

SB

186

Suggested amendments to SB186.

I.

Add reference in title to crime of disclosing confidential information.

II.

Section 3. AS 39.52.130(f) is amended to read:

(f) A public officer who knows that a family member or business associate has received a gift because of the family member's or business associate's connection with the public office held by the public officer shall report the receipt of the gift by the family member or business associate to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section.

III.

Page 2, line 2

Remove the word "direct" so it would read: "...public officer has no management control over the financial interest; or..."

This would exclude mutual fund investments and deferred compensation plans that are not self-managed. It would allow brokerage-managed accounts where the officer would have no management control.

IV.

Remove the word "entity" after "business" throughout the subsection.

"Business" is defined in AS 39.52.960(5) to include a corporation, company, firm, partnership, sole proprietorship, etc., or any other "entity" carrying on as a business, whether for profit or non-profit. Therefore, the word "entity" after "business" is unnecessary.

V.

In all places where the bill uses "closely associated person," substitute "business associate."

Define "business associate" in 39.52.960 as follows:

"business associate" means a person with whom a public officer jointly shares the management, control, or majority ownership of a venture for the conduct of trade, commerce, the practice of a profession or any other occupation for the purpose of providing income or potential income to the public officer, regardless of how the venture is organized.

VI.

Section 4. "AS-IS"

VII.

Section 5. See "business associate" discussion. Otherwise "AS-IS."

VIII.

Section 6. See "business associate" discussion. Otherwise "AS-IS."

IX.

Section 7. See "business associate" discussion. Otherwise "AS-IS."

X.

Section 8.

Remove the words "personal or."

This subsection relates only to financial interests, not personal interests.

Change the subsection on lines 2-5 to read "(B) the placement by the employee of the financial interest that gives rise to the potential violation into a blind trust or other investment where the employee has no management control over the financial interest."

XI.

Section 9

Page 4, line 9.

add the following sentence: "The summary is confidential unless the dismissal or resolution agreed to under AS 39.52.320 or 39.52.330 is public."

Note: It would be useful for designated ethics supervisors, state employees, and the public to have access to ethics settlements as a way of better understanding how the Act is applied and the types of conduct that may give rise to violations of the Act. Access also increases public confidence that the law is being enforced.

XII.

Section 10.

Add the suggested language in Section 9 comments.

XIII.

Section 11.

Change this section to provide that accusations are kept confidential until there is a finding of "probable cause." This would apply at any place in the process – no matter who is being accused.

Page 5, line 14.

change to read: "...of that agency that has also been made available in connection with an investigation or a proceeding under..."

XIV.

Section 12. "AS-IS."

XV.

Section 13. "AS-IS."

XVI.

Section 14. "AS-IS."

XVII.

Section 15. See "business associate" discussion. Otherwise "AS-IS."

XVIII.

Section 16.

Change the definition of "immediate family member" as follows:

(11) "immediate family member" means any of the following persons living in the same household as the person:

(A) the spouse of the person;

(B) another person cohabitating with the person in a sexual relationship that is not a legal marriage;

(C) a child, including a stepchild and an adoptive child, of the person, the person's spouse, or of a person cohabitating with the person in a sexual relationship that is not a legal marriage;

(D) a parent, stepparent, adoptive parent, stepgrandparent or adoptive grandparent of the person, the person's spouse, or of a person cohabitating with the person in a sexual relationship that is not a legal marriage.

XIX.

Section 17. See "business associate" discussion. Otherwise "AS-IS."

XX.

Section 18.

Remove repeal of AS 24.60.170(m). Deals with the legislative ethics code and has nothing to do with this bill.

Conform with recommendations in sections 9 & 10.