

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 19, 2007

1:02 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Berta Gardner
Representative Bob Buch

COMMITTEE CALENDAR

HOUSE BILL NO. 109

"An Act relating to the requirement for candidates, groups, legislators, public officials, and other persons to submit reports electronically to the Alaska Public Offices Commission; relating to disclosures by legislators, public members of the Select Committee on Legislative Ethics, legislative directors, public officials, and certain candidates for public office concerning services performed for compensation and concerning certain income, gifts, and other financial matters; requiring legislators, public members of the Select Committee on Legislative Ethics, legislative directors, public officials, and municipal officers to make certain financial disclosures when they leave office; relating to insignificant ownership interest in a business and to gifts from lobbyists for purposes of the Alaska Executive Branch Ethics Act; relating to certain restrictions on employment after leaving state service for purposes of the Alaska Executive Branch Ethics Act; and providing for an effective date."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 109

SHORT TITLE: DISCLOSURES & ETHICS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/25/07	(H)	READ THE FIRST TIME - REFERRALS
01/25/07	(H)	STA, JUD
01/30/07	(H)	STA AT 8:00 AM CAPITOL 106
01/30/07	(H)	Heard & Held
01/30/07	(H)	MINUTE(STA)
02/03/07	(H)	STA AT 10:00 AM SPEAKER'S CHAMBER
02/13/07	(H)	STA AT 8:00 AM CAPITOL 106
02/13/07	(H)	<Postponed Pending Subcommittee Report>
02/15/07	(H)	STA AT 8:00 AM CAPITOL 106
02/15/07	(H)	<Postponed Pending Subcommittee Report>
02/20/07	(H)	STA AT 8:00 AM CAPITOL 106
02/20/07	(H)	<Postponed Pending Subcommittee Report>
02/22/07	(H)	STA AT 8:00 AM CAPITOL 106
02/22/07	(H)	Heard & Held
02/22/07	(H)	MINUTE(STA)
02/27/07	(H)	STA AT 8:00 AM CAPITOL 106
02/27/07	(H)	Heard & Held
02/27/07	(H)	MINUTE(STA)
03/01/07	(H)	STA AT 8:00 AM CAPITOL 106
03/01/07	(H)	Heard & Held
03/01/07	(H)	MINUTE(STA)
03/03/07	(H)	STA AT 10:00 AM CAPITOL 106
03/03/07	(H)	Moved CSHB 109(STA) Out of Committee
03/03/07	(H)	MINUTE(STA)
03/07/07	(H)	STA RPT CS(STA) NT 3DP 1NR 3AM
03/07/07	(H)	DP: ROSES, DOLL, LYNN
03/07/07	(H)	NR: JOHANSEN
03/07/07	(H)	AM: JOHNSON, COGHILL, GRUENBERG
03/19/07	(H)	JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

GOVERNOR SARAH PALIN

Juneau, Alaska

POSITION STATEMENT: Spoke as the requestor of HB 109.

DAVID JONES, Senior Assistant Attorney General

Opinions, Appeals, & Ethics

Civil Division (Anchorage)

Department of Law (DOL)

Anchorage, Alaska

POSITION STATEMENT: Provided comments and responded to questions during discussion of HB 109.

BROOKE MILES, Director
Alaska Public Offices Commission (APOC)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Provided comments and responded to questions during discussion of HB 109.

JOYCE ANDERSON, Ethics Committee Administrator
Select Committee on Legislative Ethics
Alaska State Legislature
Anchorage, Alaska

POSITION STATEMENT: Provided comments and responded to questions during discussion of HB 109.

ACTION NARRATIVE

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at [1:02:17 PM](#). Representatives Samuels, Lynn, Holmes, Gruenberg, Dahlstrom, Coghill, and Ramras were present at the call to order. Representatives Gardner and Buch were also in attendance.

HB 109 - DISCLOSURES & ETHICS

[1:02:43 PM](#)

CHAIR RAMRAS announced that the only order of business would be HOUSE BILL NO. 109, "An Act relating to the requirement for candidates, groups, legislators, public officials, and other persons to submit reports electronically to the Alaska Public Offices Commission; relating to disclosures by legislators, public members of the Select Committee on Legislative Ethics, legislative directors, public officials, and certain candidates for public office concerning services performed for compensation and concerning certain income, gifts, and other financial matters; requiring legislators, public members of the Select Committee on Legislative Ethics, legislative directors, public officials, and municipal officers to make certain financial disclosures when they leave office; relating to insignificant ownership interest in a business and to gifts from lobbyists for purposes of the Alaska Executive Branch Ethics Act; relating to certain restrictions on employment after leaving state service for purposes of the Alaska Executive Branch Ethics Act; and

providing for an effective date." [Before the committee was CSHB 109(STA).]

CHAIR RAMRAS characterized the issue of ethics as being central to the campaigns of many and to all Alaskans.

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GOVERNOR SARAH PALIN, speaking as the requestor of HB 109, concurred, expressed her appreciation for the efforts that legislators have taken to address the issue of ethics, and expressed her belief that [state government] can build upon a foundation of trust and thus provide for a better standard of living for Alaskans.

[1:05:21 PM](#)

DAVID JONES, Senior Assistant Attorney General, Opinions, Appeals, & Ethics, Civil Division (Anchorage), Department of Law (DOL), said he would assist the committee with the task of ethics reform in order to [in part] reassure Alaskans of the integrity of their public officials.

CHAIR RAMRAS provided comments regarding how the committee would be proceeding with the bill.

MR. JONES noted that both the House State Affairs Standing Committee and its ethics subcommittee did a lot of work on the legislation.

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REPRESENTATIVE COGHILL relayed that committee packets contain a color-coded sectional analysis of CSHB 109(STA), and a listing of the definitions of terms used in the bill. Referring to the sectional analysis, he indicated that rather than explaining the sections of the bill in a strict numerical order, it instead parses the sections it is explaining into four different categories: reporting by legislators, Titles 15 and 24; reporting by public officials, Title 39; procedures of the Alaska Public Offices Commission (APOC) and the Select Committee on Legislative Ethics; and enforcement statutes of the APOC and the Select Committee on Legislative Ethics. He also mentioned some of the specific groups of people that each of the four categories address.

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REPRESENTATIVE COGHILL relayed that Section 1 pertains to the exemption on reporting. Currently, if a candidate doesn't plan on spending more than \$5,000 on a campaign, he/she is not required to report. Under Section 1, that exemption will only apply to delegates to a constitutional convention, a judge seeking electoral confirmation, or a candidate for a municipal office. Section 2 establishes a May 1, 2009, deadline for mandatory electronic filing for all candidates except candidates for municipal office [and candidates whose circumstances warrant an exception].

REPRESENTATIVE GRUENBERG referred to Section 1, and asked whether there is any other group of persons who should also be included as qualifying for the aforementioned reporting exemption.

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BROOKE MILES, Director, Alaska Public Offices Commission (APOC), Department of Administration (DOA), offered her belief that the term "municipality office under AS 15.13.010" will cover all necessary groups. She additionally noted that planning commissioners file financial disclosure reports but not campaign disclosure reports, that utility board members don't file campaign disclosure reports [because] they are not currently subject to campaign disclosure laws, and that candidates for Rural Education Attendance Areas (REAs) are also not subject to campaign disclosure laws.

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REPRESENTATIVE COGHILL relayed that Sections 3 requires the APOC to administer an annually updated training course for lobbyists and their employers. Section 4 requires the APOC to obtain a sworn affirmation from a lobbyist to verify that he/she has completed a training course within a 12-month period [preceding the date he/she registered as a lobbyist].

MS. MILES, in response to a question regarding Section 2, said that her concern is that it currently lists some people who needn't be included in this provision.

REPRESENTATIVE DAHLSTROM indicated a willingness to offer an amendment to Section 2 to address that concern.

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REPRESENTATIVE COGHILL relayed that Section 5 of the bill establishes a new prohibition on lobbyists regarding campaign contributions or gifts that would violate AS 39.52.

REPRESENTATIVE DAHLSTROM pondered whether they should also perhaps amend the provision [of statute] that addresses gifts given by lobbyists during the interim. In response to a comment, she clarified that she was pondering whether they should amend AS 24.60.080.

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REPRESENTATIVE COGHILL relayed that Section 6 allows a person prohibited from lobbying because of a family relationship with a legislator to engage in volunteer or representational lobbying; that person must, however, register as a representational lobbyist but need not pay the registration fee. Section 7 modifies language in the applicability section of the legislative ethics Act in an effort to clarify who could be exempted from the Act's disclosure requirements.

REPRESENTATIVE COGHILL relayed that Section 8 prohibits [a legislator] from sending out a constituent newsletter within 30 days of an election.

REPRESENTATIVE GRUENBERG pondered whether such a prohibition should also be established for a governor, or someone in a municipal office, running for reelection. Referring, then, to Section 6, he suggested that there might be some constitutional problems with it that could be addressed via an amendment, an amendment that [might mirror proposed federal legislation].

REPRESENTATIVE COGHILL explained that Section 9 requires a legislator or legislative employee to disclose all of his/her board memberships to the Select Committee on Legislative Ethics.

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REPRESENTATIVE COGHILL relayed that Section 10 will streamline the Select Committee on Legislative Ethics reporting process for disclosures relating to loans received or programs participated in by legislators or legislative employees; it does this in part by replacing the existing phrase of, "within three weeks after the filing date" with the phrase, "on or before the next regularly scheduled publication of ethics disclosures". Section 10 will also allow the staff of the Select Committee on

Legislative Ethics to, upon request, edit information that if disclosed might result in an unjustified invasion of personal privacy.

REPRESENTATIVE SAMUELS questioned whether a legislator or legislative employee who is the sole shareholder of a corporation or a limited liability company (LLC) that received a loan from the Alaska Housing Finance Corporation (AHFC) or the Alaska Industrial Development and Export Authority (AIDEA), for example, would have to both report with the APOC as the shareholder and report the loan his/her company received.

CHAIR RAMRAS said a legislator or legislative employee would report both facts.

MS. MILES concurred.

REPRESENTATIVE COGHILL, in response to a question, relayed that under Section 10, a quorum of the Select Committee on Legislative Ethics would determine whether disclosing information about a loan might result in an unjustified invasion of personal privacy.

CHAIR RAMRAS pointed out that current law requires the legislator or legislative employee to report the gross amount, the terms, and the interest rates of any such loans. In response to a question, he said that as the recipient of an AIDEA loan, he must disclose the portion of the loan that "is with [the] AIDEA," the initial amount that is currently "owned," the length of the term, and the amortized amount, but he is not required to disclose "the portion that is with my primary lending institution" except to indicate that he has a relationship with the primary lender. However, he noted, the AIDEA generally makes its "loan documentation" available to the public.

MS. MILES concurred.

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JOYCE ANDERSON, Ethics Committee Administrator, Select Committee on Legislative Ethics, Alaska State Legislature, also concurred that under [the legislative ethics Act] there are certain criteria about state benefit and loan programs that must be reported. She added that there are two types of reporting: one through the financial disclosure [provisions governing the APOC], and one through the [legislative ethics Act provisions].

REPRESENTATIVE SAMUELS said he just wants to ensure that those who operate a business "do not get so boxed in" by HB 109 that they decide not to run for office.

CHAIR RAMRAS mentioned that Representative Neuman has a similar concern [regarding a provision of current law].

REPRESENTATIVE GRUENBERG, referring to Section 10, asked what is meant by the phrase, "quorum of the committee".

MS. ANDERSON said that that language was chosen by the drafter, that to her it means a majority of the members, and acknowledged that perhaps that point should be clarified.

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REPRESENTATIVE COGHILL explained that Section 11 eliminates legislators from the provision of statute that requires them to report a close economic association with a lobbyist; this change is necessary because legislators are no longer allowed to have a close economic association with a lobbyist.

MR. JONES clarified that the intent of Section 11 was to conform statutory language to an amendment that was adopted by the House State Affairs Standing Committee but which was inadvertently left out of CSHB 109(STA).

REPRESENTATIVE GRUENBERG concurred, and relayed that he will offer an amendment to address that issue and that his earlier comment regarding Section 6 really applies to the amendment that was inadvertently left out of CSHB 109(STA).

REPRESENTATIVE COGHILL indicated that what was left out of CSHB 109(STA) was an amendment that would preclude spouses of legislators from serving as lobbyists.

REPRESENTATIVE COGHILL then explained that Section 12 adds employees of the Office of Victims' Rights (OVR) to the list of those who do not qualify for certain discounts. Section 13 adds gifts received by family members of legislators and legislative employees to the list of what must be disclosed and maintained for the public record and forwarded to the APOC.

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MS. ANDERSON pointed out that the language on page 12, line 19, should instead say, "shall disclose to the committee within 30 days of receipt of the gift"; this would be a conforming change. In response to comments, she clarified that there are two definitions of "immediate family" in the [legislative] ethics code - one pertaining to gifts and one pertaining to all else - and a third definition in the Alaska Executive Branch Ethics Act. With regard to the legislative ethics Act, the definition pertaining to gifts is broader - AS 24.60.080:

(k) In this section, "immediate family" or "family member" means

(1) the spouse of the person;

(2) the person's domestic partner;

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

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

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

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

MS. ANDERSON, in response to further comments, said that legislators do not have to worry about the definition of "immediate family member" in the Alaska Executive Branch Ethics Act. Under the legislative ethics Act definition of "immediate family" that pertains to state benefit and loan programs, a legislator would only need to concern himself/herself with family members with whom he/she is financially [interdependent]. In response to a question, she pointed out that family trusts do not fall under the definition of gifts.

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REPRESENTATIVE GRUENBERG pointed out that AS 24.60.080(c) says that a legislator or legislative employee may accept gifts from immediate family members, and that AS 24.60.080(i) says:

(i) A legislator or legislative employee who knows or reasonably should know that a family member has received a gift because of the family member's connection with the legislator or legislative employee shall report the receipt of the gift by the family

member to the committee if the gift would have to be reported under this section if it had been received by the legislator or legislative employee or if receipt of the gift by a legislator or legislative employee would be prohibited under this section.

CHAIR RAMRAS, in response to comments, posited that even legislators who are currently in office, regardless of how many years they have served, still have to call the Select Committee on Legislative Ethics or the APOC for clarification of the ethics and disclosure laws as they might apply in a particular situation.

REPRESENTATIVE COGHILL surmised that different definitions are needed for different circumstances; for example, in the case of gifts, a broader definition is probably warranted.

MS. ANDERSON, in response to comments about family trusts, clarified that the gifts that must be reported would have to be those given because of one's legislative status, and thus money given to a family trust by family members would not have to be reported because it is being given because of a family relationship.

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REPRESENTATIVE COGHILL explained that Section 15 prohibits a serving legislator from, directly or by authorizing another to act on the legislator's behalf, accepting or agreeing to accept compensation from anyone but the state for services related to his/her legislative work. Section 16 prohibits a legislator or legislative employee from being compensated for representation before a municipal, legislative, or executive branch entity. Section 17 streamlines reporting requirements such that unless otherwise statutorily provided for, ethics disclosure deadlines for legislators and legislative employees will be within 30 days of the commencement of the matter or interest. Section 18 requires a former legislator, legislative employee, or public member of the Select Committee on Legislative Ethics to file - within 90 days of the final day of his/her service - disclosure information for all matters relevant to when that person did hold one of the aforementioned positions.

CHAIR RAMRAS opined that the language of Section 18 located on page 14, lines 29-30, needs to be cleaned up in that currently it may be interpreted to mean disclosing information pertaining to the person's entire length of service.

REPRESENTATIVE COGHILL relayed that Section 19 allows the chair of the Select Committee on Legislative Ethics or a subcommittee to designate an alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the chair can only appoint an alternate if the regular member has a conflict with an item on the meeting agenda. Section 20 allows the chair of the Select Committee on Legislative Ethics or a subcommittee to designate an alternate legislative member to attend a meeting if the regular member and the alternate member are both accused of a violation in the complaint the Select Committee on Legislative Ethics is hearing.

REPRESENTATIVE COGHILL relayed that Section 21 requires the Select Committee on Legislative Ethics to publish certain legislative-ethics educational material, and to administer, in January of each year, an ethics course in order help people understand and follow the ethics code.

MS. ANDERSON pointed out that language on lines 17-18 of Section 21 says in part, "in January of each year and at other times determined by the committee, administer a legislative ethics course", whereas the language on lines 24-25 of Section 22 says in part, "within 10 days of the first day of the first regular session". Suggesting that that point should be clarified, she offered her understanding that the intent is to have that training each year.

REPRESENTATIVE COGHILL offered his hope that the training would not be a full-day event.

REPRESENTATIVE HOLMES suggested to the committee that they consider perhaps altering the language [in Sections 21 and 22] so that it would conform to a possible 90-day legislative session, particularly if such a session wouldn't start in January.

REPRESENTATIVE GRUENBERG said that it is intended that the course would be administered via a disc that people could simply take with them and complete [within a given timeframe].

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REPRESENTATIVE COGHILL relayed that Section 23 adds the APOC and the Select Committee on Legislative Ethics to the list of entities that may request an advisory opinion under AS 24.60.160, adds the requirement that the advisory opinions be

redacted before publication to protect the identity of the person involved, and makes the vote record of the Select Committee on Legislative Ethics a public record. Section 24 would allow persons who have provided legal advice to the Select Committee on Legislative Ethics, but who no longer do so, to be appointed by the committee to present a case against the person charged.

MS. ANDERSON explained that the Select Committee on Legislative Ethics hires outside legal counsel who provides counsel to herself and the committee, and Section 24 changes language adopted a few years ago that prohibited such a person from also presenting the case; under Section 24, someone who provided counsel in the past would have the option of being able to present [a current] case.

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

REPRESENTATIVE COGHILL said Section 24 also allows the committee to approve a change in the date of a hearing beyond the current 20-90 day limit, and to dismiss a complaint if a delay caused by a complainant is not supported by a compelling reason.

MS. ANDERSON, in response to a question regarding Section 23, explained that when a person asks for an advisory opinion, it must be regarding an action the person requesting the opinion is contemplating, not an action that someone else might be taking or has taken. She mentioned that the language being added to statute via Section 23 merely reflects common practice.

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REPRESENTATIVE COGHILL relayed that Section 25 defines the victims' advocate as the appointing authority for purposes of determining how to sanction an employee of the Office of Victims' Rights (OVR).

REPRESENTATIVE GRUENBERG mentioned that "victims' advocate" means a specific office holder.

REPRESENTATIVE COGHILL relayed that Section 26 clarifies the list of financial information that a legislator, legislative director, or a public member of the Select Committee on Legislative Ethics is required to disclose: income received for personal services, or a loan or loan guarantee, are to be reported to the APOC in the annual financial disclosure [provided for] in Title 24. Section 26 also requires that when

personal income is reported, the approximate number of hours worked must be reported along with any other information the earner wishes to report. In response to a comment, he said the actual language regarding that other information is, "and additional information regarding how the income was earned may be disclosed".

REPRESENTATIVE COGHILL relayed that Section 27 requires a person who is appointed as a legislator, legislative director, or public member of the Select Committee on Legislative Ethics after the required annual reporting deadline to file his/her financial disclosure report with the APOC within 30 days of the appointment. Section 28 requires mandatory electronic filing of financial disclosures to the APOC by July 1, 2008, except in a case where the APOC makes an exception. He noted that Section 42 stipulates that Section 28 has an effective date of July 1, 2008.

REPRESENTATIVE COGHILL relayed that Section 29 specifies that when the APOC finds that a person at the OVR has failed or refused to file a financial disclosure when required, the APOC will report that fact to Legislative Council.

MS. MILES, in response to a question, said that the commission is required to file an annual financial report, though the employees of the APOC are not, and are all subject to Alaska Executive Branch Ethics Act - AS 39.52.

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MR. JONES relayed that Section 30 requires former public officials to file a final statement with the APOC within 90 days after leaving office, and the statement must cover any period during the official's service for which he/she did not already file a statement.

REPRESENTATIVE GRUENBERG surmised that the 90-day period provided for in both Sections 18 and 30 starts the day after one leaves office, not the day one leaves office.

MR. JONES concurred.

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MR. JONES relayed that Section 31 requires additional information to be included in the financial disclosures that executive branch, judicial branch, and municipal government

public officials are required to file with the APOC. Also, only income that is earned on an hourly basis shall be reported.

VICE CHAIR DAHLSTROM surmised, then, that someone working on a contract basis would not have to report that income.

MR. JONES concurred, and, in response to a question, relayed that the administration had originally proposed that all income earned should be reported, but the House State Affairs Standing Committee chose a different approach.

VICE CHAIR DAHLSTROM mentioned that that would be a topic of further discussion.

MR. JONES relayed that Section 32 proposes additional requirements for blind trusts that public officials may establish to avoid conflicts of interest - [this provision] would be administered by the APOC. Section 33 requires electronic filing for the financial disclosures that certain executive branch, judicial branch, and municipal government public officials must file; municipal officers, however, are exempted from this requirement as are people who've requested an exemption that the APOC grants. This provision takes effect July 1, 2007. In response to a question, he relayed that the policy choice made by the House State Affairs Standing Committee - and with which the administration agrees - was that electronic filing should only be required of those that are best able to comply; for example, in many of the smaller communities in Alaska, electronic filing is not a realistic option.

REPRESENTATIVE COGHILL, referring to Section 32, mentioned that Representative Seaton still has some concerns about this provision and will be speaking to the committee [later in the week].

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REPRESENTATIVE GRUENBERG pointed out that the current proposed language of Section 32 was taken from New Jersey statute and was inserted with the intention of having the House Judiciary Standing Committee give it further consideration. He mentioned that he is also pondering whether, if this language is inserted into the Alaska Executive Branch Ethics Act, it ought to also be inserted into the legislative ethics Act and perhaps into Title 22, which covers the judicial branch.

VICE CHAIR DAHLSTROM suggested to Mr. Jones that he research that issue further.

MR. JONES agreed to do so. He then went on to explain that Section 34 - which pertains to the Alaska Executive Branch Ethics Act - addresses what constitutes a significant financial interest in a business. He added, "A couple of lawyers several years ago examined an issue involving a former attorney general and pointed out that there was nothing in the [Alaska Executive Branch Ethics Act] that clearly established what a significant financial interest was for purposes of violations of that Act." Section 34 will address that omission. Section 35 establishes that any gift from a lobbyist to a [public officer] or his/her [immediate] family member [is presumed to be intended to influence the performance of official duties, actions, or judgment and] is prohibited unless the person receiving the gift is an immediate family member of the lobbyist giving the gift.

MR. JONES relayed that Section 36 would add legislation and regulations to the two-year prohibition on a public officer leaving state service [from representing, advising, or assisting someone for compensation regarding a matter that was under consideration by the administrative unit served by that public officer].

REPRESENTATIVE COGHILL surmised, then, that someone who worked on regulations dealing with environmental protection couldn't, for two years, go to work for an environmental firm.

MR. JONES said that is correct if "it is the same matter" and the public officer was personally and substantially involved in that matter.

VICE CHAIR DAHLSTROM asked whether the phrase, "personally and substantially involved" is defined.

MR. JONES said that phrase is only defined in regulation and is subject to interpretation by the attorney general's office and the personnel board, both of which are charged with enforcement of the Alaska Executive Branch Ethics Act. In response to a request, he explained that if he has a question regarding whether something he is contemplating doing is a violation of the Alaska Executive Branch Ethics Act, he would take that question to a designated ethics supervisor; each department has a designated ethics supervisor and although statute establishes the commissioner to be that person, as a practical matter, most commissioners delegate that authority to a deputy commissioner

or special assistant. The ethics supervisor will then either provide an answer if he/she knows it, or will consult the attorney general's office. Mr. Jones relayed that if he then violates the advice and direction given to him, he would be subject to charges under the Alaska Executive Branch Ethics Act. The aforementioned advice is ordinarily given in writing, particularly if requested.

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REPRESENTATIVE SAMUELS asked whether lobbyists are prohibited from going into government service after being lobbyists.

REPRESENTATIVE COGHILL said that issue was not discussed, and suggested that such a restriction might lead to recruitment problems.

MR. JONES relayed that under the Alaska Executive Branch Ethics Act, the administration would focus on whether the person still has any personal or financial ties to [a lobbying firm], and concurred that such a restriction might lead to recruitment problems. The line drawn is that a person may not act on matters in which he/she has significant personal or financial interests while in state service. In response to a question, he said that Section 36 merely eliminates an existing exception for work on legislation and regulation, and offered his belief that the exception was originally intended to address concerns by the DOL that it might have difficulty recruiting lawyers with expertise in oil and gas matters.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

REPRESENTATIVE GRUENBERG noted that under legislative rules a legislator must only disclose a possible conflict and could still be required to act.

MR. JONES explained that Section 37 adds "deputy heads" and employees of the Office of the Governor who are required to file APOC financial disclosure statements to the list of folks who would be prohibited from lobbying for one year after leaving state service. Section 38 would prohibit, for one year after leaving service, a former head of a principal department or a former employee of the Office of the Governor who is required to file APOC financial disclosure statements from serving on the governing board of a company, organization, or other entity that was regulated by the former employee's department/office or with

which the former employee worked as part of his/her official duties.

MR. JONES explained that Section 39 would expand the existing list of members of boards and commissions that must file annual financial disclosure statements with the APOC. He relayed that the governor noticed several glaring omissions from that list. Section 40 would require the governor, whenever considering granting executive clemency, to submit a disclosure in writing to the attorney general regarding any [personal or financial] interest in the clemency action; the attorney general would then be required to issue a public determination regarding whether it was appropriate under the Alaska Executive Branch Ethics Act for the governor to take action on the clemency application.

REPRESENTATIVE LYNN clarified that Section 40 would not prohibit the governor from granting clemency.

MR. JONES concluded by noting that Sections 41-44 pertain to applicability and effective date provisions.

[Members briefly discussed how the committee would be proceeding with the bill and proposed amendments during the upcoming meetings.]

[CSHB 109(STA) was held over.]

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:47 p.m.