

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 27, 2007

8:02 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Bob Roses, Vice Chair
Representative John Coghill
Representative Kyle Johansen
Representative Craig Johnson
Representative Andrea Doll
Representative Max Gruenberg

MEMBERS ABSENT

All members present

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

HOUSE BILL NO. 38

"An Act relating to legislators and candidates for the legislature and to certain campaign contributions made in exchange for certain agreements."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 3

"An Act relating to issuance of identification cards and to issuance of driver's licenses; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

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

WITNESS REGISTER

DAVID JONES, Senior Assistant Attorney General
Opinions, Appeals, & Ethics
Civil Division (Anchorage)
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions and reviewed the changes made in Version K during the hearing on HB 109.

BROOKE MILES, Executive Director
Alaska Public Offices Commission (APOC)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 109.

JOYCE ANDERSON, Administrator
Select Committee on Legislative Ethics
Legislative Agencies & Offices
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 109.

NORMAN COHEN, Staff
to Representative Max Gruenberg
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered information regarding amendment language during the hearing on HB 109.

REPRESENTATIVE BERTA GARDNER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented Amendment 11 during the hearing on HB 109.

JOHN FARLEIGH
Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of himself during the hearing on HB 109.

ACTION NARRATIVE

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at [8:02:59 AM](#). Representatives Roses, Coghill, Johansen, Johnson, Gruenberg, Doll, and Lynn were present at the call to order.

HB 109-DISCLOSURES & ETHICS

[Contains discussion of SB 13.]

[8:03:50 AM](#)

CHAIR LYNN announced that the only order of business was 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 the committee substitute (CS) for HB 109, Version 25-GH1059\K, Wayne, 2/21/07.]

[8:06:59 AM](#)

DAVID JONES, Senior Assistant Attorney General, Opinions, Appeals, & Ethics, Civil Division (Anchorage), Department of Law, reviewed that Section 2 of Version K would require electronic filing only of candidates for governor and lieutenant governor. He said there is an amendment from Governor Sarah Palin which, if adopted, would restore electronic filing for all campaign reports, with the exception of reports concerning municipal offices. The amendment would also change the governor's original proposal by eliminating the qualifier that circumstances be extraordinary to justify an exception. The third change would be to delay the effective date of electronic filing for campaign reports to May 1, 2009. The purpose of that date change, he explained, is to "encompass the full 18 month campaign period that precedes the 2010 general election." He said the governor, in response to feedback from her original bill, is now proposing a staggered implementation approach to setting mandatory electronic financial disclosure filing dates, as follows: July 1, 2007, for judicial and executive branch officials; July 1, 2008, for the legislative branch; and May 1, 2009, for campaign disclosures.

[8:10:02 AM](#)

CHAIR LYNN said he thinks that would be a substantial improvement over what [was proposed] previously.

[8:10:34 AM](#)

CHAIR LYNN moved to adopt Amendment 1 to Amendment 2, as follows:

On page 2, line 7, following "effect":

Delete "May 1, 2009"
Insert "July 1, 2007"

8:11:22 AM

REPRESENTATIVE GRUENBERG objected. He talked about areas of the state that may not be computer literate, and he said he thinks Amendment 1 to Amendment 2 would be a hardship for the "small candidate." He mentioned an amendment that he would be offering if Amendment 1 to Amendment 2 fails to be adopted.

8:13:12 AM

CHAIR LYNN said he thinks the state as a whole is computer literate.

8:13:34 AM

REPRESENTATIVE COGHILL objected to Amendment 1 to Amendment 2. He indicated that he would like to allow time to for the governor's graduated timing to work.

8:14:48 AM

REPRESENTATIVE JOHNSON said he would be offering an amendment upcoming that would require instant reporting.

8:15:16 AM

A roll call vote was taken. Representative Lynn voted in favor of Amendment 1 to Amendment 2. Representatives Coghill, Johansen, Johnson, Gruenberg, Doll, and Roses voted against it. Therefore, Amendment 1 to Amendment 2 failed by a vote of 1-6.

8:16:01 AM

REPRESENTATIVE GRUENBERG moved to adopt Amendment 2 to Amendment 2, labeled 25-GH1059\K.42, Wayne, 2/26/07, which read as follows [with a handwritten change]:

Page 2, lines 4 - 15:

Delete all material and insert:

"* **Sec. 2.** AS 15.13.040(m) is repealed and reenacted to read:

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

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

(A) mayor;
(B) planning commissioner;
(C) utility board member; or
(D) assembly, council, or school board member;

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

(3) information submitted before May 1, 2007, by an individual, group, nongroup entity, or municipality relating to a contribution, expenditure, or communication made for the purpose of influencing the outcome of a ballot proposition; in this paragraph, "proposition," in addition to its meaning in AS 15.60.010, includes

(A) a matter described in the definition of "proposition" under AS 15.13.010(d); and

(B) an issue described in the definition of "proposition" under AS 15.13.065(c);

(4) information submitted before May 1, 2009, by a candidate for governor or lieutenant governor."

Page 22, line 19:

Delete "Sections 2, 22, and 26"

Insert "Sections 22 and 26"

[8:16:12 AM](#)

REPRESENTATIVE JOHNSON objected for discussion purposes.

[8:16:19 AM](#)

REPRESENTATIVE GRUENBERG pointed out the handwritten change was to delete the word "extraordinary" on line 14 [as numbered on the amendment], because he said that was a typographical error. He said the amendment will retain the governor's amendment, but also "moves up to the current election cycle ballot

propositions." He said large statewide races are currently capable of reporting electronically. He stated, "There's a high public interest and a real public good for immediate electronic reporting of ballot propositions."

[8:17:21 AM](#)

MR. JONES said that although he has not had an opportunity to review Amendment 2 to Amendment 2 to ensure that "it does what we hope it does," he supports it in theory.

[8:17:46 AM](#)

BROOKE MILES, Executive Director, Alaska Public Offices Commission (APOC), in response to a question from Representative Coghill, said the May 1 date will work for APOC, because even if the news system is not operating on that date, the commission would set up the ballot groups with its Excel spreadsheet methodology, which works with the current database, and will work with the new database, as well.

[8:18:49 AM](#)

REPRESENTATIVE JOHNSON removed his objection. There being no further objection, Amendment 2 to Amendment 2 was adopted.

[8:19:39 AM](#)

COGHILL removed his objection to Amendment 2, [as amended]. There being no further objection, Amendment 2, as amended, was adopted.

[8:19:48 AM](#)

CHAIR COGHILL mentioned that Amendment 4 [not yet offered] addresses mandated reporting, and he indicated the possibility that "the amendment to the amendment needs to be conformed in this one as well."

The committee took an at-ease from [8:20:43 AM](#) to 8:22:44 AM.

[8:22:59 AM](#)

REPRESENTATIVE ROSES described the complicated nature of the bill and the numbering of amendments.

[8:24:00 AM](#)

MR. JONES said:

The purpose of this amendment is to make electronic filing mandatory for legislative financial disclosure - those that are filed each year with ... APOC. Similar to the changes that we proposed to the previous electronic filing provision, we've delayed the effective date until July 1 of 2008. This is the middle step of the three-step, staggered implementation approach. We've also dropped the requirement that circumstances be extraordinary to warrant an exception to the electronic filing requirement. So, in many ways, this amendment is similar to the one the committee just addressed, in that it would make electronic filing mandatory. Exceptions would be permitted when circumstances warranted - not extraordinary circumstances, but circumstances - and the effective date would be delayed. Rather than July 1, 2007, mandatory electronic filing would come about on July 1 of 2008 for the legislative financial disclosure.

[8:25:10 AM](#)

CHAIR LYNN suggested that the committee should adopt Amendment 3 for discussion purposes.

[8:25:24 AM](#)

REPRESENTATIVE COGHILL said he had just wanted to draw the amendment to the committee's attention, because if a policy call is made in one area, it should be consistent throughout the bill. Having said that, he suggested perhaps the committee should address the amendments in order.

[8:26:00 AM](#)

REPRESENTATIVE COGHILL moved to adopt Amendment 3, which read as follows:

Page 16, line 10, following "Commission":
Delete "may request"
Insert "shall require"

Page 16, line 11, following "but":
Delete "shall"

Insert "may, when circumstances warrant an exception,"

Page 22, following line 18:

Insert a new bill section to read:

"* **Sec. 33.** Section 22 of this Act takes effect July 1, 2008."

Renumber the following bill sections accordingly.

Page 22, line 19, following "Sections 2,"

Delete "22"

[8:26:35 AM](#)

REPRESENTATIVE JOHNSON objected.

[8:26:45 AM](#)

REPRESENTATIVE GRUENBERG directed attention to page 16, lines 9-14, of Version K, which would "amend Section 22." He turned to line 16, as numbered on Amendment 3, which would provide that "this section takes effect July 1, 2008." He said Amendment 2 would take affect for legislative candidates on July 1, 2009. He stated his belief that it was necessary to amend Amendment 3 so that it read 2009, in order to conform to Amendment 2. He asked Mr. Jones for confirmation.

[8:27:56 AM](#)

MR. JONES said he does not believe that is correct. He stated, "I believe that what we're referring to here are the annual financial disclosures required of legislators and legislative directors, and public members of the Select Committee on Legislative Ethics, as opposed to candidates for legislative office or other office."

[8:28:18 AM](#)

CHAIR LYNN moved Amendment 1 to Amendment 3, to change the effective date to July 1, 2007.

[8:28:52 AM](#)

REPRESENTATIVE COGHILL objected.

REPRESENTATIVE JOHNSON objected.

A roll call vote was taken. Representative Lynn voted in favor of Amendment 1 to Amendment 3. Representatives Johansen, Johnson, Gruenberg, Doll, Roses, and Coghill voted against it. Therefore, Amendment 1 to Amendment 3 failed by a vote of 1-6.

[8:30:13 AM](#)

REPRESENTATIVE JOHNSON removed his objection to Amendment 3. There being no further objection, Amendment 3 was adopted.

[8:30:29 AM](#)

REPRESENTATIVE GRUENBERG [moved to adopt] Amendment [4], which read as follows:

Page 19, line 16, following "commission":

Delete "may request"

Insert "shall require"

Page 19, line 17, following "chapter":

Insert ", unless it is information required of a municipal officer,"

Page 19, line 17, following "but":

Delete "shall"

Insert "may, when circumstances warrant an exception,"

Page 19, following line 20:

Insert "Municipal officers must submit information required under this chapter electronically or in the typed or hand-printed form described in this subsection."

Page 19, lines 21 - 27:

Delete all material.

[8:31:41 AM](#)

MR. JONES reviewed that Amendment 4 proposes an electronic filing requirement that would apply to the annual financial disclosures that are filed with APOC by members of the executive branch in high-level positions, by judicial officers, and by certain municipal officers. The amendment would return to an effective date of July 1, 2007.

[8:33:22 AM](#)

REPRESENTATIVE GRUENBERG said Amendment 4 would expand the language of the bill to include "the other high-level executives," which he said is an amendment not considered by the subcommittee. He said he hopes the committee will support the amendment.

[8:33:52 AM](#)

CHAIR LYNN asked if there was any objection to Amendment 4. There being none, Amendment 4 was adopted.

The committee took an at-ease from [8:34:03 AM](#) to [8:34:55 AM](#).

REPRESENTATIVE JOHNSON directed attention to Amendment 5, labeled, "25-GH1059\K.6, Wayne, 2/21/07," which read as follows:

Page 2, following line 15:

Insert new bill sections to read:

"* **Sec. 3.** AS 15.13.078(c) is amended to read:

(c) On and after the date determined under AS 15.13.110 as the last day of the period ending three days before the due date of the report required to be filed under AS 15.13.110(a)(1) **for expenditures** and until the date of the election for which the report is filed, a candidate may not give or loan to the candidate's campaign the candidate's money or other thing of value of the candidate in an amount that exceeds \$5,000.

* **Sec. 4.** AS 15.13.110(a) is amended to read:

(a) Each candidate, group, and nongroup entity shall make a full report **of expenditures** in accordance with AS 15.13.040 for the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. If the report is a first report, it must cover the period from the beginning of the campaign to the date three days before the due date of the report. If the report is a report due February 15, it must cover the period beginning on the last day covered by the most recent previous report or on the day that the campaign started, whichever is later, and ending on February 1 of that year. The report shall be filed

(1) 30 days before the election; however, this report is not required if the deadline for filing a nominating petition or declaration of candidacy is within 30 days of the election;

(2) one week before the election;
(3) 105 days after a special election; and
(4) February 15 for expenditures made [AND CONTRIBUTIONS RECEIVED] that were not reported previously, including, if applicable, all amounts expended from a public office expense term account established under AS 15.13.116(a)(8) and all amounts expended from a municipal office account under AS 15.13.116(a)(9), or when expenditures were not made [OR CONTRIBUTIONS WERE NOT RECEIVED] during the previous year.

* **Sec. 5.** AS 15.13.110(b) is amended to read:

(b) Each contribution [THAT EXCEEDS \$250 AND] that is made within nine days of the election shall be reported to the commission by date, amount, and contributor within 24 hours of receipt by the candidate, group, campaign treasurer, or deputy campaign treasurer. Each contribution to a nongroup entity for the purpose of influencing the outcome of an election [THAT EXCEEDS \$250 AND] that is made within nine days of the election shall be reported to the commission by date, amount, and contributor within 24 hours of receipt by the nongroup entity.

* **Sec. 6.** AS 15.13.110(e) is amended to read:

(e) A group formed to sponsor an initiative, a referendum or a recall shall report 30 days after its first filing with the lieutenant governor. Thereafter each group shall report all contributions received within 72 hours after receipt and shall report within 10 days after the end of each calendar quarter on the [CONTRIBUTIONS RECEIVED AND] expenditures made during the preceding calendar quarter until reports are due under (a) of this section."

Renumber the following bill sections accordingly.

Page 22, line 9:

Delete "29"

Insert "33"

Page 22, line 10:

Delete "29"

Insert "33"

Page 22, line 11:

Delete "30"

Insert "34"

Page 22, line 14:
Delete "30"
Insert "34"

Page 22, line 15:
Delete "31"
Insert "35"

Page 22, line 18:
Delete "31"
Insert "35"

Page 22, line 19:
Delete "22, and 26"
Insert "26, and 30"

Page 22, line 20:
Delete "33"
Insert "37"

REPRESENTATIVE JOHNSON stated, "This is the attempt to have total transparency in government." He said it eliminates the need for "that last-minute rush" related to reporting.

[8:36:47 AM](#)

REPRESENTATIVE JOHNSON moved to adopt Amendment 5.

REPRESENTATIVE JOHNSON, in response to Chair Lynn, said the amendment provides for reporting within 72 hours of receiving money, which would take care of weekends and holidays. He added that he is not "locked into the 72 hours."

[8:37:46 AM](#)

REPRESENTATIVE ROSES objected to Amendment 5.

[8:37:57 AM](#)

MS. MILES said APOC has not had a chance to review Amendment 5. She continued:

I could say that in discussions regarding electronic filing, the commission has always thought that probably once instrumented and being used by almost

all of the filers, a result would be more frequent campaign disclosure reporting, because it wouldn't make as much sense for the 18 months during which candidates are permitted to campaign to stick with the 30-day, 7-day, year-end. Other than that, this is the kind of policy issue that's most appropriate before your committee.

[8:38:43 AM](#)

REPRESENTATIVE COGHILL stated, "If I had a lack of confidence that we could put it together under the staggered approach, this makes it even worse." He said he agrees with the concept, but indicated that he would like a more gradual approach, giving time for "the bugs" to be worked out before asking APOC to take this on. He said this is a fundamental shift, one which he proposed several year ago before coming to the realization that "the world doesn't travel as fast as our ideas." He said he would vote against Amendment 5.

[8:39:56 AM](#)

REPRESENTATIVE ROSES concurred with Representative Coghill. He said if APOC cannot get the software in place for the electronic voting in time, then everyone who must file will be out of compliance without having any intention of being so.

[8:40:49 AM](#)

REPRESENTATIVE JOHNSON clarified that he is proposing a system that would not require APOC to do anything; it is a system used currently in other states. He said it is a web-based system that a person can log onto, enter information, and then transmit that information to APOC.

[8:41:37 AM](#)

CHAIR LYNN asked how much the system would cost and whether the state would be locked into using one software provider.

REPRESENTATIVE JOHNSON replied that there are several companies available. He said, "When Los Angeles was trying to develop their own software, they were looking at ... about \$123,000 ... development [only] cost, and the total package on this was under \$100,000." He said the system he is proposing is less expensive and could result in a positive fiscal note.

[8:42:45 AM](#)

MS. MILES, in response to a question from Representative Coghill, said APOC belongs to the Council on Governmental Ethics Laws, which she said is the national, professional organization for entities like APOC that exist in all 50 states. She said the subject of electronic filing is always a big issue at conferences. She said she had not been familiar with the filing system to which Representative Johnson referred, but his staff provided information to her. From what she has read, she relayed, the system is excellent for Federal Election Commission (FEC) reporting. She noted that "the charge is to each candidate or each group" rather than to the state. She said that during the 2006 election, the governor and lieutenant governor worked with outside groups that did their electronic filing, and those groups sent the data to APOC. She reported, "It worked seamlessly with our database; it was great."

[8:44:00 AM](#)

CHAIR LYNN asked what it would cost him in his next campaign.

[8:44:09 AM](#)

REPRESENTATIVE JOHNSON said that is something that could be discussed. He explained that his vision was not that the candidate would pay for that cost, but that it would be paid for by the state. The savings, he said, would come from not needing as many people to work as clerks and data entry workers.

[8:44:36 AM](#)

REPRESENTATIVE GRUENBERG indicated that he would like to discuss a portion of Amendment 5, and he asked Ms. Miles if she had a copy of the amendment.

The committee took an at-ease from [8:45:09 AM](#) to [8:46:18 AM](#).

[8:46:18 AM](#)

CHAIR LYNN said Amendment 5 proposes an interesting concept, which could be considered in the future.

[8:46:37 AM](#)

REPRESENTATIVE JOHNSON withdrew Amendment 5, but stated that he thinks the concept of the amendment is "a thing whose time is

coming." He said an important first step in having transparency in elections is to account for every penny as quickly as possible. He said he will refine his amendment and take it to the next committee of referral. He added that he may even introduce the idea as separate legislation.

[8:47:28 AM](#)

The committee took an at-ease from [8:47:56 AM](#) to [8:48:20 AM](#).

[8:49:18 AM](#)

REPRESENTATIVE ROSES moved to adopt Amendment 6, which read as follows [original punctuation provided]:

Page 4, following line 2:

Insert new bill sections to read:

*** Sec. 5.** AS 24.45.121(a) is amended to read:

(a) A lobbyist may not

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

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

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

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

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

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

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

(8) serve as a campaign manager or director, serve as a campaign treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising event, directly or indirectly collect

contributions for, or deliver contributions to, a candidate, or otherwise engage in the fund-raising activity of a legislative campaign or campaign for governor or lieutenant governor if the lobbyist has registered, or is required to register, as a lobbyist under this chapter, during the calendar year; this paragraph does not apply to a representational lobbyist as defined in the regulations of the Alaska Public Offices Commission, and does not prohibit a lobbyist from making personal contributions to a candidate as authorized by AS 15.13 or personally advocating on behalf of a candidate;

(9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person covered by AS 24.60, during a legislative session, a gift, other than food or beverage for immediate consumption; however, this paragraph does not prohibit a lobbyist from providing, during a legislative session or at any other time of the year, tickets to a charity event described in AS 24.60.080(c)(10), or a contribution to a charity event under AS 24.60.080(c)(11);

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

"* **Sec. 6.** AS 24.45.121 is amended by adding a new subsection to read:

(d) An individual may not engage in any activity as a lobbyist at any time that AS 39.52 prohibits that individual from engaging in activity as a lobbyist. This subsection does not prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission."

Renumber the following bill sections accordingly.

[8:50:02 AM](#)

REPRESENTATIVE JOHNSON and REPRESENTATIVE GRUENBERG objected.

[8:50:14 AM](#)

MR. JONES said Amendment 6 is a clean-up provision that would give APOC reciprocal enforcement authority to enforce provisions that exist within the bill. For example, he said there is a provision in Section 28 of the bill that "makes it presumptively

illegal for an executive branch officer to accept a gift from a lobbyist. Amendment 6 would make it illegal for a lobbyist to "offer or make a gift that would violate that provision." The second part of Amendment 6, he noted, would permit APOC to refuse registration from a lobbyist who is not permitted by law to serve as a lobbyist. That provision relates to Section 30 of Version K, he indicated.

[8:52:12 AM](#)

MS. MILES, in response to a request from Representative Gruenberg, confirmed that [Amendment 6] is agreeable to APOC.

[8:52:16 AM](#)

CHAIR LYNN moved to adopt Amendment 1 to Amendment 6, which read as follows [original punctuation provided]:

Page 4 Line 4

delete: spouse or domestic partner

replace with immediate family members

Page 4 Line 5

delete: spouse or domestic partner

replace with immediate family members

[8:53:25 AM](#)

REPRESENTATIVE GRUENBERG as a point of order, suggested that Chair Lynn withdraw his amendment and offer it as a separate amendment, because he said, "It doesn't have anything to do with proposed Amendment 6."

MR. JONES, in response to Chair Lynn, said he has not been able to locate those phrases [in Amendment 1 to Amendment 6] within Amendment 6.

[8:53:41 AM](#)

REPRESENTATIVE COGHILL clarified the purpose of Representative Gruenberg's point of order as follows:

In the bill, on page 4, Section 5, the first sentence deals with spouse or domestic partner. So, this amendment certainly deals with that section, but it doesn't deal with the language that's in the actual bill.

[8:54:17 AM](#)

CHAIR LYNN withdrew Amendment 1 to Amendment 6.

REPRESENTATIVE JOHNSON removed his objection to Amendment 6.

REPRESENTATIVE GRUENBERG removed his objection to Amendment 6.

[There being no further objection, Amendment 6 was adopted.]

[8:55:13 AM](#)

CHAIR LYNN moved to adopt Amendment 7 [text provided previously as Amendment 1 to Amendment 6].

REPRESENTATIVE COGHILL objected.

[8:56:07 AM](#)

MR. JONES, in response to a request from Representative Coghill, cited AS 24.45.171(6), which read as follows:

(6) "immediate family" means the spouse and dependent children of an individual;

CHAIR LYNN said, "What I was looking for, Mr. Jones, was Title 24.60.990."

[8:56:41 AM](#)

MR. JONES offered his understanding that [Amendment 7] would amend AS 24.45.121. He stated his concern that the definition section in [AS] 24.45.171 would "supersede in the general provisions in [AS] 24.60.990." He continued:

Because .171 controls for chapter 45, perhaps this amendment wouldn't reach the result that you intended, because there's already a definition of immediate family in .171 - it says, "spouse and dependent children". And were you to amend .990 to define immediate family, that wouldn't necessarily apply to the provisions within chapter 45.

CHAIR LYNN observed Ms. Miles "nodding her head in the affirmative."

REPRESENTATIVE COGHILL indicated that [AS] 24.45.171(6) fulfills the "spirit" of Chair Lynn's amendment, if not going to "the exact depths."

[8:58:01 AM](#)

CHAIR LYNN withdrew Amendment 7, with the intent to consider it again in another committee of referral. He indicated that the amendment was produced in response to a concern expressed by one of his constituents.

The committee took an at-ease from [8:59:11 AM](#) to [9:02:23 AM](#).
24.60.030

[9:02:25 AM](#)

REPRESENTATIVE COGHILL noted Section 6 of the bill cleans up language in order to comply with Chapter 60 - standard of conduct. He offered his understanding that the subcommittee recommends the language of Section 6.

[9:02:59 AM](#)

CHAIR LYNN, after ascertaining that there was no objection to Section 6 of Version K, reviewed Section 7, which is outlined in the sectional analysis [included in the committee packet] as follows:

Sec. 7. Adds a prohibition to a legislator preventing him from sending a newsletter to constituents within a 30-day window prior to a state election.

[9:03:27 AM](#)

REPRESENTATIVE GRUENBERG said he has a problem with Section 7, and he referenced page 6 of Version K.

[9:03:59 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 8, labeled 25-GH1059\K.14, Cook/Wayne, 2/21/07, which read as follows:

Page 6, line 11:

Delete "Alaska Legislative Council"

Insert "committee [ALASKA LEGISLATIVE COUNCIL];

Page 10, line 1:

Delete "Alaska Legislative Council"

Insert "committee [ALASKA LEGISLATIVE COUNCIL]"

[9:04:18 AM](#)

REPRESENTATIVE JOHNSON objected.

[9:04:47 AM](#)

JOYCE ANDERSON, Administrator, Select Committee on Legislative Ethics, Legislative Agencies & Offices, said Amendment 8 was recommended by the Select Committee on Legislative Ethics. She reviewed that the Alaska Legislative Council approves charity events put on by those registered as 501(c)(3) [nonprofit] entities, and in doing so makes it allowable for a legislator or a legislative employee to receive a ticket from a lobbyist [to that charity event]. Prior to that practice, she said, a legislator or legislative employee was only allowed to receive food or beverage from a lobbyist during a legislative session. In response to Chair Lynn, she said some examples of a charity event might be the American Red Cross Ball, the Thanksgiving in March event, or other similar events. The proceeds of those events go to charity. She explained that the reason for the Select Committee on Legislative Ethics' support of Amendment 8 as follows:

There have been a couple times where the information [regarding] when a charity event is approved has not been transmitted either to the Select Committee on Legislative Ethics or APOC. ... Both of our agencies receive a lot of calls from legislators, and APOC from lobbyists, wondering if they can give tickets to legislators or legislators wondering if they can receive tickets from lobbyists. And so, the committee felt that to have the information in one central location, the approval by the Select Committee, and then the dissemination of information by the Select Committee would make it easier and make it quicker.

There have been a couple times where the Select Committee was not aware that a charity event was approved for up to three weeks. ... That information was given incorrectly to legislators and ... to lobbyists. In my discussion with Representative Coghill, we talked about possibly ... not changing legislation - that's up to the [House State Affairs

Standing] Committee, of course. ... Another alternative would be ... to develop an internal policy within [the Alaska] Legislative Council to make sure that the two proper agencies - APOC and the Select Committee - are notified immediately when this occurs, so that information could be disseminated correctly.

[9:07:39 AM](#)

CHAIR LYNN observed that the fact that so many legislators and lobbyists call [either APOC or the Select Committee on Legislative Ethics] shows that people have a positive intent to be honest.

[9:07:49 AM](#)

REPRESENTATIVE COGHILL listed three issues about which he feels strongly. First, he said he thinks legislators should be the ones deciding what kind of charity event is taking place, thus the Alaska Legislative Council is "the right place." He concurred that there is a communication problem, and he supported the council's having a policy whereby it gets pertinent information to the Select Committee on Legislative Ethics in a timely manner. He said he is "nervous about giving more authority to the [Select Committee on Legislative Ethics]."

REPRESENTATIVE COGHILL stated his objection to Amendment 8.

[9:09:47 AM](#)

REPRESENTATIVE GRUENBERG suggested removing Amendment 8 and instead sending a letter of intent requesting that the Alaska Legislative Council adopt a policy of immediate communication with the Select Committee on Legislative Ethics and APOC. He asked Ms. Anderson if that would allay her concerns.

[9:10:09 AM](#)

MS. ANDERSON said she believes it would. She pointed out that the Alaska Legislative Council's policy also includes that the chair of the council is allowed to authorize a charity event prior to a full council meeting. She illustrated how that scenario could play out.

[9:11:12 AM](#)

REPRESENTATIVE COGHILL objected to the idea of the letter of recommendation. He said he sits on the Alaska Legislative Council and will personally make it his business to bring up the issue.

[9:11:54 AM](#)

REPRESENTATIVE GRUENBERG withdrew Amendment 8. He said he and his staff would speak with Representative Coghill, Ms. Anderson, and Ms. Miles to "see what we can do," and then he said he would report back to the committee. In response to a suggestion by Chair Lynn, he agreed that the matter could be brought before the House Judiciary Standing Committee.

The committee took an at-ease from 9:13:36 AM to [9:17:54 AM](#).

[9:17:56 AM](#)

REPRESENTATIVE COGHILL moved to adopt Amendment 9, labeled 25-GH1059\K.41, Wayne, 2/22/07, which read as follows:

Page 7, following line 14:

Insert a new bill section to read:

"* **Sec. 8.** AS 24.60.030(f) is amended to read:

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

Renumber the following bill sections accordingly.

Page 22, line 9:
Delete "sec. 29"
Insert "sec. 30"

Page 22, line 10:
Delete "sec. 29"
Insert "sec. 30"

Page 22, line 11:
Delete "sec. 30"
Insert "sec. 31"

Page 22, line 14:
Delete "sec. 30"
Insert "sec. 31"

Page 22, line 15:
Delete "sec. 31"
Insert "sec. 32"

Page 22, line 18:
Delete "sec. 31"
Insert "sec. 32"

Page 22, line 19:
Delete "22, and 26"
Insert "23, and 27"

Page 22, line 20:
Delete "sec. 33"
Insert "sec. 34"

[9:18:45 AM](#)

REPRESENTATIVE GRUENBERG objected for discussion purposes.

[9:19:56 AM](#)

MS. ANDERSON stated that currently, when legislators file their financial disclosure with APOC, they are required to list all boards and commissions upon which they serve, whereas the ethics code simply requires disclosure of those boards and commissions that may "have an interest in legislation." The difference[s] in standards, she said, make it confusing for those trying to

report correctly. Amendment 9 was a suggestion made by the Select Committee on Legislative Ethics to make the standard of disclosure to both entities the same - to match APOC's disclosure requirement.

[9:20:37 AM](#)

REPRESENTATIVE GRUENBERG objected to [Amendment 9]. He referred to page 1, line 7 [as numbered on the amendment, which is the beginning of language to be deleted, which read as follows]:

[THAT REGULARLY HAS A SUBSTANTIAL INTEREST IN THE LEGISLATIVE ACTIVITIES OF THE LEGISLATOR OR EMPLOYEE IF THE LEGISLATOR OR EMPLOYEE DISCLOSES]

REPRESENTATIVE GRUENBERG stated:

Currently, the only boards and commissions you have to disclose are those that have a substantial interest in legislative activities. There's no reason a person should have to disclose if they're on a church board or some kind of a little society that has nothing at all to do with the legislature.

[9:21:44 AM](#)

REPRESENTATIVE COGHILL asked Ms. Anderson if she knows the reason for the deleted language in Amendment 9.

[9:21:52 AM](#)

MS. ANDERSON said that is language that was taken out by Legislative Legal and Research Services. In response to Representative Coghill, she said she would have no objection to that language being restored.

REPRESENTATIVE COGHILL asked Representative Gruenberg if he would have any objection to Amendment 9 if that language were restored.

[REPRESENTATIVE GRUENBERG shook his head.]

[9:23:40 AM](#)

REPRESENTATIVE GRUENBERG moved Amendment 1 to Amendment 9 to retain the deleted language [text provided previously].

[9:24:35 AM](#)

REPRESENTATIVE ROSES questioned if the intent was to remove the preceding words, "shall disclose".

REPRESENTATIVE GRUENBERG said, "That would be a separate subject."

CHAIR LYNN asked if there was any objection to [Amendment 1 to Amendment 9]. There being none, it was so ordered.

[9:25:15 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to Amendment 9, [as amended]. There being no further objection, Amendment 9, as amended, was adopted.

[9:25:47 AM](#)

REPRESENTATIVE ROSES reiterated his concern regarding having left the words "shall disclose" in Amendment 9, as amended. He read aloud to the committee how the language sounds with those words still intact.

[9:25:52 AM](#)

REPRESENTATIVE GRUENBERG agreed that leaving those words in makes no grammatical sense. He initiated a suggestion to move the words "shall disclose" after the reinstated language; however, after reading it, he requested that Representative Coghill withdraw Amendment 9 [as amended] in order that this portion of the amendment can be redrafted to be grammatically correct.

[9:27:06 AM](#)

REPRESENTATIVE COGHILL said the language needs to be worked out, and said, "So, I would suggest we withdraw it."

[9:27:29 AM](#)

REPRESENTATIVE GRUENBERG restated his original request as follows: "I would ask that we table this amendment until the first order of business the next time we meet, and by then we'll have a new draft."

CHAIR LYNN announced that without objection, [Amendment 9, as amended, was tabled].

[9:27:44 AM](#)

CHAIR LYNN ascertained that the committee had no amendments to offer pertaining to Sections 8 through 11 of Version K, which are outlined in the sectional analysis as follows [original punctuation provided]:

Sec. 8. Replaces it "written report" with "disclosure" to make language consistent with other sections of the statutes.

Allows a quorum of the committee to refrain from publishing disclosures that would be considered an invasion of the discloser's privacy. Currently a person who is a participant of the Violent Crimes Compensation program would have to disclose and the committee has determined they don't have the authority to withhold publication of a name.

Adds language requiring gift disclosures to be published in the journal along with other with other disclosures.

Sec. 9. Eliminates the requirement of a legislator to file a close economic relationship with a lobbyist. Section 5 prohibits a spouse or domestic partner of a legislator from lobbying, eliminating the ability for a legislator to have close economic relationship.

Sec. 10. Special discounts are given to legislators and their staff to make the stay during session more affordable. An example is reduced rates at a local athletic club. This amendment adds the office of victims' rights to the list of legislative employees that do not qualify for the discounts.

Sec. 11. Adds gifts of legal services and gifts to family members because of their relationship with a legislator to the disclosures that are maintained for public record and forwarded to APOC.

[9:32:04 AM](#)

REPRESENTATIVE GRUENBERG directed attention to an amendment labeled 25-GH1059\K.15, Cook/Wayne, 2/21/07, which read as follows:

Page 10, following line 30:

Insert a new bill section to read:

"* **Sec. 12.** AS 24.60.080(e) is amended to read:

(e) A political contribution is not a gift under this section if it is reported under AS 15.13.040 [OR IS EXEMPT FROM THE REPORTING REQUIREMENT UNDER AS 15.13.040(g)]. The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to that legislator under this section."

Renumber the following bill sections accordingly.

Page 22, line 9:

Delete "sec. 29"

Insert "sec. 30"

Page 22, line 10:

Delete "sec. 29"

Insert "sec. 30"

Page 22, line 11:

Delete "sec. 30"

Insert "sec. 31"

Page 22, line 14:

Delete "sec. 30"

Insert "sec. 31"

Page 22, line 15:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 18:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 19:

Delete "22, and 26"

Insert "23, and 27"

Page 22, line 20:

Delete "sec. 33"

Insert "sec. 34"

REPRESENTATIVE GRUENBERG said the amendment would add a new Section 12 to the bill.

[9:32:48 AM](#)

NORMAN COHEN, Staff to Representative Max Gruenberg, Alaska State Legislature, offered his understanding that the amendment addresses the intent to take out the \$5,000 exceptions under [AS] 15.30.040(g) and cover both legislators and municipal officers. He said, "It may have to be conforming to an action you took last week." In response to a question from Representative Gruenberg, he said he is not certain the amendment is correctly drafted in terms of the amendments that have already been adopted related to Title 15.

[9:34:10 AM](#)

REPRESENTATIVE GRUENBERG said he would not offer the amendment labeled 25-GH1059\K.15, Cook/Wayne, 2/21/07, at this time.

[9:34:25 AM](#)

REPRESENTATIVE COGHILL said, "I think there [are] other amendments along the way that are going to fix this."

[9:34:42 AM](#)

CHAIR LYNN asked the committee if there were any amendments for Section 12, which is summarized in the sectional analysis as follows [original punctuation provided]:

Sec. 12. Requires a legislator or legislative employee to disclose to the Ethics Committee gifts received by family members because of their relationship with a legislator or legislative employee. The disclosure is to be maintained for public record by the Ethics Committee and forwarded to APOC for online public disclosure.

REPRESENTATIVE COGHILL remarked that the amendment in the committee packet labeled 25-GH1059\K.16, Cook/Wayne, 2/21/07 would not be offered.

CHAIR LYNN mentioned an amendment labeled 25-GH1059\K.17, Cook/Wayne, 2/21/07.

REPRESENTATIVE COGHILL recollected, "He had asked me to not offer this one."

CHAIR LYNN ascertained that there were no amendments to be offered for Sections 13 through 15. He stated the purpose of each section as shown in the sectional analysis, which read as follows [original punctuation provided]:

Sec. 13. Cleanup language

Sec. 14. This amendment requires all disclosures to be filed within 30 days of the association or interest. Filing dates for ethics disclosures are very confusing. Some disclosures are required within 30 days of association at certain times of the year, some annually, and no disclosure [sic] are required during the timeframe of 30 days prior to the end of the session.

Sec. 15. Under existing law, once a person leaves service, they no longer are bound by disclosure laws. This new section would require them to report all matters subject to disclosure under 24.60 while they were in public service regardless of the fact they are no longer in service. The ethics committee issued an advisory opinion on December 4, 2006 that sets policy consistent with this change in statute.

CHAIR LYNN reviewed the purpose of Section 16, as shown on the sectional analysis, which read as follows [original punctuation provided]:

Sec. 16. Allows the chair of the committee or a subcommittee to designate the alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the chair can only appoint the alternate if the regular member has a conflict with an with an [sic] item on the meeting agenda.

[9:39:15 AM](#)

MS. ANDERSON said the Select Committee on Legislative Ethics recommended Section 16 after receiving an opinion from Legislative Legal and Research Services. She stated that

Section 16 would help the Select Committee on Legislative Ethics hold meetings and put forth more information in a timely manner.

[9:40:03 AM](#)

CHAIR LYNN indicated that in response to Ms. Anderson's concerns, Amendment 10, labeled 25-GH1059\K.40, Wayne, 2/23/07, was drafted, which read as follows:

Page 13, following line 9:

Insert a new bill section to read:

"* **Sec. 17.** AS 24.60.130 is amended by adding a new subsection to read:

(p) Notwithstanding (h) and (n) of this section, if a complaint before the committee alleges a violation of this chapter by a group of legislators that includes a legislative member of the committee and that member's alternate, the member and alternate member are disqualified from serving on the committee with regard to the complaint. If the two disqualified members of the committee are part of the majority caucus, the presiding officer of the house in which the two disqualified members serve shall appoint from that house an alternate to serve with regard to the complaint. If one of the two disqualified legislative members of the committee is not part of the majority caucus, the leader of the minority caucus with the greatest number of members shall appoint from that house an alternate to serve with regard to the complaint. If a complaint alleges a violation of this chapter that includes all legislative members of the majority caucus of one house, the presiding officer of that house shall appoint from the other house an alternate to serve with regard to the complaint. If the complaint alleges a violation of this chapter that includes all legislative members of a minority caucus of one house, the leader of that minority caucus shall appoint from the other house an alternate to serve with regard to the complaint. In this paragraph, "caucus" has the meaning given in AS 24.60.037."

Renumber the following bill sections accordingly.

Page 22, line 9:

Delete "sec. 29"

Insert "sec. 30"

Page 22, line 10:
Delete "sec. 29"
Insert "sec. 30"

Page 22, line 11:
Delete "sec. 30"
Insert "sec. 31"

Page 22, line 14:
Delete "sec. 30"
Insert "sec. 31"

Page 22, line 15:
Delete "sec. 31"
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Delete "sec. 31"
Insert "sec. 32"

Page 22, line 19:
Delete "22, and 26"
Insert "23, and 27"

Page 22, line 20:
Delete "sec. 33"
Insert "sec. 34"

[9:40:40 AM](#)

MS. ANDERSON spoke to Amendment 10. She explained that Amendment 10 would allow either the Speaker of the House or the Senate President to appoint someone from the other body of either the Majority or Minority to sit in on the Select Committee on Legislative Ethics so that there would be representation by the Majority.

[9:41:32 AM](#)

CHAIR LYNN moved to adopt Amendment 10 [text provided previously].

[9:41:39 AM](#)

REPRESENTATIVE COGHILL objected. He asked, "It is true that the Speaker [of the House] gets to appoint; but if the speaker then

is under that same ethics cloud of accusation, what would be anticipated at this point?" He added, "Because that's the actual scenario we were under."

[9:42:20 AM](#)

MS. ANDERSON said that is a good point. She stated her assumption, based on the language [of Amendment 10], that even though the Speaker of the House may be included in the complaint, he/she would still have the authority to appoint a Majority member of the other body. She said she supposes that is a policy decision that has to be made by legislators. She indicated that the bottom line for the Select Committee on Legislative Ethics is that there remain representation from both bodies of the legislature.

[9:42:54 AM](#)

REPRESENTATIVE COGHILL said he hopes this scenario never reoccurs. He removed his objection to Amendment 10.

The committee took an at-ease from [9:43:44 AM](#) to [9:44:18 AM](#).

[9:44:34 AM](#)

CHAIR LYNN announced that [there being no further objection], Amendment 10 was adopted.

[9:45:27 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 11, which read as follows [original punctuation provided]:

Page 2, line 9, after the word "Sec.2."

Insert:

AS 24.60.085 is amended by adding a new subsection to read:

(c) During the term for which elected or appointed and for one year thereafter, a legislator may not, directly or by authorizing another to act on the legislator's behalf, accept or agree to accept compensation, except from the State of Alaska, for work associated with legislative action or administrative action, as those terms are defined in AS 24.45.171, or political action as defined in AS 24.60.990.

[9:45:44 AM](#)

REPRESENTATIVE JOHNSON objected.

[9:45:50 AM](#)

REPRESENTATIVE BERTA GARDNER, Alaska State Legislature, having brought Amendment 11 for the committee's review, said the idea behind the amendment is that legislators paid by the state should do legislative work and should not enter into an agreement with any other party to be paid for legislative work. She offered examples.

CHAIR LYNN asked Representative Gardner to confirm that such a provision does not already exist.

REPRESENTATIVE GARDNER offered her understanding that it does not.

CHAIR LYNN pondered whether this issue may not already be covered someplace else under current legislation or elsewhere under HB 109.

REPRESENTATIVE COGHILL said he agrees with the concept that legislators should not be paid [by outside sources] to do state work.

[9:47:46 AM](#)

REPRESENTATIVE GARDNER, in response to a question from Representative Coghill, relayed that [Amendment 11] suggests a prohibition on certain types of paid compensation during a legislator's term in office. It would also extend that prohibition to one year after leaving office. She pointed out that legislators are currently prohibited from lobbying on a state level for one year after leaving office. She commented that there has been legitimate debate surrounding the topic of which definitions to use to define political and legislative action. Those actions are currently defined in different areas of existing state code.

CHAIR LYNN asked if "waiving a sign at the corner" would be included.

REPRESENTATIVE GARDNER responded, "I think it would be if you were paid for it."

[9:48:59 AM](#)

REPRESENTATIVE COGHILL said he struggles with the definition section.

[9:49:17 AM](#)

MS. ANDERSON said the definitions that are referred to in Amendment 11 are found in AS 24.45.171, which is not the ethics code. The definitions used by APOC, she said, are a little clearer, and those are the definitions that the Senate Judiciary Committee was considering. She said, "But I just wanted to point out it's a different definition than you and I have talked about with legislative and administrative in the ethics code."

[9:50:08 AM](#)

REPRESENTATIVE GARDNER said she is not personally committed to any particular definition, but rather she wants clarification about what is acceptable behavior.

[9:50:26 AM](#)

REPRESENTATIVE ROSES recalled that the subcommittee had set aside Amendment 11 because it was trying to debate whether or not it preferred the language under [HB 109] or the language that came out of SB 13, offered by Senator Gary Stevens. He said "this particular language" goes further by prohibiting the providing of consulting services.

[9:51:14 AM](#)

MS. ANDERSON told Representative Roses that the Senate Judiciary Committee changed the language yesterday. In response to a question from Representative Roses, she said, "They were working on ... the two definitions that are now in this amendment." In response to a follow-up question, she said she does not have a copy of the Senate's work at this time.

REPRESENTATIVE COGHILL stated, "That's way too much on the fly for me." He said he is uncomfortable adopting something that the committee doesn't quite understand. He maintained his objection to Amendment 11.

REPRESENTATIVE GRUENBERG asked Representative Gardner what action she would like to see the committee take.

REPRESENTATIVE GARDNER emphasized the importance of the issue and said she wants to see it in HB 109 before the bill is moved out of committee.

[9:52:56 AM](#)

CHAIR LYNN said he thinks both Representative Coghill and Representative Gruenberg agree with him that the intent of Amendment 11 is good, and he and they serve on the House Judiciary Standing Committee; therefore, he recommended addressing the issue in that next committee of referral.

REPRESENTATIVE COGHILL concurred, while cautioning against moving too many issues along to the next committee of referral.

[9:55:00 AM](#)

REPRESENTATIVE GRUENBERG moved to table Amendment 11. [There being no objection, Amendment 11 was tabled.]

[9:56:23 AM](#)

CHAIR LYNN referred to amendments addressing AS 39.50.030(b) and AS 24.60.200.

REPRESENTATIVE COGHILL suggested that the weight of the matter in those amendments would need more time to discuss than the remaining meeting time would allow.

[9:57:36 AM](#)

MR. JONES said the two amendments relating to AS 24.60.200 and AS 39.52.030 were originally labeled "Governor's Amendments 3 and 5," respectively.

[9:57:56 AM](#)

CHAIR LYNN announced that Governor's Amendment 5 would be called Amendment 12, and Governor's Amendment 3 would be called Amendment 13.

[9:58:22 AM](#)

REPRESENTATIVE GRUENBERG said, "I don't see any mention of [AS] 39.50.030(b) in that; it's just \$5,000 to \$1,000."

CHAIR LYNN curtailed further discussion in order to hear from a witness waiting to testify.

9:58:45 AM

JOHN FARLEIGH, testifying on behalf of himself, said he is a fourth-generation Alaskan, and he is thrilled that the legislature is addressing [the issue of ethics]. He referred to Amendment 7 and said he supports the change from "spouse or domestic partner" to "immediate family member". He suggested that the definition of "immediate family member" should include children, siblings, and parents, as well as spouse or domestic partners. He stated, "I think we have instances in front of us where immediate family members have taken what could be construed by some members of the public as bribes, and I think it's just incredibly important that there's no appearance of impropriety. Immediate family members should not engage in lobbying, just plain and simple."

MR. FARLEIGH said he sees no language in the bill addressing the penalties for violation of "these chapters." He said, "I would argue that this is an exercise in futility if indeed there isn't significant enough penalties to make a difference." He offered an example given by his son.

REPRESENTATIVE LYNN said he does not want names of individual elected officials past or present used in examples. He invited Mr. Farleigh to be present for the next hearing on HB 109.

REPRESENTATIVE LYNN announced that the committee would take up Amendments 12 and 13 at its next hearing.

10:02:26 AM

REPRESENTATIVE JOHNSON expressed his discomfort with the rush to get through this bill hearing. He noted that four of the seven committee members do not sit on the House Judiciary Standing Committee. He said the issue of ethics is an important one, and he is prepared to meet as often and long as possible so that the committee does not "rush to judgment."

10:03:22 AM

[HB 109 was heard and held.]

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [10:03:31 AM](#).