and

29 (7) a list of all mineral, timber, oil, or any other natural resource lease
 30 held, or lease offer made, during the preceding calendar year by the person, the
 31 person's spouse or domestic partner, or the person's dependent child, a partnership,

1 **limited liability company**, or professional corporation of which the person is a
 2 member, or a corporation in which the person or the person's spouse, [OR] domestic
 3 partner, or dependent **child** [CHILDREN], or a combination of them, holds a
 4 controlling interest.

5 * **Sec. 48.** AS 39.50.030(h) is amended to read:

6 (h) In this section,

7 (1) [REPEALED

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

14 (2) [(3)] "lobbyist" has the meaning given in AS 24.60.990(a);

15 (3) [(4)] "public officer" has the meaning given in AS 39.52.960.

16 * **Sec. 49.** AS 39.50.040 is amended to read:

17 **Sec. 39.50.040. Blind trusts.** (a) A public official may transfer all or a portion
 18 of the official's assets to a blind trust for the duration of service in public office. The
 19 original assets placed in the blind trust shall be listed by the official in **a** [THE]
 20 statement [REQUIRED TO BE] filed under this **section, together with a description**
 21 **of the actual or potential conflicts of interest, or appearance of conflict, that the**
 22 **official seeks to avoid by the use of the trust. A copy of the** [CHAPTER. THE]
 23 instrument creating the blind trust must be included with the statement.

24 (b) For a **blind** trust to qualify under this section, **the following conditions**
 25 **must be met:**

26 (1) **the trust may not contain investments or assets in which the**
 27 **ownership right or interest is required to be recorded in a public office other**
 28 **than with the Alaska Public Offices Commission, or contain assets with**
 29 **permanency that makes transfer by the trustee improbable or impractical,**
 30 **including real estate, security interests in personal property, mortgages, and**
 31 **interests in closely held businesses** [ASSETS TRANSFERRED TO THE TRUST

1 SHALL BE MARKETABLE];

2 (2) the trustee shall be a bank, trust company, or other institutional
3 fiduciary;

4 (3) the trustee shall have full authority to manage the trust, including
5 the purchase, sale, and exchange of its assets in accordance with fiduciary principles
6 and, without exception under any circumstances, notwithstanding this section,
7 the prudent investment rule set out in AS 13.36.230 - 13.36.290;

8 (4) the trust instrument shall contain a clear statement that its
9 purpose is to remove from the settlor control and knowledge of investment of
10 trust assets so that conflicts between the settlor's responsibilities and duties as a
11 public official and the settlor's personal or financial interests will be eliminated
12 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
13 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
14 DURATION OF THE TRUST];

15 (5) during the term of the trust, a settlor or other beneficiary of the
16 trust may not communicate with the trustee except in writing and only regarding
17 (A) a request for a distribution in cash or another unspecified asset of the trust,
18 (B) the general financial requirements regarding distributions from the trust as a
19 whole, (C) direction to the trustee that, because a law, executive order, or
20 regulation prohibits the settlor from holding an asset, the asset may not be held
21 by the trust, (D) direction to the trustee to sell all of an asset initially placed in the
22 trust because the settlor has determined the sale is necessary to avoid a conflict of
23 interest, the appearance of impropriety, or an ethical violation; quarterly the
24 trustee may provide to the settlor a written report of the aggregate market value
25 of the trust's assets and property but may not disclose to the settlor or other
26 beneficiary of the trust, or any other interested party, any information about the
27 identity and nature of any of the assets in the trust, and the trustee shall be
28 required to report any known breach of this confidentiality [OR THE
29 TERMINATION OF THE TRUST TO THE OFFICE WHERE THE TRUSTOR IS
30 REQUIRED TO FILE STATEMENTS UNDER THIS CHAPTER]; [AND]

31 (6) the trust shall terminate only upon order of the commission,

1 the death or incompetence of the settlor, the termination of the settlor's status as
2 a public official, or upon revocation approved in advance by the commission; the
3 trustee shall be required to promptly report any termination of the trust to the
4 commission;

5 (7) the trustee shall prepare the income tax return of the trust and
6 may participate in the audit of the trust's returns with authority to compromise a
7 tax liability of the trust, but may not disclose the return or information related to
8 the return, except promptly after the close of each taxable year of the trust the
9 trustee shall provide the settlor with an annual report summarizing information
10 concerning the trust, including net income or loss, expenses, capital gains, and
11 capital losses of the trust, as necessary to enable the settlor to prepare and file tax
12 returns required by law; however, the summary may not directly or indirectly
13 identify a security or other property that is an asset or former asset of the trust;

14 (8) the trustee shall be directed to avoid knowingly making any
15 investment in a corporation, business, or venture over which the settlor is likely
16 to take action by virtue of the settlor's official position;

17 (9) for the duration of the trust, a settlor or other beneficiary may
18 not pledge, mortgage, or otherwise encumber a person's interests in an asset that
19 is part of the trust, the settlor may not retain control over the trustee, and the
20 settlor is not permitted to make any recommendations or suggestions as to the
21 trust property;

22 (10) the trust instrument agreement must provide that the trustee
23 will give the attorney general or personnel board access to any records or
24 information related to the trust that is necessary when investigating or hearing
25 an accusation alleging a violation of AS 39.52;

26 (11) the trustee shall report to the commission the beginning and
27 ending value of the trust and, if the commission requests, the trustee shall
28 prepare under seal a detailed description of transactions and holdings of the
29 trust; the document prepared by the trustee under seal is not public information
30 unless an accusation under AS 39.52 relevant to the blind trust is filed by the
31 attorney general or the personnel board, and

1 **(12) the trust may not become effective until the trust instrument**
2 **is submitted and approved by the commission** [REPEALED].

3 * **Sec. 50.** AS 39.50.040 is amended by adding new subsections to read:

4 (c) A quarterly report of aggregate market value under this section may
5 include, in addition to the aggregate market value of the trust's assets and property, the
6 percentage of that aggregate market value attributable to the settlor and each
7 beneficiary, by name. Within 30 days after receipt from the trustee of the quarterly
8 report of aggregate market value, the settlor may, notwithstanding the limitations on a
9 communication's subject under (b) of this section, provide a written instruction to the
10 trustee that, with respect to the trust as a whole and not a particular asset or property of
11 the trust, the settlor prefers that the trustee adopt an investment approach that is
12 conservative, moderate, or aggressive.

13 (d) A person initiating a written communication under this section shall cause
14 a copy of the communication to be filed with the commission within five days after the
15 date of the communication.

16 (e) The trustee shall maintain and make available for inspection by the
17 commission at the commission's request the trust's tax returns, books of account, and
18 other records and, on or before May 15 of each year, shall file with the commission a
19 notarized document certifying compliance with this section for the preceding calendar
20 year.

21 (f) Except as permitted by this section, the trustee shall make no accounting to
22 the settlor until the date the trust terminates, and, following the termination, the trustee
23 shall promptly make a full accounting to the settlor and turn over to the settlor all
24 assets remaining in the trust at termination.

25 (g) The trustee may not at any time be held liable for an act or omission of the
26 trustee or for any loss or depreciation of the value of an asset or property of the trust
27 unless the trustee fails to exercise good faith, due diligence, and the ordinary skill,
28 care, and judgment a prudent fiduciary would exercise.

29 * **Sec. 51.** AS 39.50.050(a) is amended to read:

30 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
31 shall administer the provisions of this chapter. The commission shall prepare and keep

1 available for distribution standardized forms on which the reports required by this
 2 chapter shall be filed. The commission shall print the forms provided under this
 3 section so that the front and back of each page have the same orientation when the
 4 page is rotated on the vertical axis of the page. The commission shall require [MAY
 5 REQUEST] that the information required under this chapter, unless it is information
 6 required of a municipal officer, be submitted electronically but may, when
 7 circumstances warrant an exception, [SHALL] accept any information required
 8 under this chapter that is typed in clear and legible black typeface or hand-printed in
 9 dark ink on paper in a format approved by the commission or on forms provided by
 10 the commission and that is filed with the commission. A municipal officer shall
 11 submit information required under this chapter electronically, typed, or
 12 handprinted in the manner described in this subsection.

13 * **Sec. 52.** AS 39.50.050(a), as amended by sec. 51 of this Act, is amended to read:

14 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
 15 shall administer the provisions of this chapter. The commission shall prepare and keep
 16 available for distribution standardized forms on which the reports required by this
 17 chapter shall be filed. The commission shall print the forms provided under this
 18 section so that the front and back of each page have the same orientation when the
 19 page is rotated on the vertical axis of the page. The commission shall require that the
 20 information required under this chapter [, UNLESS IT IS INFORMATION
 21 REQUIRED OF A MUNICIPAL OFFICER,] be submitted electronically but may,
 22 when circumstances warrant an exception, accept any information required under this
 23 chapter that is typed in clear and legible black typeface or hand-printed in dark ink on
 24 paper in a format approved by the commission or on forms provided by the
 25 commission and that is filed with the commission. A municipal officer for a
 26 municipality with a population of less than 15,000 shall submit information
 27 required under this chapter either electronically or typed or hand-printed in the manner
 28 described in this subsection.

29 * **Sec. 53.** AS 39.50.200(a)(10) is amended to read:

30 (10) "source of income" means the entity for which service is
 31 performed or that is otherwise the origin of payment; if the person whose income is

1 being reported is employed by another, the employer is the source of income; but if
 2 the person is self-employed by means of a sole proprietorship, partnership, **limited**
 3 **liability company**, professional corporation, or a corporation in which the person, the
 4 person's spouse or domestic partner, or the person's dependent children, or a
 5 combination of them, hold a controlling interest, the "source" is the client or customer
 6 of the proprietorship, partnership, **limited liability company**, or corporation, but, if
 7 the entity that is the origin of payment is not the same as the client or customer for
 8 whom the service is performed, both are considered the source.

9 * **Sec. 54.** AS 39.50.200(b) is amended by adding new paragraphs to read:

10 (59) Alaska Industrial Development and Export Authority (AS 44.88);

11 (60) the board of directors of the Knik Arm Bridge and Toll Authority
 12 (AS 19.75.031 and 19.75.041);

13 (61) Alaska labor relations agency (AS 23.05.360 - 23.05.390);

14 (62) the Board of Trustees of the Alaska Mental Health Trust
 15 Authority (AS 47.30.016);

16 (63) the board of directors of the Alaska Railroad Corporation
 17 (AS 42.40.020 - 42.40.060).

18 * **Sec. 55.** AS 39.52.110 is amended by adding a new subsection to read:

19 (d) Stock or other ownership interest in a business is presumed insignificant if
 20 the value of the stock or other ownership interest is less than \$5,000.

21 * **Sec. 56.** AS 39.52.130(a) is amended to read:

22 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
 23 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
 24 employment, promise, or in any other form, that is a benefit to the officer's personal or
 25 financial interests, under circumstances in which it could reasonably be inferred that
 26 the gift is intended to influence the performance of official duties, actions, or
 27 judgment. **A gift from a person required to register as a lobbyist under**
 28 **AS 24.45.041 to a public officer or a public officer's immediate family member is**
 29 **presumed to be intended to influence the performance of official duties, actions,**
 30 **or judgment unless the giver is an immediate family member of the person**
 31 **receiving the gift.**

1 * **Sec. 57.** AS 39.52.180(a) is amended to read:

2 (a) A public officer who leaves state service may not, for two years after
3 leaving state service, represent, advise, or assist a person for compensation regarding a
4 matter that was under consideration by the administrative unit served by that public
5 officer, and in which the officer participated personally and substantially through the
6 exercise of official action. For the purposes of this subsection, "matter" includes a
7 case, proceeding, application, contract, [OR] determination, [BUT DOES NOT
8 INCLUDE THE] proposal or consideration of a legislative **bill** [BILLS], a **resolution**,
9 a [RESOLUTIONS AND] constitutional **amendment** [AMENDMENTS], or other
10 legislative **measure**, [MEASURES;] or [THE] proposal, consideration, or adoption of
11 **an** administrative **regulation** [REGULATIONS].

12 * **Sec. 58.** AS 39.52.180(d) is amended to read:

13 (d) A former governor, lieutenant governor, [OR] head **or deputy head** of a
14 principal department in the executive branch, **or employee of the Office of the**
15 **Governor in a policy-making position** may not engage in activity as a lobbyist under
16 AS 24.45 for a period of one year after leaving service as the governor, lieutenant
17 governor, [OR] department head **or deputy head, or employee of the Office of the**
18 **Governor in a policy-making position**, as appropriate. This subsection does not
19 prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a
20 representational lobbyist as defined under regulations of the Alaska Public Offices
21 Commission.

22 * **Sec. 59.** AS 39.52.180 is amended by adding new subsections to read:

23 (e) A former head of a principal department in the executive branch may not,
24 for a period of one year after leaving service as the head of that department, serve on
25 the governing board of a company, organization, or other entity that was regulated by
26 that department or with which the former department head worked as part of an
27 official duty as the department head. A former employee of the Office of the Governor
28 in a policy-making position may not, for a period of one year after leaving
29 employment in that office, serve on the governing board of a company, organization,
30 or other entity with which the former employee worked as part of an official duty for
31 the Office of the Governor.

1 (f) In this section, "employee of the Office of the Governor in a policy-making
2 position" means a person who is an employee required, because of the person's
3 position in the Office of the Governor, to file a statement under AS 39.50.020.

4 * **Sec. 60.** AS 39.52 is amended by adding a new section to read:

5 **Sec. 39.52.225. Disclosures in connection with executive clemency.** Before
6 granting executive clemency to an applicant for executive clemency, the governor
7 shall disclose in writing to the attorney general whether granting the clemency would
8 benefit a personal or financial interest of the governor. The attorney general shall
9 publish a written determination whether granting executive clemency to the applicant
10 would violate AS 39.52.110 - 39.52.190. The written determination of the attorney
11 general is not confidential, but information set out in that determination identifying a
12 person, other than the applicant for clemency, who is a victim or witness in a criminal
13 matter may not be made public.

14 * **Sec. 61.** AS 44.62.330(a) is amended by adding a new paragraph to read:

15 (47) the Alaska Retirement Management Board for administration of
16 pension forfeitures under AS 37.10.310.

17 * **Sec. 62.** AS 24.60.037(d) and AS 24.60.080(k) are repealed.

18 * **Sec. 63.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 **APPLICABILITY.** (a) AS 39.52.180(a), as amended by sec. 57 of this Act, applies to
21 a person who leaves state service on or after the effective date of sec. 57 of this Act.

22 (b) AS 39.52.180(d), as amended by sec. 58 of this Act, applies to a person who
23 leaves service as governor, lieutenant governor, head or deputy head of a principal department
24 in the executive branch, or employee of the Office of the Governor who is required to file a
25 statement under AS 39.50.020 on or after the effective date of sec. 58 of this Act.

26 (c) AS 39.52.180(e) and (f), as added by sec. 59 of this Act, apply to a department
27 head or employee of the Office of the Governor who is required to file a statement under
28 AS 39.50.020 who leaves employment as a department head or employee of the Office of the
29 Governor who is required to file a statement under AS 39.50.020 on or after the effective date
30 of sec. 59 of this Act.

31 * **Sec. 64.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 **APPLICABILITY TO ELECTED PUBLIC OFFICERS' RETIREMENT SYSTEM.**

3 The provisions of AS 37.10.310, added by sec. 43 of this Act, apply to benefits under former
4 AS 39.37 (elected public officers' retirement system).

5 * **Sec. 65.** Sections 5, 39, and 52 of this Act take effect January 1, 2009.

6 * **Sec. 66.** Section 51 of this Act takes effect July 1, 2007.

7 * **Sec. 67.** Except as provided in secs. 65 and 66 of this Act, this Act takes effect
8 immediately under AS 01.10.070(c).