

SENATE CS FOR CS FOR HOUSE BILL NO. 109(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/8/07

Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

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

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

1 * **Section 1.** AS 11.56.130 is amended to read:

2 **Sec. 11.56.130. Definition.** In AS 11.56.100 - 11.56.130, "benefit" has the
3 meaning ascribed to it in AS 11.81.900 but does not include

4 (1) political campaign contributions reported in accordance with
5 AS 15.13 **unless the contribution is made or received in exchange for an**
6 **agreement to alter an elected official's or candidate's vote or position on a matter**
7 **the elected official has, or the candidate on election would have, the authority to**
8 **take official action on; in this paragraph, "official action" means advice,**
9 **participation, or assistance, including, for example, a recommendation, decision,**
10 **approval, disapproval, vote, or other similar action, including inaction;**

11 (2) concurrence in official action in the cause of legitimate
12 compromise between public servants; or

13 (3) support, including a vote, solicited by a public servant or offered by
14 any person in an election.

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

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

18 * **Sec. 3.** AS 14.25.040(c) is amended to read:

19 (c) A state legislator is not entitled to elect membership under (b) of this
20 section if the state legislator is covered for the same period of service under the public
21 employees' retirement system (AS 39.35). An election of membership under (b) of this
22 section is retroactive to the date the state legislator took the oath of office. A state
23 legislator may not receive membership credit under (b) of this section for legislative
24 service performed before the legislative session during which the state legislator
25 elected membership under (b) of this section. In order to continue in membership
26 service under (b) of this section, the state legislator must earn at least 0.3 years of
27 membership service under other sections of AS 14.25.009 - 14.25.220 during each
28 five-year period. **A state legislator may not receive membership credit under**
29 **AS 14.25.009 - 14.25.220 for legislative service on or after the date the legislator**
30 **commits a criminal offense from which a pension forfeiture under AS 37.10.310**
31 **results.**

1 * **Sec. 4.** AS 14.25 is amended by adding a new section to read:

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

4 * **Sec. 5.** AS 15.13.040(g) is amended to read:

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

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

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

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

16 * **Sec. 6.** AS 15.13.040(m) is repealed and reenacted to read:

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

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

23 (A) mayor; or

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

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

27 (3) information submitted by a candidate for election to state office
28 other than the legislature who meets the requirements of (g)(1) - (3) of this section;

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

31 * **Sec. 7.** AS 15.13.040(m), as amended by sec. 6 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

6 (A) a candidate for election to a borough or city office of
 7 mayor, membership on a borough assembly, city council, or school board,
 8 or any state office, who meets the requirements of (g)(1) - (3) of this
 9 section; or

10 (B) a candidate for municipal office for a municipality with a
 11 population of less than 15,000; in this subparagraph [PARAGRAPH],
 12 "municipal office" means the office of an elected borough or city

13 (i) [(A)] mayor; or

14 (ii) [(B)] assembly, council, or school board member;

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

17 (3) INFORMATION SUBMITTED BY A CANDIDATE FOR
 18 ELECTION TO STATE OFFICE OTHER THAN THE LEGISLATURE WHO
 19 MEETS THE REQUIREMENTS OF (g)(1) - (3) OF THIS SECTION;

20 (4) INFORMATION SUBMITTED BEFORE JANUARY 1, 2009, BY
 21 A CANDIDATE FOR THE LEGISLATURE].

22 * **Sec. 8.** AS 15.13.040 is amended by adding a new subsection to read:

23 (p) Information required by this chapter that is submitted to the commission
 24 on paper and not electronically shall be electronically scanned and published on the
 25 Internet by the commission, in a format accessible to the general public, within two
 26 working days after the commission receives the information.

27 * **Sec. 9.** AS 22.25 is amended by adding a new section to read:

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

30 * **Sec. 10.** AS 24.45.031(a) is amended to read:

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

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

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

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

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

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

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

17 * **Sec. 11.** AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

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

10 **(8) a sworn affirmation by the lobbyist that the lobbyist has**
11 **completed the training course administered by the commission under**
12 **AS 24.45.031(a) within the 12-month period preceding the date of registration or**
13 **registration renewal under this chapter, except this paragraph does not apply to**
14 **a person who is a representational lobbyist as defined under regulations of the**
15 **commission** [IN THIS PARAGRAPH, "DOMESTIC PARTNER" HAS THE
16 MEANING GIVEN IN AS 39.50.200(a)].

17 * **Sec. 12.** AS 24.45.051 is amended by adding a new subsection to read:

18 (b) A lobbyist required to report to the commission under (a) of this section,
19 who provides or pays for food or beverage for immediate consumption by a legislator
20 or legislative employee or a member of the immediate family of a legislator or
21 legislative employee shall report the date the food or beverage was provided or paid
22 for and the recipient's name and relationship to the legislator or legislative employee,
23 unless the food and beverage

24 (1) cost \$10 or less; or

25 (2) are provided as part of an event that is open to all legislators and
26 legislative employees.

27 * **Sec. 13.** AS 24.45.121(a) is amended to read:

28 (a) A lobbyist may not

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

31 (2) do anything with the intent of placing a public official under

1 personal obligation to the lobbyist or to the lobbyist's employer;

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

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

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

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

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

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

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

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

3 * **Sec. 14.** AS 24.45.121 is amended by adding new subsections to read:

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

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

13 * **Sec. 15.** AS 24.45.171 is amended by adding a new paragraph to read:

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

15 * **Sec. 16.** AS 24.60.020(a) is amended to read:

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

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

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

24 * **Sec. 17.** AS 24.60.030(a) is amended to read:

25 (a) A legislator or legislative employee may not

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

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

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

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

12 (C) [TELEPHONE OR FACSIMILE USE THAT DOES NOT
13 CARRY A SPECIAL CHARGE;

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

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

30 (E) [(F)] a legislator from use of legislative employees to
31 prepare and send out seasonal greeting cards;

1 **(F)** [(G)] a legislator from using state resources to transport
 2 computers or other office equipment owned by the legislator but primarily used
 3 for a state function;

4 **(G)** [(H)] use by a legislator of photographs of that legislator;

5 **(H)** [(I)] reasonable use of the Internet by a legislator or a
 6 legislative employee except if the use is for election campaign purposes;

7 **(I)** [(J)] a legislator or legislative employee from soliciting,
 8 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
 9 organization in a state facility;

10 **(J)** [(K)] a legislator from sending any communication in the
 11 form of a newsletter to the legislator's constituents, except a communication
 12 expressly advocating the election or defeat of a candidate or a newsletter or
 13 material in a newsletter that is clearly only for the private benefit of a legislator
 14 or a legislative employee; or

15 **(K)** [(L)] full participation in a charity event approved in
 16 advance by the Alaska Legislative Council;

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

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

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

30 (A) limited use of state property and resources for personal
 31 purposes if the use does not interfere with the performance of public duties and

1 either the cost or value related to the use is nominal or the legislator or
2 legislative employee reimburses the state for the cost of the use;

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

6 (C) [TELEPHONE OR FACSIMILE USE THAT DOES NOT
7 CARRY A SPECIAL CHARGE;

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

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

20 (E) [(F)] use by a legislator of photographs of that legislator.

21 * **Sec. 18.** AS 24.60.030(c) is amended to read:

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

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

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

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

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

7 * **Sec. 19.** AS 24.60.030(f) is amended to read:

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

23 * **Sec. 20.** AS 24.60.040(a) is amended to read:

24 (a) A legislator or legislative employee, or a member of the immediate family
25 of a legislator or legislative employee, may not be a party to or have an interest in a
26 state contract or lease unless the contract or lease is let under AS 36.30 (State
27 Procurement Code) or, for agencies that are not subject to AS 36.30, under similar
28 procedures, or the total annual amount of the state contract or lease is \$5,000 or less,
29 or is a standardized contract or lease that was developed under publicly established
30 guidelines and is generally available to the public at large, members of a profession,
31 occupation, or group. A person has an interest in a state contract or lease under this

1 section if the person receives direct or indirect financial benefits. A legislator or
 2 legislative employee who participates in, or who knows or reasonably should know
 3 that a family member is participating in, a state contract or lease that has an annual
 4 value of \$5,000 or more shall disclose the participation to the committee by the date
 5 required under AS 24.60.105. **The committee shall promptly forward the**
 6 **disclosure to the appropriate house for inclusion in the journal, and the presiding**
 7 **officer shall cause the disclosure to be published in the journal or in the**
 8 **supplemental journal not later than the next regularly scheduled publication of**
 9 **ethics disclosures**. The legislator or legislative employee shall also disclose the
 10 renegotiation of a state contract or lease if the original had to be disclosed under this
 11 section or if, as a result of renegotiation, disclosure is required under this section. The
 12 disclosure must state the amount of the contract or lease and the name of the state
 13 agency issuing the contract or lease and must identify the procedures under which the
 14 contract or lease was issued. If the disclosure concerns a contract or lease in which a
 15 family member of the discloser is participating, the disclosure must identify the
 16 relationship between the participant and the discloser.

17 * **Sec. 21.** AS 24.60.050(c) is amended to read:

18 (c) A legislator or legislative employee who participates in a program or
 19 receives a loan that is not exempt from disclosure under (a) of this section shall file [A
 20 WRITTEN REPORT] with the committee by the date required under AS 24.60.105 **a**
 21 **disclosure** stating the amounts of the loans outstanding or benefits received during the
 22 preceding calendar year from nonqualifying programs. If the committee requests
 23 additional information necessary to determine the propriety of participating in the
 24 program or receiving the loan, it shall be promptly provided. The committee shall
 25 promptly compile a list of the statements indicating the loans and programs and
 26 amounts and send it to the presiding officer of each house who shall have it published
 27 in the supplemental journals **on or before the next regularly scheduled publication**
 28 **of ethics disclosures. If a** [WITHIN THREE WEEKS AFTER THE FILING DATE.
 29 A] legislator or legislative employee **asks** [WHO BELIEVES THAT DISCLOSURE
 30 OF PARTICIPATION IN A PROGRAM WOULD BE AN INVASION OF THE
 31 PARTICIPANT'S RIGHT TO PRIVACY UNDER THE STATE CONSTITUTION

1 MAY REQUEST] the committee to keep any part of the disclosure confidential and
 2 a quorum of the committee determines by vote of a majority of committee
 3 members that making the entire disclosure public would cause an unjustifiable
 4 invasion of personal privacy, the committee may elect to [. IF THE COMMITTEE
 5 FINDS THAT PUBLICATION WOULD CONSTITUTE AN INVASION OF
 6 PRIVACY, THE COMMITTEE SHALL] publish only the fact that a person has
 7 participated in the program and the amount of benefit that the unnamed person
 8 received. The committee shall maintain the disclosure of the name of the person as
 9 confidential and may only use the disclosure in a proceeding under AS 24.60.170. If
 10 the disclosure becomes part of the record of a proceeding under AS 24.60.170, the
 11 disclosure may be made public as provided in that section.

12 * **Sec. 22.** AS 24.60.070(a) is amended to read:

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

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

22 (2) legislators;

23 (3) a public official as that term is defined in [WHO IS REQUIRED
 24 TO FILE A FINANCIAL DISCLOSURE STATEMENT UNDER] AS 39.50 [AND
 25 IS NOT AN APPOINTED MUNICIPAL OFFICER];

26 (4) a registered lobbyist; or

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

29 * **Sec. 23.** AS 24.60.070(c) is amended to read:

30 (c) When making a disclosure under (a) of this section concerning a
 31 relationship with a lobbyist to whom the [LEGISLATOR OR] legislative employee is

1 married or who is the [LEGISLATOR'S OR] legislative employee's domestic partner,
 2 the [LEGISLATOR OR] legislative employee shall also disclose the name and address
 3 of each employer of the lobbyist and the total monetary value received by the lobbyist
 4 from the lobbyist's employer. The [LEGISLATOR OR] legislative employee shall
 5 report changes in the employer of the spouse or domestic partner within 48 hours after
 6 the change. In this subsection, "employer of the lobbyist" means the person from
 7 whom the lobbyist received amounts or things of value for engaging in lobbying on
 8 behalf of the person.

9 * **Sec. 24.** AS 24.60 is amended by adding a new section to read:

10 **Sec. 24.60.075. Compassionate gift exemption.** (a) Notwithstanding
 11 AS 24.45.121 and AS 24.60.080, a person may give a compassionate gift to a
 12 legislator or legislative employee, and a legislator or a legislative employee may
 13 solicit, receive, or accept a compassionate gift from a person, subject to the limitations
 14 in (b) - (e) of this section.

15 (b) A compassionate gift may not be solicited, accepted, or received unless a
 16 written request has been approved in writing by the chair of the legislative council,
 17 and the committee chair or vice-chair has approved in writing the decision of the chair
 18 of the legislative council.

19 (c) A legislator or legislative employee may not solicit, accept, or receive,
 20 directly or indirectly, compassionate gifts worth less than \$250 that in a calendar year
 21 aggregate to \$250 or more in value and are from the same person. A legislator or
 22 legislative employee who receives a compassionate gift, directly or indirectly, shall
 23 disclose to the committee the name of the gift's source and the value of the gift within
 24 30 days after receipt.

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

27 (e) In this section, "compassionate gift" means a solicited or unsolicited gift
 28 intended to aid or comfort a recipient or a member of the recipient's immediate family
 29 in contending with a catastrophe, a tragedy, or a health-related emergency.

30 * **Sec. 25.** AS 24.60.080(a) is amended to read:

31 (a) Except as otherwise provided in this section, a legislator or legislative

1 employee may not

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

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

11 (A) food or beverage for immediate consumption; or

12 (B) tickets for a charity event at any time, except that
13 tickets to or gifts received at a charity event under this subparagraph are
14 subject to the calendar year limit on the value of gifts received by a
15 legislator or legislative employee in (1) of this subsection; in this
16 subparagraph, "charity event" means an event the proceeds of which go
17 to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3)
18 and that the Alaska Legislative Council has approved in advance; the
19 tickets may entitle the bearer to admission to the event, to entertainment,
20 to food or beverages, or to other gifts or services involved in the charity
21 event.

22 * **Sec. 26.** AS 24.60.080(c) is amended to read:

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

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

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

30 (B) at a social event or meal;

31 (2) discounts that are available

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

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

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

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

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

11 **(A) the spouse of the person;**

12 **(B) the person's domestic partner;**

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

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

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

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

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

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

1 the office of the ombudsman;

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

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

10 (10) [TICKETS FROM A LOBBYIST FOR A CHARITY EVENT AT
11 ANY TIME, INCLUDING DURING A LEGISLATIVE SESSION, EXCEPT THAT
12 TICKETS TO OR GIFTS RECEIVED AT A CHARITY EVENT UNDER THIS
13 PARAGRAPH ARE SUBJECT TO THE CALENDAR YEAR LIMIT ON THE
14 VALUE OF GIFTS RECEIVED BY A LEGISLATOR OR LEGISLATIVE
15 EMPLOYEE IN (a) OF THIS SECTION; IN THIS PARAGRAPH, "CHARITY
16 EVENT" MEANS AN EVENT THE PROCEEDS OF WHICH GO TO A
17 CHARITABLE ORGANIZATION WITH TAX-FREE STATUS UNDER 26 U.S.C.
18 501(c)(3) AND THAT THE ALASKA LEGISLATIVE COUNCIL HAS APPROVED
19 IN ADVANCE; THE TICKETS MAY ENTITLE THE BEARER TO ADMISSION
20 TO THE EVENT, TO ENTERTAINMENT, TO FOOD OR BEVERAGES, OR TO
21 OTHER GIFTS OR SERVICES INVOLVED IN THE CHARITY EVENT; OR

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

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

26 (d) A legislator or legislative employee who accepts a gift under (c)(4) of this
27 section that has a value of \$250 or more shall disclose to the committee, within 30
28 days after receipt of the gift, the name and occupation of the donor and the
29 approximate value of the gift. A legislator or legislative employee who accepts a gift
30 under (c)(8) of this section that the recipient expects will have a value of \$250 or more
31 in the calendar year shall disclose to the committee, within 30 days after receipt of the

1 gift, the name and occupation of the donor, a general description of the matter of
 2 legislative concern with respect to which the gift is made, and the approximate value
 3 of the gift. The committee shall maintain a public record of the disclosures it receives
 4 relating to gifts under (c)(4), (c)(8), and (i) [AND (8)] of this section and shall
 5 forward the disclosures to the appropriate house for inclusion in the journal. The
 6 committee shall forward to the Alaska Public Offices Commission copies of the
 7 disclosures concerning gifts under (c)(4), (c)(8), and (i) [AND (8)] of this section that
 8 it receives from legislators and legislative directors. A legislator or legislative
 9 employee who accepts a gift under (c)(6) of this section that has a value of \$250 or
 10 more shall, within 30 days after receiving the gift, disclose to the committee
 11 [ANNUALLY ON OR BEFORE MARCH 15] the name and occupation of the donor
 12 and a description of the gift. The committee shall maintain disclosures relating to gifts
 13 under (c)(6) of this section as confidential records and may only use, or permit a
 14 committee employee or contractor to use, a disclosure under (c)(6) of this section in
 15 the investigation of a possible violation of this section or in a proceeding under
 16 AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record
 17 of a proceeding under AS 24.60.170, the confidentiality provisions of that section
 18 apply to the disclosure.

19 * **Sec. 28.** AS 24.60.080(i) is amended to read:

20 (i) A legislator or legislative employee who knows or reasonably should know
 21 that an immediate [A] family member has received a gift because of the family
 22 member's connection with the legislator or legislative employee shall disclose for
 23 publication under (d) of this section [REPORT] the receipt of the gift by the family
 24 member to the committee if the gift would have to be disclosed [REPORTED] under
 25 this section if it had been received by the legislator or legislative employee. If [OR IF]
 26 receipt of the gift by a person who is a legislator or legislative employee would be
 27 prohibited under this section, a member of the person's immediate family may not
 28 receive the gift.

29 * **Sec. 29.** AS 24.60.085 is amended by adding a new subsection to read:

30 (c) During the term for which elected or appointed, a legislator may not,
 31 directly or by authorizing another to act on the legislator's behalf, accept or agree to

1 accept compensation, except from the State of Alaska, for work associated with
 2 legislative action, administrative action, or political action. Notwithstanding
 3 AS 24.60.990, in this subsection, "administrative action" and "legislative action" have
 4 the meanings given in AS 24.45.171.

5 * **Sec. 30.** AS 24.60.105(a) is amended to read:

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

22 * **Sec. 31.** AS 24.60.105 is amended by adding a new subsection to read:

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

26 * **Sec. 32.** AS 24.60 is amended by adding a new section to article 2 to read:

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

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

6 * **Sec. 33.** AS 24.60.130(n) is amended to read:

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

24 * **Sec. 34.** AS 24.60.130(o) is amended to read:

25 (o) In this section,

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

29 **(2) "minority organizational caucus" means a group of legislators who**
 30 **have organized and elected a minority leader and constitute at least 25 percent of the**
 31 **total membership of the house or senate, as appropriate.**

1 * **Sec. 35.** AS 24.60.130 is amended by adding a new subsection to read:

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

20 * **Sec. 36.** AS 24.60.150(a) is amended to read:

21 (a) The committee shall

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

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

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

31 **(4) within 10 days of the first day of each regular session of the**

1 legislature and at other times determined by the committee, administer two types
 2 of legislative ethics courses that teach means of compliance with this chapter and
 3 are designed to give an understanding of this chapter's purpose under
 4 AS 24.60.010; one course, for returning legislators, legislative employees, or
 5 public members of the committee, shall refresh knowledge and review
 6 compliance issues; a separate course shall be designed to give first-time
 7 legislators, legislative employees, or public members of the committee a
 8 fundamental understanding of this chapter and how to comply with it.

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

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

18 * **Sec. 38.** AS 24.60.160 is amended to read:

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

28 (b) An opinion issued under this section is binding on the committee in any
 29 subsequent proceedings concerning the facts and circumstances of the particular case
 30 unless material facts were omitted or misstated in the request for the advisory opinion.
 31 An opinion issued under this section must be issued with sufficient deletions to

1 **prevent disclosing the identity of the person or persons involved. Advisory**
 2 **opinion discussions and deliberations are confidential, unless the requester and**
 3 **anyone else named in the request who is covered by this chapter waives**
 4 **confidentiality. The committee's final vote on the advisory opinion is a public**
 5 **record** [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY OPINION
 6 IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN REQUEST
 7 BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH THE
 8 COMMITTEE].

9 * **Sec. 39.** AS 24.60.170(j) is amended to read:

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

30 * **Sec. 40.** AS 24.60.176(b) is amended to read:

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

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

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

8 (3) the appropriate finance committee for employees of the senate or
9 house finance committees;

10 (4) the appropriate rules committee for employees of

11 (A) standing committees of the legislature, other than the
12 finance committees;

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

15 (C) house records and senate records;

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

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

21 (7) the legislature for the ombudsman;

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

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

25 * **Sec. 41.** AS 24.60.200 is amended to read:

26 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
27 **committee, and legislative directors.** A legislator, a public member of the committee,
28 and a legislative director shall file a disclosure statement, under oath and on penalty of
29 perjury, with the Alaska Public Offices Commission giving the following information
30 about the income received **or deferred income, earned or otherwise, to be received**
31 by the discloser, the discloser's spouse or domestic partner, the discloser's dependent

1 children, and the discloser's nondependent children who are living with the discloser:

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

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

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

6 **(C) gifts;**

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

12 **(A) the names** [NAME] and **addresses** [ADDRESS] of the
13 source **and the recipient;**

14 **(B) the amount;**

15 **(C) whether it was or will be earned by commission, by the**
16 **job, by the hour, or by some other method;**

17 **(D) the dates and approximate number of hours worked or**
18 **to be worked to earn it; and**

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

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

1 address of the person making the loan or guarantee, the amount of the loan, the terms
2 and conditions under which the loan or guarantee was given, the amount outstanding
3 at the time of filing, and whether or not a written loan agreement exists.

4 * **Sec. 42.** AS 24.60.210(a) is amended to read:

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

16 * **Sec. 43.** AS 24.60.210 is amended by adding a new subsection to read:

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

23 * **Sec. 44.** AS 24.60.250(c) is amended to read:

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

30 * **Sec. 45.** AS 24.60.990(a)(2) is amended to read:

31 (2) "anything of value," "benefit," or "thing of value" includes all

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

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

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

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

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

13 * **Sec. 46.** AS 24.60.990(a)(7) is amended to read:

14 (7) "income" means **an asset that a person has received or expects**
 15 **to receive** [ASSETS THAT ARE RECEIVED], regardless of whether **it is** [THEY
 16 ARE] earned or unearned; inheritances and other gifts are not income;

17 * **Sec. 47.** AS 37.10.220(a) is amended by adding a new paragraph to read:

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

20 * **Sec. 48.** AS 37.10 is amended by adding a new section to read:

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

22 (a) A public officer, as defined in AS 39.52.960, a legislator, or a person employed as
 23 a legislative director, as that term is defined in AS 24.60.990, who is convicted of a
 24 federal or state felony offense of bribery, receiving a bribe, perjury, subornation of
 25 perjury, scheme to defraud, fraud, mail fraud, misuse of funds, corruption, or tax
 26 evasion may not receive a state pension benefit if the offense was committed on or
 27 after the effective date of this section and was in connection with the person's official
 28 duties.

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

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

2 (1) insurance, voluntary wage reductions, involuntary wage reductions,
3 or supplemental or health benefits under AS 39.30.090 - 39.30.495 or former
4 AS 39.37.145;

5 (2) member or employee contributions under AS 14.25.050, 14.25.055,
6 14.25.075, 14.25.340, 14.25.360(a), AS 22.25.011, AS 39.35.160, 39.35.165(f),
7 39.35.180, 39.35.730, 39.35.760(a), or former AS 39.37.070.

8 (d) In a pension forfeiture matter under this section, the board may award to a
9 spouse, dependent, or former spouse of the person governed by the limitations in (a) of
10 this section some or all of the amount that, but for the forfeiture under (a) of this
11 section, may otherwise be payable. In determining whether to make an award under
12 this subsection, the board shall consider the totality of circumstances, including

13 (1) the role, if any, of the person's spouse, dependent, or former spouse
14 in connection with the illegal conduct for which the person was convicted; and

15 (2) the degree of knowledge, if any, possessed by the person's spouse,
16 dependent, or former spouse in connection with the illegal conduct for which the
17 person was convicted.

18 * **Sec. 49.** AS 39.35.300(a) is amended to read:

19 (a) An active employee is entitled to credited service for periods of
20 employment with the state after January 1, 1961, regardless of the office, department,
21 division, or agency of the state in which the person was employed. For purposes of
22 AS 39.35.095 - 39.35.680, the University of Alaska is not an office, department,
23 division, or agency of the state. Service credit may not be granted under AS 39.35.095
24 - 39.35.680 for service that is creditable under the teachers' retirement system,
25 AS 14.25, or for a person's service as a public officer, as defined in AS 39.52.960,
26 a legislator, or a legislative director, if the service occurs on or after the date the
27 person commits a criminal offense from which a pension forfeiture under
28 AS 37.10.310 results.

29 * **Sec. 50.** AS 39.35 is amended by adding a new section to read:

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

1 * **Sec. 51.** AS 39.35 is amended by adding a new section to read:

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

4 * **Sec. 52.** AS 39.50.020 is amended to read:

5 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
6 official other than the governor or the lieutenant governor shall file a statement giving
7 income sources and business interests, under oath and on penalty of perjury, within 30
8 days after taking office as a public official. Candidates for state elective office other
9 than a candidate who is subject to AS 24.60 shall file the statement with the director of
10 elections at the time of filing a declaration of candidacy or a nominating petition or
11 becoming a candidate by any other means. Candidates for elective municipal office
12 shall file the statement at the time of filing a nominating petition, declaration of
13 candidacy, or other required filing for the elective municipal office. Refusal or failure
14 to file within the time prescribed shall require that the candidate's filing fees, if any,
15 and filing for office be refused or that a previously accepted filing fee be returned and
16 the candidate's name removed from the filing records. A statement shall also be filed
17 by public officials no later than March 15 in each following year. **On or before the**
18 **90th day after leaving office, a former public official shall file a final statement**
19 **covering any period during the official's service in that office for which the public**
20 **official has not already filed a statement.** Persons who are members of boards or
21 commissions not named in AS 39.50.200(b) are not required to file financial
22 statements.

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

31 * **Sec. 53.** AS 39.50.030(b) is amended to read:

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

3 (1) **for** [THE SOURCE OF] all **sources of** income over **\$1,000**
4 **[\$5,000]** during the preceding calendar year, including taxable [AND
5 NONTAXABLE] capital gains, **and for all gifts from a single source with a**
6 **cumulative value exceeding \$250 in a calendar year,** received by the person, the
7 person's spouse or domestic partner, or the person's dependent child,

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

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

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

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 approximate number of hours worked to earn the**
14 **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** [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT
19 MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250];

20 (2) the identity, by name and address, of each business in which the
21 person, the person's spouse or domestic partner, or the person's dependent child has an
22 interest or was a stockholder, owner, officer, director, partner, proprietor, or employee
23 during the preceding calendar year, except that an interest of less than **\$1,000** [\$5,000]
24 in the stock of a publicly traded corporation need not be included;

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

28 (4) the identity of each trust or other fiduciary relation in which the
29 person, the person's spouse or domestic partner, or the person's dependent child held a
30 beneficial interest exceeding **\$1,000** [\$5,000] during the preceding calendar year, a
31 description and identification of the property contained in each trust or relation, and

1 the nature and extent of the beneficial interest in it;

2 (5) any loan or loan guarantee of more than **\$1,000** [\$5,000] made to
 3 the person, the person's spouse or domestic partner, or the person's dependent child,
 4 and the identity of the maker of the loan or loan guarantor and the identity of each
 5 creditor to whom the person, the person's spouse or domestic partner, or the person's
 6 dependent child owed more than **\$1,000** [\$5,000]; this paragraph requires disclosure of
 7 a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the
 8 indebtedness incurred, during the preceding calendar year, or if the amount still owing
 9 on the loan, loan guarantee, or indebtedness was more than **\$1,000** [\$5,000] at any
 10 time during the preceding calendar year;

11 (6) a list of all contracts and offers to contract with the state or an
 12 instrumentality of the state during the preceding calendar year held, bid, or offered by
 13 the person, the person's spouse or domestic partner, or the person's dependent child, a
 14 partnership, **limited liability company**, or professional corporation of which the
 15 person is a member, or a corporation in which the person or the person's spouse,
 16 domestic partner, or dependent **child** [CHILDREN], or a combination of them, hold a
 17 controlling interest; and

18 (7) a list of all mineral, timber, oil, or any other natural resource lease
 19 held, or lease offer made, during the preceding calendar year by the person, the
 20 person's spouse or domestic partner, or the person's dependent child, a partnership,
 21 **limited liability company**, or professional corporation of which the person is a
 22 member, or a corporation in which the person or the person's spouse, [OR] domestic
 23 partner, or dependent **child** [CHILDREN], or a combination of them, holds a
 24 controlling interest.

25 * **Sec. 54.** AS 39.50.030(h) is amended to read:

26 (h) In this section,

27 (1) [REPEALED

28 (2)] "close economic association" means a financial relationship that
 29 exists between a public official required to disclose a close economic association
 30 under (d) of this section and some other person or entity, including a relationship
 31 where the public official serves as a consultant or advisor to, is a member or

1 representative of, or has a financial interest in an association, partnership, **limited**
 2 **liability company**, business, or corporation;

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

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

5 * **Sec. 55.** AS 39.50.040 is amended to read:

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

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

15 (1) **the trust may not contain investments or assets in which the**
 16 **ownership right or interest is required to be recorded in a public office other**
 17 **than with the Alaska Public Offices Commission, or contain assets with**
 18 **permanency that makes transfer by the trustee improbable or impractical,**
 19 **including real estate, security interests in personal property, mortgages, and**
 20 **interests in closely held businesses** [ASSETS TRANSFERRED TO THE TRUST
 21 SHALL BE MARKETABLE];

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

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

28 (4) **the trust instrument shall contain a clear statement that its**
 29 **purpose is to remove from the settlor control and knowledge of investment of**
 30 **trust assets so that conflicts between the settlor's responsibilities and duties as a**
 31 **public official and the settlor's personal or financial interests will be eliminated**

1 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
2 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
3 DURATION OF THE TRUST];

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

20 (6) the trust shall terminate only upon order of the commission,
21 the death or incompetence of the settlor, the termination of the settlor's status as
22 a public official, or upon revocation approved in advance by the commission; the
23 trustee shall be required to promptly report any termination of the trust to the
24 commission;

25 (7) the trustee shall prepare the income tax return of the trust and
26 may participate in the audit of the trust's returns with authority to compromise a
27 tax liability of the trust, but may not disclose the return or information related to
28 the return, except promptly after the close of each taxable year of the trust the
29 trustee shall provide the settlor with an annual report summarizing information
30 concerning the trust, including net income or loss, expenses, capital gains, and
31 capital losses of the trust, as necessary to enable the settlor to prepare and file tax

1 returns required by law; however, the summary may not directly or indirectly
 2 identify a security or other property that is an asset or former asset of the trust;

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

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

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

15 (11) the trustee shall report to the commission the beginning and
 16 ending value of the trust and, if the commission requests, the trustee shall
 17 prepare under seal a detailed description of transactions and holdings of the
 18 trust; the document prepared by the trustee under seal is not public information
 19 unless an accusation under AS 39.52 relevant to the blind trust is filed by the
 20 attorney general or the personnel board, and

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

23 * **Sec. 56.** AS 39.50.040 is amended by adding new subsections to read:

24 (c) A quarterly report of aggregate market value under this section may
 25 include, in addition to the aggregate market value of the trust's assets and property, the
 26 percentage of that aggregate market value attributable to the settlor and each
 27 beneficiary, by name. Within 30 days after receipt from the trustee of the quarterly
 28 report of aggregate market value, the settlor may, notwithstanding the limitations on a
 29 communication's subject under (b) of this section, provide a written instruction to the
 30 trustee that, with respect to the trust as a whole and not a particular asset or property of
 31 the trust, the settlor prefers that the trustee adopt an investment approach that is

1 conservative, moderate, or aggressive.

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

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

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

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

18 * **Sec. 57.** AS 39.50.050(a) is amended to read:

19 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
20 shall administer the provisions of this chapter. The commission shall prepare and keep
21 available for distribution standardized forms on which the reports required by this
22 chapter shall be filed. The commission shall print the forms provided under this
23 section so that the front and back of each page have the same orientation when the
24 page is rotated on the vertical axis of the page. The commission **shall require** [MAY
25 REQUEST] that the information required under this chapter, **unless it is information**
26 **required of a municipal officer,** be submitted electronically but **may, when**
27 **circumstances warrant an exception,** [SHALL] accept any information required
28 under this chapter that is typed in clear and legible black typeface or hand-printed in
29 dark ink on paper in a format approved by the commission or on forms provided by
30 the commission and that is filed with the commission. **A municipal officer shall**
31 **submit information required under this chapter electronically, typed, or hand-**

1 **printed in the manner described in this subsection.**

2 * **Sec. 58.** AS 39.50.050(a), as amended by sec. 57 of this Act, is amended to read:

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

18 * **Sec. 59.** AS 39.50.200(a)(10) is amended to read:

19 (10) "source of income" means the entity for which service is
 20 performed or that is otherwise the origin of payment; if the person whose income is
 21 being reported is employed by another, the employer is the source of income; but if
 22 the person is self-employed by means of a sole proprietorship, partnership, **limited**
 23 **liability company**, professional corporation, or a corporation in which the person, the
 24 person's spouse or domestic partner, or the person's dependent children, or a
 25 combination of them, hold a controlling interest, the "source" is the client or customer
 26 of the proprietorship, partnership, **limited liability company**, or corporation, but, if
 27 the entity that is the origin of payment is not the same as the client or customer for
 28 whom the service is performed, both are considered the source.

29 * **Sec. 60.** AS 39.50.200(b) is amended by adding new paragraphs to read:

- 30 (59) Alaska Industrial Development and Export Authority (AS 44.88);
 31 (60) the board of directors of the Knik Arm Bridge and Toll Authority

1 (AS 19.75.031 and 19.75.041);

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

3 (62) the Board of Trustees of the Alaska Mental Health Trust
4 Authority (AS 47.30.016);

5 (63) the board of directors of the Alaska Railroad Corporation
6 (AS 42.40.020 - 42.40.060).

7 * **Sec. 61.** AS 39.52.110 is amended by adding a new subsection to read:

8 (d) Stock or other ownership interest in a business is presumed insignificant if
9 the value of the stock or other ownership interest, including an option to purchase an
10 ownership interest, is less than \$5,000.

11 * **Sec. 62.** AS 39.52.120(b) is amended to read:

12 (b) A public officer may not

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

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

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

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

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

24 (6) use or authorize the use of state funds, facilities, equipment,
25 services, or another government asset or resource for partisan political purposes; this
26 paragraph does not prohibit use of the governor's residence for meetings to discuss
27 political strategy and does not prohibit use of state aircraft or the communications
28 equipment in the governor's residence so long as there is no [SPECIAL] charge to the
29 state for the use; in this paragraph, "for partisan political purposes"

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

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

1 or

2 (ii) political party or group;

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

5 * **Sec. 63.** AS 39.52.120 is amended by adding a new subsection to read:

6 (f) Use of state aircraft for partisan political purposes is permitted under (b) of
7 this section only when the use is collateral or incidental to the normal performance of
8 official duties and does not exceed 10 percent of the total of the use of the aircraft for
9 official purposes and partisan political purposes, combined, on a single trip. A public
10 officer who authorizes or makes any partisan political use of a state aircraft under (b)
11 of this section shall disclose the authorization and use under AS 39.52.210 or
12 39.52.220 for each trip, and the person who uses the aircraft shall reimburse the state
13 for the proportionate share of the actual cost of the use.

14 * **Sec. 64.** AS 39.52.130(a) is amended to read:

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

25 * **Sec. 65.** AS 39.52.180(a) is amended to read:

26 (a) A public officer who leaves state service may not, for two years after
27 leaving state service, represent, advise, or assist a person for compensation regarding a
28 matter that was under consideration by the administrative unit served by that public
29 officer, and in which the officer participated personally and substantially through the
30 exercise of official action. For the purposes of this subsection, "matter" includes a
31 case, proceeding, application, contract, [OR] determination, [BUT DOES NOT

1 INCLUDE THE] proposal or consideration of **a** legislative **bill** [BILLS], **a resolution**,
 2 **a** [RESOLUTIONS AND] constitutional **amendment** [AMENDMENTS], or other
 3 legislative **measure**, [MEASURES;] or [THE] proposal, consideration, or adoption of
 4 **an** administrative **regulation** [REGULATIONS].

5 * **Sec. 66.** AS 39.52.180(d) is amended to read:

6 (d) **An individual who formerly held a position listed in this subsection** [A
 7 FORMER GOVERNOR, LIEUTENANT GOVERNOR, OR HEAD OF A
 8 PRINCIPAL DEPARTMENT IN THE EXECUTIVE BRANCH] may not engage in
 9 activity as a lobbyist under AS 24.45 for a period of one year after leaving **that**
 10 **position** [SERVICE AS THE GOVERNOR, LIEUTENANT GOVERNOR, OR
 11 DEPARTMENT HEAD, AS APPROPRIATE]. This subsection does not prohibit
 12 service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational
 13 lobbyist as defined under regulations of the Alaska Public Offices Commission. **This**
 14 **subsection applies to the position of**

15 **(1) governor;**

16 **(2) lieutenant governor;**

17 **(3) head or deputy head of a principal department in the executive**
 18 **branch;**

19 **(4) director of a division or legislative liaison within a principal**
 20 **department in the executive branch;**

21 **(5) legislative liaison, administrative assistant, or other employee**
 22 **of the Office of the Governor or Office of the Lieutenant Governor in a policy-**
 23 **making position;**

24 **(6) member of a state board or commission that has the authority**
 25 **to adopt regulations, other than a board or commission named in AS 08.01.010;**

26 **(7) member of the governing board and executive officer of a state**
 27 **public corporation.**

28 * **Sec. 67.** AS 39.52.180 is amended by adding new subsections to read:

29 (e) A former head of a principal department in the executive branch may not,
 30 for a period of one year after leaving service as the head of that department, serve on
 31 the governing board of a company, organization, or other entity that was regulated by

1 that department or with which the former department head worked as part of an
 2 official duty as the department head. A former employee of the Office of the Governor
 3 in a policy-making position may not, for a period of one year after leaving
 4 employment in that office, serve on the governing board of a company, organization,
 5 or other entity with which the former employee worked as part of an official duty for
 6 the Office of the Governor.

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

10 * **Sec. 68.** AS 39.52 is amended by adding a new section to read:

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

20 * **Sec. 69.** AS 39.52.910 is amended by adding a new subsection to read:

21 (d) Nothing in this chapter

22 (1) supersedes AS 39.90.020; or

23 (2) precludes an immediate family member of a public employee from
 24 employment in the same agency or administrative unit as that public employee, so
 25 long as the public employee does not have authority to take or withhold official action
 26 affecting the terms or conditions of the immediate family member's employment in a
 27 manner that violates state law.

28 * **Sec. 70.** AS 39.52.960(14) is amended to read:

29 (14) "official action" means **advice, participation, or assistance,**
 30 **including, for example,** a recommendation, decision, approval, disapproval, vote, or
 31 other similar action, including inaction, by a public officer;

1 * **Sec. 71.** AS 44.62.330(a) is amended by adding a new paragraph to read:

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

4 * **Sec. 72.** AS 24.60.037(d) and 24.60.080(k) are repealed.

5 * **Sec. 73.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **APPLICABILITY.** (a) The amendment of AS 11.56.130(1) made by sec. 1 of this Act
8 applies to offenses occurring on or after the effective date of sec. 1 of this Act.

9 (b) AS 39.52.180(a), as amended by sec. 65 of this Act, applies to a person who
10 leaves state service on or after the effective date of sec. 65 of this Act.

11 (c) AS 39.52.180(d), as amended by sec. 66 of this Act, applies to a person who
12 leaves service in a position described in AS 39.52.180(d), as amended by sec. 66 of this Act,
13 on or after the effective date of sec. 66 of this Act.

14 (d) AS 39.52.180(e) and (f), as added by sec. 67 of this Act, apply to a department
15 head or employee of the Office of the Governor who is required to file a statement under
16 AS 39.50.020 who leaves employment as a department head or employee of the Office of the
17 Governor who is required to file a statement under AS 39.50.020 on or after the effective date
18 of sec. 67 of this Act.

19 (e) Notwithstanding AS 24.60.150(a), as amended by sec. 36 of this Act, the Select
20 Committee on Legislative Ethics is required to offer only one type of ethics course in 2008,
21 and all legislators, legislative employees, and public members of the committee shall attend as
22 required by AS 24.60.155, as added by sec. 37 of this Act.

23 * **Sec. 74.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **APPLICABILITY TO ELECTED PUBLIC OFFICERS' RETIREMENT SYSTEM.**
26 The provisions of AS 37.10.310, added by sec. 48 of this Act, apply to benefits under former
27 AS 39.37 (elected public officers' retirement system).

28 * **Sec. 75.** Sections 7, 43, and 58 of this Act take effect January 1, 2009.

29 * **Sec. 76.** Section 57 of this Act takes effect July 1, 2007.

30 * **Sec. 77.** Except as provided in secs. 75 and 76 of this Act, this Act takes effect
31 immediately under AS 01.10.070(c).