

HB

109

2/3/07 -

2/10/07

SUB-

COMMITTEE

SUBCOMMITTEE ON ETHICS



Representative John Coghill
Representative Max Gruenberg
Representative Bob Roses

Appointed By:
Representative Bob Lynn, Chairman
HOUSE STATE AFFAIRS COMMITTEE

Subject ETHICS : MultiBill Display



BILL	SHORT TITLE	PRIME SPONSOR(s)	CURRENT STATUS	STATUS DATE
HB 5	REPORTING CAMPAIGN CONTRIBUTIONS/EXPENSES	NEUMAN	(H) STA	01/16/07
HB 6	CAMPAIGN CONTRIBUTIONS	** HARRIS, RAMRAS	(H) STA	01/16/07
HB 10	LEGISLATIVE DISCLOSURES/OUTSIDE INCOME	** LYNN, GARDNER	(H) STA	01/16/07
HB 15	BOARD OF FISHERIES CONFLICTS OF INTEREST	SEATON	(H) FSH	01/16/07
HB 20	CAMPAIGN FINANCE/LOBBYING/CONSULTING	** HARRIS, MEYER	(H) STA	01/16/07
HB 27	LEGISLATIVE DISCLOSURES: PERSONAL COMP	GARDNER	(H) STA	01/16/07
HB 38	IMPROPER CONTRIBUTIONS TO LEGISLATORS	** GARA, CRAWFORD	(H) STA	01/16/07
HB 58	EXEC. BRANCH ETHICS:INTERESTS & ACTIONS	** GARA, GARDNER	(H) STA	01/16/07
HB 109	DISCLOSURES & ETHICS	RLS BY REQUEST OF THE GOVERNOR	(H) STA	01/25/07
HB 119	LEGISLATIVE & LOBBYIST ETHICS TRAINING	COGHILL	(H) STA	02/05/07
SB 13	BAN CONSULTING CONTRACTS WITH LEGISLATORS	STEVENS	(S) JUD	01/16/07
SB 19	EXEC. BRANCH ETHICS:INTERESTS & ACTIONS	** FRENCH, ELTON	(S) FIN	02/02/07
SB 20	LEGISLATIVE DISCLOSURES	** FRENCH, ELTON	(S) FIN	02/02/07
SB 63	CAMPAIGN CONTRIBUTION DISCLOSURE	BUNDE	(S) JUD	01/22/07
SB 64	DISCLOSURES & ETHICS	RLS BY REQUEST OF THE GOVERNOR	(S) JUD	01/26/07

Alt Information

Bill Root: [To Report Problems with Basis Inquiry](#)[Live KTOO Streams](#)[Return to Basis Main Menu \(25 Legislature\)](#)[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: HB 5

SHORT TITLE: REPORTING CAMPAIGN
CONTRIBUTIONS/EXPENSES

BILL VERSION:

CURRENT STATUS: (H) STA

STATUS DATE: 01/16/07

THEN JUD

SPONSOR(s): REPRESENTATIVE(s) NEUMAN

TITLE: "An Act relating to reporting campaign contributions and expenditures to the Alaska Public Offices Commission; and providing for an effective date "

Bill Root: [Display Bill Root](#) [Next Bill](#)

[Full Text](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
01/16/07	0022	(H) PREFILE RELEASED 1/5/07
01/16/07	0022	(H) READ THE FIRST TIME - REFERRALS
01/16/07	0022	(H) STA, JUD
01/16/07	0022	(H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match

[BOARDS & COMMISSIONS](#)

[CAMPAIGNS](#)

[CONFLICT OF INTEREST](#)

[DISCLOSURE](#)

[ELECTIONS](#)

[ETHICS](#)

[LEGISLATIVE COMMITTEES](#)

[POLITICAL PARTIES](#)

[PUBLIC EMPLOYEES](#)

Bill Root: [Display Bill Root](#) [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#) 

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: HB 6

SHORT TITLE: CAMPAIGN CONTRIBUTIONS

BILL VERSION:

CURRENT STATUS: (H) STA

STATUS DATE: 01/16/07

THEN JUD

SPONSOR(s): REPRESENTATIVE(s) HARRIS, RAMRAS, HAWKER, CHENAULT, SAMUELS, FAIRCLOUGH, NEUMAN, OLSON, DAHLSTROM, SEATON, JOHNSON

HEARING: (H) STA Feb 03 10:00 AM SPEAKER'S CHAMBER

TITLE: "An Act relating to campaign contributions by groups that are not political parties; and providing for an effective date."

Bill Root: [Display Bill Root](#) [Next Bill](#)

[Full Text](#)

[Committee Action with Bill History](#)


Jrn-Date	Jrn-Page	Action
01/16/07	0022	(H) PREFILE RELEASED 1/5/07
01/16/07	0022	(H) READ THE FIRST TIME - REFERRALS
01/16/07	0022	(H) STA, JUD
01/16/07	0022	(H) REFERRED TO STATE AFFAIRS
01/22/07	0086	(H) JT. PRIME SPONSOR REMOVED: DAHLSTROM
01/24/07	0097	(H) JT. PRIME SPONSOR REINSTATED: DAHLSTROM

Similar Subject Match or Exact Subject Match

- [CAMPAIGNS](#)
- [DISCLOSURE](#)
- [ELECTIONS](#)
- [ETHICS](#)
- [POLITICAL PARTIES](#)

Bill Root: [Display Bill Root](#) [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#) 

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: HB 10

SHORT TITLE: LEGISLATIVE

BILL VERSION:

DISCLOSURES/OUTSIDE INCOME

CURRENT STATUS: (H) STA

STATUS DATE: 01/16/07

THEN JUD

SPONSOR(s): REPRESENTATIVE(s) LYNN, GARDNER, GATTO, GARA, SEATON, HOLMES, LEDOUX, BUCH, WILSON, DOOGAN, Gruenberg, Crawford

HEARING: (H) STA Feb 03 10:00 AM SPEAKER'S CHAMBER

TITLE: "An Act prohibiting legislators and certain former legislators from accepting or agreeing to accept compensation for certain work; relating to disclosures under the Legislative Ethics Act; and providing for an effective date."

Bill Root: [Display Bill Root](#) [Next Bill](#)

[Full Text](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
01/16/07	0023	(H) PREFILE REI EASED 1/5/07
01/16/07	0023	(H) READ THE FIRST TIME - REFERRALS
01/16/07	0023	(H) STA, JUD
01/16/07	0023	(H) REFERRED TO STATE AFFAIRS
01/24/07	0097	(H) COSPONSOR(S): CRAWFORD

Similar Subject Match or Exact Subject Match

DISCLOSURE

ETHICS

LEGISLATIVE COMMITTEES

LEGISLATORS

Bill Root: [Display Bill Root](#) [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#) 

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: HB 20

SHORT TITLE: CAMPAIGN

BILL VERSION:

FINANCE/LOBBYING/CONSULTING

CURRENT STATUS: (H) STA

STATUS DATE: 01/16/07

THEN JUD

SPONSOR(s): REPRESENTATIVE(s) HARRIS, MEYER, HAWKER, CHENAULT, SAMUELS, FAIRCLOUGH, NEUMAN, WILSON, LEDOUX, THOMAS, RAMRAS, JOHNSON, Lynn, Olson

HEARING: (H) STA Feb 03 10:00 AM SPEAKER'S CHAMBER

TITLE: "An Act relating to disclosure of campaign contributions; prohibiting spouses and domestic partners of legislators and legislative employees from receiving compensation for lobbying; and prohibiting legislators and legislative employees from entering into contracts to provide consulting services."

Bill Root: [Display Bill Root](#) | [Next Bill](#)

[Full Text](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
01/16/07	0027	(H) PREFILE RELEASED 1/5/07
01/16/07	0027	(H) READ THE FIRST TIME - REFERRALS
01/16/07	0027	(H) STA, JUD
01/16/07	0027	(H) REFERRED TO STATE AFFAIRS
01/22/07	0087	(H) COSPONSOR(S): LYNN, OLSON

Similar Subject Match or Exact Subject Match

- [CAMPAIGNS](#)
- [CONFLICT OF INTEREST](#)
- [DISCLOSURE](#)
- [ELECTIONS](#)
- [ETHICS](#)
- [LEGISLATORS](#)
- [LEGISLATURE](#)
- [LOBBYISTS](#)
- [POLITICAL PARTIES](#)
- [PUBLIC EMPLOYEES](#)
- [PUBLIC OFFICERS](#)

Bill Root: [Display Bill Root](#) | [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#) 

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: HB 27
BILL VERSION:

SHORT TITLE: LEGISLATIVE DISCLOSURES:
PERSONAL COMP

CURRENT STATUS: (H) STA
THEN JUD

STATUS DATE: 01/16/07

SPONSOR(s): REPRESENTATIVE(s) GARDNER, Buch

TITLE: "An Act relating to disclosure to the Alaska Public Offices Commission of information about certain income received as compensation for personal services by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the provisions of the Legislative Ethics Act; and providing for an effective date."

Bill Root: [Display Bill Root](#) [Next Bill](#)

[Full Text](#)

Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
01/16/07	0029	(H) PREFILE RELEASED 1/5/07
01/16/07	0029	(H) READ THE FIRST TIME - REFERRALS
01/16/07	0029	(H) STA, JUD
01/16/07	0029	(H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match

- CONFLICT OF INTEREST
- DISCLOSURE
- ETHICS
- LEGISLATORS
- PUBLIC EMPLOYEES
- PUBLIC OFFICERS

Bill Root: [Display Bill Root](#) [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#) 

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: HB 38

SHORT TITLE: IMPROPER CONTRIBUTIONS TO LEGISLATORS

BILL VERSION:

CURRENT STATUS: (H) STA

STATUS DATE: 01/16/07

THEN JUD, FIN

SPONSOR(s): REPRESENTATIVE(s) GARA, CRAWFORD, GARDNER, DOLL, KAWASAKI, BUCH, DOOGAN, GRUENBERG

HEARING: (H) STA Feb 03 10:00 AM SPEAKER'S CHAMBER

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

Bill Root: [Display Bill Root](#) [Next Bill](#)

[Full Text](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
01/16/07	0032	(H) PREFILE RELEASED 1/5/07
01/16/07	0032	(H) READ THE FIRST TIME - REFERRALS
01/16/07	0032	(H) STA, JUD, FIN
01/16/07	0032	(H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match

- [CAMPAIGNS](#)
- [CONFLICT OF INTEREST](#)
- [CRIMES](#)
- [ELECTIONS](#)
- [ETHICS](#)
- [LEGISLATORS](#)

Bill Root: [Display Bill Root](#) [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#) 

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: HB 58

SHORT TITLE: EXEC. BRANCH ETHICS:INTERESTS & ACTIONS

BILL VERSION:

CURRENT STATUS: (H) STA
THEN JUD

STATUS DATE: 01/16/07

SPONSOR(s): REPRESENTATIVE(s) GARA, GARDNER, KAWASAKI, DOOGAN, GRUENBERG Buch. Crawford
HEARING: (H) STA Feb 03 10:00 AM SPEAKER'S CHAMBER

TITLE: "An Act relating to a public officer's taking official action regarding a matter in which the public officer has a financial interest; and defining 'official action' under the Alaska Executive Branch Ethics Act and related law."

Bill Root: [Display Bill Root](#) [Next Bill](#)

[Full Text](#)

[Committee Action with Bill History](#)


Jrn-Date	Jrn-Page	Action
01/16/07	0039	(H) PREFILE RELEASED 1/5/07
01/16/07	0039	(H) READ THE FIRST TIME - REFERRALS
01/16/07	0039	(H) STA, JUD
01/16/07	0039	(H) REFERRED TO STATE AFFAIRS
01/24/07	0098	(H) COSPONSOR(S): CRAWFORD

Similar Subject Match or Exact Subject Match

- [AGRICULTURE](#)
- [CONFLICT OF INTEREST](#)
- [ETHICS](#)
- [EXECUTIVE BRANCH](#)
- [PUBLIC EMPLOYEES](#)
- [PUBLIC OFFICERS](#)

Bill Root: [Display Bill Root](#) [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#) 

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: HB 109

SHORT TITLE: DISCLOSURES & ETHICS

BILL VERSION:

CURRENT STATUS: (H) STA

STATUS DATE: 01/25/07

THEN JUD

SPONSOR(s): RLS BY REQUEST OF THE GOVERNOR

HEARING: (H) STA Feb 03 10:00 AM SPEAKER'S CHAMBER

TITLE: "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."

Bill Root:

Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
01/25/07	0108	(H) READ THE FIRST TIME - REFERRALS
01/25/07	0108	(H) STA, JUD
01/25/07	0108	(H) FN1: ZERO(ADM)
01 25 07	0108	(H) FN2: ZERO(LAW)
01/25/07	0108	(H) GOVERNOR'S TRANSMITTAL LETTER
01/25/07	0108	(H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match

- [CAMPAIGNS](#)
- [CONFLICT OF INTEREST](#)
- [DISCLOSURE](#)
- [ELECTIONS](#)
- [ETHICS](#)
- [EXECUTIVE BRANCH](#)
- [LEGISLATIVE COMMITTEES](#)
- [LEGISLATORS](#)
- [LOBBYISTS](#)
- [MUNICIPALITIES](#)
- [PUBLIC EMPLOYEES](#)
- [PUBLIC OFFICERS](#)

Bill Root:

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#)

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: SB 13

SHORT TITLE: BAN CONSULTING CONTRACTS WITH LEGISLATORS

BILL VERSION:

CURRENT STATUS: (S) JUD

STATUS DATE: 01/16/07

THEN STA

SPC SOR(s): SENATOR(S) STEVENS

TITLE: "An Act prohibiting a legislator from providing consulting services to a person in the private sector or agreeing to accept consulting fees from a person in the private sector "

Bill Root: [Display Bill Root](#) [Next Bill](#)

[Full Text](#)

Committee Action with Bill History


Jrn-Date	Jrn-Page	Action
01/16/07	0016	(S) PREFILE RELEASED 1/5/07
01/16/07	0016	(S) READ THE FIRST TIME - REFERRALS
01/16/07	0016	(S) JUD, STA
01/16/07	0016	(S) REFERRED TO JUDICIARY

Similar Subject Match or Exact Subject Match

- [BUSINESS](#)
- [CONFLICT OF INTEREST](#)
- [CONTRACTS](#)
- [ETHICS](#)
- [LEGISLATORS](#)

Bill Root: [Display Bill Root](#) [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#) 

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: SB 20

SHORT TITLE: LEGISLATIVE DISCLOSURES

BILL VERSION:

CURRENT STATUS: (S) FIN

STATUS DATE: 02/02/07

SPONSOR(s): SENATOR(S) FRENCH, ELTON, MCGUIRE, WIELECHOWSKI, THOMAS, HUGGINS, Ellis, Stevens, Cowdery, Olson, Hoffman, Kookesh, Davis, Green, Stedman

HEARING: (S) FIN Feb 07 9:00 AM SENATE FINANCE 532 TELECONFERENCE

TITLE: "An Act relating to disclosure to the Alaska Public Offices Commission of information about certain income received as compensation for personal services by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the Legislative Ethics Act; and providing for an effective date."

Bill Root:

Jm-Date	Jm-Page	Action
01/16/07	0018	(S) PREFILE RELEASED 1/5/07
01/16/07	0018	(S) READ THE FIRST TIME - REFERRALS
01/16/07	0019	(S) JUD, STA. FIN
01/24/07	0089	(S) COSPONSOR(S): STEVENS, COWDERY, OLSON, HOFFMAN, KOOKESH, DAVIS, GREEN, STEDMAN
01/26/07	0099	(S) JUD RPT CS 2DP 3AM SAME TITLE
01/26/07	0099	(S) DP: FRENCH, MCGUIRE
01/26/07	0099	(S) AM: HUGGINS, WIELECHOWSKI, THERRIAULT
01/26/07	0099	(S) FN1: ZERO(ADM)
02/02/07	0148	(S) STA RPT CS 5DP NEW TITLE
02/02/07	0148	(S) DP: MCGUIRE, FRENCH, STEVENS, GREEN, BUNDE
02/02/07	0148	(S) FN2: ZERO(ADM)
02/02/07	0148	(S) REFERRED TO FINANCE

Similar Subject Match or Exact Subject Match
 CONFLICT OF INTEREST
 DISCLOSURE
 ETHICS
 LEGISLATIVE COMMITTEES
 LEGISLATORS
 PUBLIC EMPLOYEES

Bill Root:

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#)

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: SB 63

SHORT TITLE: CAMPAIGN CONTRIBUTION DISCLOSURE

BILL VERSION:

CURRENT STATUS: (S) JUD

STATUS DATE: 01/22/07

THEN STA, FIN

SPONSOR(s): SENATOR(S) BUNDE

TITLE: "An Act relating to disclosure of political campaign contributions."

Bill Root:

[Display Bill Root](#)

[Next Bill](#)

[Full Text](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
01/22/07	0074	(S) READ THE FIRST TIME - REFERRALS
01/22/07	0074	(S) JUD, STA, FIN
01/22/07	0074	(S) REFERRED TO JUDICIARY

Similar Subject Match or Exact Subject Match

[CAMPAIGNS](#)

[DISCLOSURE](#)

[ELECTIONS](#)

[ETHICS](#)

[LEGISLATIVE COMMITTEES](#)

[POLITICAL PARTIES](#)

Bill Root:

[Display Bill Root](#)

[Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#)



[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

Bill History/Action Display



BILL: SB 64

SHORT TITLE: DISCLOSURES & ETHICS

BILL VERSION:

CURRENT STATUS: (S) JUD

STATUS DATE: 01/26/07

THEN STA, FIN

SPONSOR(s): RLS BY REQUEST OF THE GOVERNOR

HEARING: (S) JUD Feb 08 3:30 PM BUTROVICH 205 -- Note Time and Location -- TELECONFERENCE

TITLE: "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."

Bill Root:

Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
01/26/07	0100	(S) READ THE FIRST TIME - REFERRALS
01/26/07	0100	(S) JUD, STA, FIN
01/26/07	0100	(S) FN1: ZERO(ADM)
01/26/07	0100	(S) FN2: ZERO(LAV.)
01/26/07	0101	(S) GOVERNOR'S TRANSMITTAL LETTER
01/26/07	0101	(S) REFERRED TO JUDICIARY

Similar Subject Match or Exact Subject Match

- CAMPAIGNS
- CONFLICT OF INTEREST
- DISCLOSURE
- ETHICS
- EXECUTIVE BRANCH
- LEGISLATIVE COMMITTEES
- LEGISLATORS
- LOBBYISTS
- MUNICIPALITIES
- POLITICAL PARTIES
- PUBLIC EMPLOYEES
- PUBLIC OFFICERS

Bill Root:

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#)

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

HB5

HB5

HOUSE BILL NO. 5
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE NEUMAN

Introduced: 1/16/07
Referred: State Affairs, Judiciary

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to reporting campaign contributions and expenditures to the Alaska
2 Public Offices Commission; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 15.13.040(a) is amended to read:

5 (a) Except as provided in [(g) AND] (l) of this section, each candidate shall
6 make a full report, upon a form prescribed by the commission,

7 (1) listing

8 (A) the date and amount of all expenditures made by the
9 candidate;

10 (B) the total amount of all contributions, including all funds
11 contributed by the candidate;

12 (C) the name, address, date, and amount contributed by each
13 contributor; and

14 (D) for contributions in excess of \$250 in the aggregate during

1 a calendar year, the principal occupation and employer of the contributor; and
2 (2) filed in accordance with AS 15.13.110 and certified correct by the
3 candidate or campaign treasurer.

4 * Sec. 2. AS 24.60.080(e) is amended to read:

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

10 * Sec. 3. AS 15.13.040(g) is repealed.

11 * Sec. 4. This Act takes effect July 1, 2007.

HB 6

HB 6

HOUSE BILL NO. 6

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES HARRIS, RAMRAS, HAWKER, CHENAULT, SAMUELS, FAIRCLOUGH,
NEUMAN, OLSON, DAHLSTROM, SEATON, AND JOHNSON**

Introduced: 1/16/07

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to campaign contributions by groups that are not political parties; and
2 providing for an effective date."

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

4 * Section 1. AS 15.13.070(c) is amended to read:

5 (c) A group that is not a political party may contribute not more than \$500 a
6 [\$1,000 PER] year

7 (1) to a candidate, or to an individual who conducts a write-in
8 campaign as a candidate;

9 (2) to another group, to a nongroup entity, or to a political party.

10 * Sec. 2. This Act takes effect July 1, 2007.

HB 10

HB 10

HOUSE BILL NO. 10

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES LYNN, GARDNER, GATTO, GARA, SEATON, HOLMES, LEDOUX, BUCH,
WILSON, AND DOOGAN, Gruenberg, Crawford

Introduced: 1/16/07

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting legislators and certain former legislators from accepting or
2 agreeing to accept compensation for certain work; relating to disclosures under the
3 Legislative Ethics Act; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 24.60.020(a) is amended to read:

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

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

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

14 * Sec. 2. AS 24.60.085 is amended by adding a new subsection to read:

1 (c) During the term for which elected or appointed and for one year thereafter,
 2 a legislator may not, directly or by authorizing another to act on the legislator's behalf,
 3 accept or agree to accept compensation, except from the State of Alaska, for work
 4 associated with legislative, administrative, or political action.

5 * Sec. 3. AS 24.60 is amended by adding a new section to article 2 to read:

6 **Sec. 24.60.115. Disclosures by a former legislator, legislative employee, or**
 7 **public member of the committee.** When a person who is a legislator, legislative
 8 employee, or public member of the committee is required to file a disclosure under
 9 this chapter, that person, as a former legislator, legislative employee, or public
 10 member of the committee is also required to file a disclosure if the matter subject to
 11 disclosure existed while the person was a legislator, legislative employee, or public
 12 member of the committee.

13 * Sec. 4. AS 24.60.200 is amended to read:

14 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
 15 **committee, and legislative directors.** A legislator, a public member of the committee,
 16 and a legislative director shall file a disclosure statement, under oath and on penalty of
 17 perjury, with the Alaska Public Offices Commission giving the following information
 18 about the income received by the discloser, the discloser's spouse or domestic partner,
 19 the discloser's dependent children, and the discloser's nondependent children who are
 20 living with the discloser:

21 (1) the information that a public official is required to report under
 22 AS 39.50.030, other than information about gifts;

23 (2) as to income in excess of \$1,000 received as compensation for
 24 personal services, and as to a dividend received from a limited liability company
 25 as compensation for personal services, the name and address of the source of the
 26 income, and a statement describing

27 (A) the nature of the services performed with a description
 28 sufficient to make clear to a person of ordinary understanding the specific
 29 services performed unless and only to the extent those services are
 30 required to be kept confidential under a state or federal law, including the
 31 common law;

1 (B) the approximate total number of hours that have been
 2 spent or will be spent performing the services; and

3 (C) the amount of income received from the source, if the [;
 4 IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD
 5 BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE,
 6 ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the
 7 income is a legislator or legislative director [, THE AMOUNT OF INCOME
 8 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];

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

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

16 APPLICABILITY. (a) Sections 1 and 3 of this Act apply to all persons who become
 17 former legislators on or after the effective date of this Act and to all former legislators who
 18 were members of the legislature between April 9, 2006, and the effective date of this Act.

19 (b) Former legislators who were members of the legislature between April 9, 2006,
 20 and the effective date of this Act shall make the disclosure required by AS 24.60.115, added
 21 by sec. 3 of this Act, within 30 days after the effective date of this Act.

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

24 RETROACTIVITY. To the extent required by sec. 5 of this Act, secs. 1 and 3 of this
 25 Act are retroactive under AS 01.10.090.

26 * Sec. 7. This Act takes effect July 1, 2007.

HB 20

HR 20

HOUSE BILL NO. 20

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HARRIS, MEYER, HAWKER, CHENAULT, SAMUELS, FAIRCLOUGH,
NEUMAN, WILSON, LEDOUX, THOMAS, RAMRAS, AND JOHNSON, Lynn, Olson

Introduced: 1/16/07
Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosure of campaign contributions; prohibiting spouses and
2 domestic partners of legislators and legislative employees from receiving compensation
3 for lobbying; and prohibiting legislators and legislative employees from entering into
4 contracts to provide consulting services."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 * Section 1. AS 15 13.040(a) is amended to read:

7 (a) Each [EXCEPT AS PROVIDED IN (g) AND (l) OF THIS SECTION,
8 EACH] candidate shall make a full report, upon a form prescribed by the commission,

9 (1) listing

10 (A) the date and amount of all expenditures made by the
11 candidate;

12 (B) the total amount of all contributions, including all funds
13 contributed by the candidate; and

14 (C) the name, address, principal occupation, and employer of

1 each contributor and the date [,] and amount of each contribution from
 2 [CONTRIBUTED BY] each contributor [; AND

3 (D) FOR CONTRIBUTIONS IN EXCESS OF \$250 IN THE
 4 AGGREGATE DURING A CALENDAR YEAR, THE PRINCIPAL
 5 OCCUPATION AND EMPLOYER OF THE CONTRIBUTOR]; and

6 (2) filed in accordance with AS 15.13.110 and certified correct by the
 7 candidate or campaign treasurer.

8 * Sec. 2. AS 15.13.040(b) is amended to read:

9 (b) Each group shall make a full report upon a form prescribed by the
 10 commission, listing

11 (1) the name and address of each officer and director;

12 (2) the aggregate amount of all contributions made to it [; AND, FOR
 13 ALL CONTRIBUTIONS IN EXCESS OF \$100 IN THE AGGREGATE A YEAR],
 14 the name, address, principal occupation, and employer of each [THE] contributor, and
 15 the date and amount of each contribution from [CONTRIBUTED BY] each
 16 contributor; for purposes of this paragraph, "contributor" means the true source of the
 17 funds, property, or services being contributed; and

18 (3) the date and amount of all contributions made by it and all
 19 expenditures made, incurred, or authorized by it

20 * Sec. 3. AS 15.13.040(j) is amended to read:

21 (j) Each [EXCEPT AS PROVIDED IN (I) OF THIS SECTION, EACH]
 22 nongroup entity shall make a full report in accordance with AS 15.13.110 upon a form
 23 prescribed by the commission and certified by the nongroup entity's treasurer, listing

24 (1) the name and address of each officer and director of the nongroup
 25 entity;

26 (2) the aggregate amount of all contributions made to the nongroup
 27 entity for the purpose of influencing the outcome of an election;

28 (3) for all contributions described in (2) of this subsection, the name,
 29 address, date, and amount contributed by each contributor and, for all contributions
 30 described in (2) of this subsection in excess of \$250 in the aggregate during a calendar
 31 year, the principal occupation and employer of the contributor; and

1 (4) the date and amount of all contributions made by the nongroup
 2 entity, and, except as provided for certain independent expenditures in
 3 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup
 4 entity, for the purpose of influencing the outcome of an election; a nongroup entity
 5 shall report contributions made to a different nongroup entity for the purpose of
 6 influencing the outcome of an election and expenditures made on behalf of a different
 7 nongroup entity for the purpose of influencing the outcome of an election as soon as
 8 the total contributions and expenditures to that nongroup entity for the purpose of
 9 influencing the outcome of an election reach \$500 in a year and for all subsequent
 10 contributions and expenditures to that nongroup entity in a year whenever the total
 11 contributions and expenditures to that nongroup entity for the purpose of influencing
 12 the outcome of an election that have not been reported under this paragraph reach
 13 \$500.

14 * **Sec. 4.** AS 24.45.121 is amended by adding a new subsection to read:

15 (d) A person who is married to or who is the domestic partner of a legislator
 16 may not receive any consideration for engaging in lobbying, and a person may not
 17 employ for pay or any consideration or pay or agree to pay consideration for engaging
 18 in lobbying to a person who is married to or who is the domestic partner of a
 19 legislator.

20 * **Sec. 5.** AS 24.60.030(a) is amended to read:

21 (a) A legislator or legislative employee may not

22 (1) solicit, agree to accept, or accept a benefit other than official
 23 compensation for the performance of public duties; this paragraph may not be
 24 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
 25 solicitation or acceptance of contributions for a charity event, as defined in
 26 AS 24.60.080(c)(10), or the acceptance of a lawful gratuity under AS 24.60.080;

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

31 (A) limited use of state property and resources for personal

1 purposes if the use does not interfere with the performance of public duties and
2 either the cost or value related to the use is nominal or the legislator or
3 legislative employee reimburses the state for the cost of the use;

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

7 (C) telephone or facsimile use that does not carry a special
8 charge;

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

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

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

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

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

31 (I) reasonable use of the Internet by a legislator or a legislative

1 employee except if the use is for election campaign purposes;

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

5 (K) a legislator from sending any communication in the form of
6 a newsletter to the legislator's constituents, except a communication expressly
7 advocating the election or defeat of a candidate or a newsletter or material in a
8 newsletter that is clearly only for the private benefit of a legislator or a
9 legislative employee; or

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

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

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

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

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

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

1 (C) telephone or facsimile use that does not carry a special
2 charge;

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

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

14 (F) use by a legislator of photographs of that legislator;

15 (6) enter into a contract to provide consulting services.

16 * Sec. 6. AS 24.60.080(e) is amended to read:

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

22 * Sec. 7. AS 15.13.040(g) and 15.13.040(l) are repealed.

HB 27

HB 27

HOUSE BILL NO. 27
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GARDNER, Buch

Introduced: 1/16/07

Referred: State Affairs, Judiciary

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to disclosure to the Alaska Public Offices Commission of information
2 about certain income received as compensation for personal services by legislators,
3 public members of the Select Committee on Legislative Ethics, and legislative directors
4 subject to the provisions of the Legislative Ethics Act; and providing for an effective
5 date."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 * Section 1, AS 24.60.200 is amended to read:

8 Sec. 24.60.200. Financial disclosure by legislators, public members of the
9 committee, and legislative directors. A legislator, a public member of the committee,
10 and a legislative director shall file a disclosure statement, under oath and on penalty of
11 perjury, with the Alaska Public Offices Commission giving the following information
12 about the income received by the discloser, the discloser's spouse or domestic partner,
13 the discloser's dependent children, and the discloser's nondependent children who are

1 living with the discloser:

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

4 (2) as to income in excess of \$1,000 received as compensation for
5 personal services, and as to a dividend received from a limited liability company
6 as compensation for personal services, the name and address of the source of the
7 income, and a statement describing

8 (A) the nature of the services performed, with sufficient
9 description to make clear to a person of ordinary understanding the
10 specific services performed, unless those services require the issuance of a
11 state or federal professional license;

12 (B) the approximate total number of hours that have been
13 spent or will be spent performing the services; and

14 (C) the amount of income received from the source, if the [;
15 IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD
16 BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE,
17 ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the
18 income is a legislator or legislative director [, THE AMOUNT OF INCOME
19 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];

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

25 * Sec. 2. AS 24.60.990(a) is amended by adding a new paragraph to read:

26 (17) "professional license" means a license required for a profession
27 regulated by the federal government or by a state.

28 * Sec. 3. This Act takes effect July 1, 2007.

HB 38

HB 38

HOUSE BILL NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GARA, CRAWFORD, GARDNER, DOLL, KAWASAKI, BUCH, DOOGAN, AND
GRUENBFRG

Introduced: 1/16/07

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 11.56 is amended by adding a new section to article 1 to read:

5 Sec. 11.56.135. Improper legislative campaign contribution and
6 agreement. (a) A person commits the crime of improper legislative campaign
7 contribution and agreement if the person

8 (1) explicitly agrees to make a campaign contribution to a member of
9 the legislature or a candidate for the legislature, and makes that contribution, in
10 exchange for an agreement by the legislator or the candidate to alter the legislator's or
11 candidate's position on a legislative matter; or

12 (2) as a member of the legislature or a candidate for the legislature
13 accepts a campaign contribution and explicitly agrees, in exchange for that
14 contribution, to alter the legislator's or candidate's position on a legislative matter.

1 (b) Improper legislative campaign contribution and agreement is a class B
2 felony.

3 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 APPLICABILITY. This Act applies to offenses occurring on or after the effective date
6 of this Act.

HB 58

HR 58

HOUSE BILL NO. 58

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GARA, GARDNER, KAWASAKI, DOOGAN, AND GRUENBERG, Buch,
CrawfordIntroduced: 1/16/07
Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a public officer's taking official action regarding a matter in which
2 the public officer has a financial interest; and defining 'official action' under the Alaska
3 Executive Branch Ethics Act and related law."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 39.52.110(b) is amended to read:

6 (b) Unethical conduct is prohibited, but there is no substantial impropriety if,
7 as to a specific matter, a public officer's [(1)] personal or financial interest in the
8 matter

9 (1) is insignificant [,] or of a type that is possessed generally by the
10 public or a large class of persons to which the public officer belongs, and [; OR

11 (2)] action taken or influence exercised by the public officer would
12 have insignificant or conjectural effect on the matter; or

13 (2) is in regard to a business and the public officer

14 (A) does not own a controlling interest in the business;

1 (B) does not own stock or options to buy stock that, when
 2 combined,

3 (i) equal more than one percent of the stock in the
 4 business; or

5 (ii) have a total value of more than \$5,000;

6 (C) owns or has an option to buy an equity interest in the
 7 business the value of which is not more than \$5,000 or one percent of the
 8 total value of the business, whichever is less;

9 (D) is not a member of the board of directors or another
 10 governing body of the business;

11 (E) is not an elected officer of the business;

12 (F) does not provide or have an option to provide personal
 13 or professional services to the business;

14 (G) does not have a contract or have an option for a
 15 contract with the business; and

16 (H) is not an employee of the business.

17 * Sec. 2. AS 39.52.960(14) is amended to read:

18 (14) "official action" means performance of any duties in the course
 19 and scope of a public official's employment, including review, advice,
 20 participation, assistance, or another kind of involvement regarding a matter,
 21 such as a recommendation, decision, approval, disapproval, vote, or other similar
 22 action, including inaction, by a public officer;

HOUSE BILL NO. 58

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GARA, GARDNER, KAWASAKI, DOOGAN, AND GRUENBERG, Buch,
Crawford

Introduced: 1/16/07

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a public officer's taking official action regarding a matter in which
2 the public officer has a financial interest; and defining 'official action' under the Alaska
3 Executive Branch Ethics Act and related law."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 39.52.110(b) is amended to read:

6 (b) Unethical conduct is prohibited, but there is no substantial impropriety if,
7 as to a specific matter, a public officer's [(1)] personal or financial interest in the
8 matter

9 (1) is insignificant [,] or of a type that is possessed generally by the
10 public or a large class of persons to which the public officer belongs, and [; OR

11 (2)] action taken or influence exercised by the public officer would
12 have insignificant or conjectural effect on the matter; or

13 (2) is in regard to a business and the public officer

14 (A) does not own a controlling interest in the business;

1 (B) does not own stock or options to buy stock that, when
 2 combined,

3 (i) equal more than one percent of the stock in the
 4 business; or

5 (ii) have a total value of more than \$5,000;

6 (C) owns or has an option to buy an equity interest in the
 7 business the value of which is not more than \$5,000 or one percent of the
 8 total value of the business, whichever is less;

9 (D) is not a member of the board of directors or another
 10 governing body of the business;

11 (E) is not an elected officer of the business;

12 (F) does not provide or have an option to provide personal
 13 or professional services to the business;

14 (G) does not have a contract or have an option for a
 15 contract with the business; and

16 (H) is not an employee of the business.

17 * Sec. 2. AS 39.52.960(14) is amended to read:

18 (14) "official action" means performance of any duties in the course
 19 and scope of a public official's employment, including review, advice,
 20 participation, assistance, or another kind of involvement regarding a matter,
 21 such as a recommendation, decision, approval, disapproval, vote, or other similar
 22 action, including inaction, by a public officer;

HB 109

HOUSE BILL NO. 109

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/25/07
Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

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

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

2 * **Section 1.** AS 15.13.040(m) is amended to read:

3 (m) The commission shall require [MAY REQUEST] that the information
4 required under this chapter be submitted electronically but may, when extraordinary
5 circumstances warrant an exception, [SHALL] accept any information required
6 under this chapter that is typed in clear and legible black typeface or hand-printed in
7 dark ink on paper in a format approved by the commission or on forms provided by
8 the commission and that is filed with the commission.

9 * **Sec. 2.** AS 24.60.200 is amended to read:

10 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
11 **committee, and legislative directors.** A legislator, a public member of the committee,
12 and a legislative director shall file a disclosure statement, under oath and on penalty of
13 perjury, with the Alaska Public Offices Commission giving the following information
14 about the income received by the discloser, the discloser's spouse or domestic partner,
15 the discloser's dependent children, and the discloser's nondependent children who are
16 living with the discloser:

17 (1) the information that a public official is required to report under
18 AS 39.50.030, other than information about gifts;

19 (2) as to income in excess of \$1,000 received as compensation for
20 personal services, the name and address of the source of the income, the amount of
21 the income, the number of hours of services performed to earn that income, and a
22 statement describing in detail the nature of the services performed; [IF THE SOURCE
23 OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE
24 A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR
25 POLITICAL ACTION AND THE RECIPIENT OF THE INCOME IS A
26 LEGISLATOR OR A LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME
27 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED;]

28 (3) as to each loan or loan guarantee over \$1,000 from a source with a
29 substantial interest in legislative, administrative, or political action, the name and
30 address of the person making the loan or guarantee, the amount of the loan, the terms
31 and conditions under which the loan or guarantee was given, the amount outstanding

1 at the time of filing, and whether or not a written loan agreement exists.

2 * Sec. 3. AS 24.60.210 is amended to read:

3 Sec. 24.60.210. **Deadlines for filing of disclosure statements.** (a) A person
4 required to file a disclosure statement under AS 24.60.200 shall file an annual report
5 with the Alaska Public Offices Commission, covering the previous calendar year,
6 containing the disclosures required by AS 24.60.200, on or before March 15 of each
7 year. On or before the 90th day after ending service as a legislator or legislative
8 director, a former legislator or legislative director shall file with the Alaska
9 Public Offices Commission a report containing the disclosures required by
10 AS 24.60.200, covering any period of that service for which the legislator or
11 legislative director has not already filed a report.

12 (b) Notwithstanding (a) of this section, a public member and a public member
13 nominee of the committee shall file an annual report with the Alaska Public Offices
14 Commission, covering the previous calendar year, containing the disclosures required
15 by AS 24.60.200, on or before the second Monday in January of each year. On or
16 before the 90th day after ending service on the committee, a former public
17 member of the committee shall file with the Alaska Public Offices Commission a
18 report containing the disclosures required by AS 24.60.200, covering any period
19 of that service for which the public member has not already filed a report.

20 * Sec. 4. AS 24.60.210 is amended by adding a new subsection to read:

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

27 * Sec. 5. AS 39.50.020 is amended to read:

28 Sec. 39.50.020. **Report of financial and business interests.** (a) A public
29 official other than the governor or the lieutenant governor shall file a statement giving
30 income sources and business interests, under oath and on penalty of perjury, within 30
31 days after taking office as a public official. Candidates for state elective office other

1 than a candidate who is subject to AS 24.60 shall file the statement with the director of
 2 elections at the time of filing a declaration of candidacy or a nominating petition or
 3 becoming a candidate by any other means. Candidates for elective municipal office
 4 shall file the statement at the time of filing a nominating petition, declaration of
 5 candidacy, or other required filing for the elective municipal office. Refusal or failure
 6 to file within the time prescribed shall require that the candidate's filing fees, if any,
 7 and filing for office be refused or that a previously accepted filing fee be returned and
 8 the candidate's name removed from the filing records. A statement shall also be filed
 9 by public officials no later than March 15 in each following year. On or before the
 10 90th day after leaving office, a former public official shall file a statement
 11 covering any period during the official's service in that office for which the public
 12 official has not already filed a statement. Persons who are members of boards or
 13 commissions not named in AS 39.50.200(b) are not required to file financial
 14 statements.

15 (b) A public official or former public official other than an elected or
 16 appointed municipal officer shall file the statement with the Alaska Public Offices
 17 Commission. Candidates for the office of governor and lieutenant governor and, if the
 18 candidate is not subject to AS 24.60, the legislature shall file the statement under
 19 AS 15.25.030 or 15.25.180. Municipal officers, former municipal officers, and
 20 candidates for elective municipal office, shall file with the municipal clerk or other
 21 municipal official designated to receive their filing for office. All statements required
 22 to be filed under this chapter are public records.

23 * Sec. 6. AS 39.50.030(b) is amended to read:

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

26 (1) for [THE SOURCE OF] all income over \$1,000 [\$5,000] during
 27 the preceding calendar year, including taxable and nontaxable capital gains, and each
 28 gift with a value exceeding \$250, received by the person, the person's spouse or
 29 domestic partner, or the person's dependent child, [EXCEPT THAT A SOURCE OF
 30 INCOME THAT IS A GIFT MUST BE INCLUDED IF THE VALUE OF THE GIFT
 31 EXCEEDS \$250]

- 1 (A) the source of the income or gift;
 2 (B) the recipient of the income or gift;
 3 (C) the amount of the income or value of the gift;
 4 (D) the number of hours of services performed, if any, to
 5 earn the income or for which the gift was given; and
 6 (E) a detailed description of the nature of the services
 7 performed;

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

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

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

21 (5) any loan or loan guarantee of more than \$1,000 [~~\$5,000~~] made to
 22 the person, the person's spouse or domestic partner, or the person's dependent child,
 23 and the identity of the maker of the loan or loan guarantor and the identity of each
 24 creditor to whom the person, the person's spouse or domestic partner, or the person's
 25 dependent child owed more than \$1,000 [~~\$5,000~~]; this paragraph requires disclosure of
 26 a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the
 27 indebtedness incurred, during the preceding calendar year, or if the amount still owing
 28 on the loan, loan guarantee, or indebtedness was more than \$1,000 [~~\$5,000~~] at any
 29 time during the preceding calendar year;

30 (6) a list of all contracts and offers to contract with the state or an
 31 instrumentality of the state during the preceding calendar year held, bid, or offered by

1 the person, the person's spouse or domestic partner, or the person's dependent child, a
 2 partnership or professional corporation of which the person is a member, or a
 3 corporation in which the person or the person's spouse, domestic partner, or dependent
 4 children, or a combination of them, hold a controlling interest; and

5 (7) a list of all mineral, timber, oil, or any other natural resource lease
 6 held, or lease offer made, during the preceding calendar year by the person, the
 7 person's spouse or domestic partner, or the person's dependent child, a partnership or
 8 professional corporation of which the person is a member, or a corporation in which
 9 the person or the person's spouse or domestic partner or dependent children, or a
 10 combination of them, holds a controlling interest.

11 * Sec. 7. AS 39.50.050(a) is amended to read:

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

24 * Sec. 8. AS 39.52.110 is amended by adding a new subsection to read:

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

27 * Sec. 9. AS 39.52.130(a) is amended to read:

28 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
 29 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
 30 employment, promise, or in any other form, that is a benefit to the officer's personal or
 31 financial interests, under circumstances in which it could reasonably be inferred that

1 the gift is intended to influence the performance of official duties, actions, or
 2 judgment. A gift from a person required to register as a lobbyist under
 3 AS 24.45.041 to a public officer or a public officer's immediate family member is
 4 presumed to be intended to influence the performance of official duties, actions,
 5 or judgment unless the giver is an immediate family member of the person
 6 receiving the gift.

7 * Sec. 10. AS 39.52.180(a) is amended to read:

8 (a) A public officer who leaves state service may not, for two years after
 9 leaving state service, represent, advise, or assist a person for compensation regarding a
 10 matter that was under consideration by the administrative unit served by that public
 11 officer, and in which the officer participated personally and substantially through the
 12 exercise of official action. For the purposes of this subsection, "matter" includes a
 13 case, proceeding, application, contract, or determination [, BUT DOES NOT
 14 INCLUDE THE PROPOSAL OR CONSIDERATION OF LEGISLATIVE BILL,
 15 RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS, OR OTHER
 16 LEGISLATIVE MEASURES; OR THE PROPOSAL, CONSIDERATION, OR
 17 ADOPTION OF ADMINISTRATIVE REGULATIONS].

18 * Sec. 11. AS 39.52.180(d) is amended to read:

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

28 * Sec. 12. The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 APPLICABILITY. Sections 10 and 11 of this Act apply to a person who leaves state
 31 service on or after the effective date of secs. 10 and 11 of this Act.

- 1 * Sec. 13. Sections 1, 4, and 7 of this Act take effect July 1, 2007.
- 2 * Sec. 14. Except as provided in sec. 13 of this Act, this Act takes effect immediately under
- 3 AS 01.10.070(c).

SB 13

SB 13

SENATE BILL NO. 13

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR STEVENS

Introduced: 1/16/07

Referred: Judiciary, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting a legislator from providing consulting services to a person in the
2 private sector or agreeing to accept consulting fees from a person in the private sector."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 24.60.085 is amended by adding a new subsection to read:

5 (c) A legislator may not, directly or by authorizing another to act on the
6 legislator's behalf, provide consulting services to a person in the private sector or
7 accept, or agree to accept, consulting fees from a person in the private sector.

SB 19

SB 19

CS FOR SENATE BILL NO. 19(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Ordered: 1/26/07

Referred: State Affairs, Finance

Sponsor(s): SENATORS FRENCH, ELTON, MCGUIRE, WIFLECHOWSKI, THOMAS AND HUGGINS,
Ellis, Stevens, Green, Kookesh, Davis, Olson, Hoffman, Cowdery, Stedman

A BILL

FOR AN ACT ENTITLED

"An Act relating to a public officer's taking official action regarding, or influencing, a matter in which the public officer has a personal or financial interest; and defining 'official action' under the Alaska Executive Branch Ethics Act and related law."

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

* Section 1. AS 39.52.110(b) is repealed and reenacted to read:

(b) Notwithstanding (a) of this section, a public officer's action or influence with respect to the officer's personal or financial interest in a specific matter is not a violation of public trust or a violation of this chapter

(1) if the public officer's action or influence in the matter would have only an insignificant or conjectural effect on the matter; or

(2) if the public officer's

(A) personal or financial interest is of a type that is possessed generally by the public or a large class of persons to which the public officer belongs;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

(B) personal interest is insignificant; or

(C) financial interest is solely in regard to a business and neither the public officer nor a member of the public officer's immediate family

(i) owns a controlling interest in the business and the controlling interest has a fair market value of \$5,000 or more;

(ii) owns stock or options to buy stock that, when combined, equal more than one percent of the stock in the business or have a total fair market value of more than \$5,000;

(iii) owns or has an option to buy an equity interest in the business the fair market value of which is more than \$5,000 or one percent of the total fair market value of the business, whichever is less;

(iv) is a member of the board of directors or another governing body of the business;

(v) is an officer of the business;

(vi) provides or has an option to provide personal or professional services to the business;

(vii) has a contract or an option for a contract with the business; or

(viii) is an employee of the business.

* Sec. 2. AS 39.52.960(14) is amended to read:

(14) "official action" means performance of any duties in the course and scope of a public official's employment, including review, advice, participation, assistance, or another kind of involvement regarding a matter, such as a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;

CS FOR SENATE BILL NO. 19(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS FRENCH, ELTON, MCGUIRE, WIELECHOWSKI, THOMAS AND HUGGINS,
Ellis, Stevens, Green, Kookesh, Davis, Olson, Hoffman, Cowdery, Stedman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a public officer's taking official action regarding, or influencing, a
2 matter in which the public officer has a personal or financial interest; prohibiting
3 certain persons from engaging in activity as lobbyists; and defining 'official action'
4 under the Alaska Executive Branch Ethics Act and related law."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 * Section 1. AS 39.52.110(b) is repealed and reenacted to read:

7 (b) Notwithstanding (a) of this section, a public officer's action or influence
8 with respect to the officer's personal or financial interest in a specific matter is not a
9 violation of public trust or a violation of this chapter

10 (1) if the public officer's action or influence in the matter would have
11 only an insignificant or conjectural effect on the matter; or

12 (2) if the public officer's

13 (A) personal or financial interest is of a type that is possessed
14 generally by the public or a large class of persons to which the public officer

1 belongs;

2 (B) personal interest is insignificant; or

3 (C) financial interest is solely in regard to a business and
4 neither the public officer nor a member of the public officer's immediate
5 family

6 (i) owns a controlling interest in the business and the
7 controlling interest has a fair market value of \$5,000 or more;

8 (ii) owns stock or options to buy stock that, when
9 combined, equal more than one percent of the stock in the business or
10 have a total fair market value of more than \$5,000;

11 (iii) owns or has an option to buy an equity interest in
12 the business the fair market value of which is more than \$5,000 or one
13 percent of the total fair market value of the business, whichever is less;

14 (iv) is a member of the board of directors or another
15 governing body of the business;

16 (v) is an officer of the business;

17 (vi) provides or has an option to provide personal or
18 professional services to the business;

19 (vii) has a contract or an option for a contract with the
20 business; or

21 (viii) is an employee of the business.

22 Sec. 2. AS 39.52.180(d) is amended to read:

23 (d) A former governor, lieutenant governor, [OR] head or deputy head of a
24 principal department in the executive branch, director of a division within a
25 principal department in the executive branch, employee of the Office of the
26 Governor in a policy-making position, or chair of a state board or commission
27 that has the authority to adopt regulations, other than a board or commission
28 named in AS 08.01.010, may not engage in activity as a lobbyist under AS 24.45 for a
29 period of one year after leaving service as the governor, lieutenant governor, [OR]
30 department head or deputy head, division director, chair of a state board or
31 commission, or employee of the Office of the Governor in a policy-making

1 position, as appropriate. This subsection does not prohibit service as a volunteer
2 lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined
3 under regulations of the Alaska Public Offices Commission.

4 * Sec. 3. AS 39.52.960(14) is amended to read:

5 (14) "official action" means performance of any duties in the course
6 and scope of a public official's employment, including review, advice,
7 participation, assistance, or another kind of involvement regarding a matter,
8 such as a recommendation, decision, approval, disapproval, vote or other similar
9 action, including inaction, by a public officer;

10 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 APPLICABILITY. Section 2 of this Act applies to a person who leaves state service
13 on or after the effective date of sec. 2 of this Act.

CSSB 20

CS FOR SENATE BILL NO. 20(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 1/26/07

Referred: State Affairs, Finance

**Sponsor(s): SENATORS FRENCH, ELTON, MCGUIRE, WIELECHOWSKI, THOMAS AND HUGGINS,
Ellis, Stevens, Cowdery, Olson, Hoffman, Kookesh, Davis, Green, Stedman**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disclosure to the Alaska Public Offices Commission of information**
2 **about certain income received as compensation for personal services by legislators,**
3 **public members of the Select Committee on Legislative Ethics, and legislative directors**
4 **subject to the Legislative Ethics Act; and providing for an effective date."**

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

6 *** Section 1. AS 24.60.200 is amended to read:**

7 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
8 **committee, and legislative directors. A legislator, a public member of the committee,**
9 **and a legislative director shall file a disclosure statement, under oath and on penalty of**
10 **perjury, with the Alaska Public Offices Commission giving the following information**
11 **about the income received by the discloser, the discloser's spouse or domestic partner,**
12 **the discloser's dependent children, and the discloser's nondependent children who are**
13 **living with the discloser:**

14 **(1) the information that a public official is required to report under**

1 AS 39.50.030, other than information about gifts;

2 (2) as to income in excess of \$1,000 received as compensation for
3 personal services, and as to dividend income in excess of \$1,000 received from a
4 limited liability company as compensation for personal services, the name and
5 address of the source of the income, and a statement describing

6 (A) the nature of the services performed, with sufficient
7 description to make clear to a person of ordinary understanding the
8 specific services performed;

9 (B) the approximate total number of hours that have been
10 spent or will be spent performing the services; and

11 (C) the amount of income received from the source, if the [
12 IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD
13 BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE,
14 ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the
15 income is a legislator or legislative director [, THE AMOUNT OF INCOME
16 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];

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

22 * Sec. 2. This Act takes effect July 1, 2007.

SB 63

SB 63

SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR BUNDE

Introduced: 1/22/07

Referred: Judiciary, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosure of political campaign contributions."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 15.13.040(a) is amended to read:

4 (a) Each [EXCEPT AS PROVIDED IN (g) AND (j) OF THIS SECTION,
5 EACH] candidate shall make a full report, upon a form prescribed by the commission,

6 (1) listing

7 (A) the date and amount of all expenditures made by the
8 candidate;9 (B) the total amount of all contributions, including all funds
10 contributed by the candidate;11 (C) the name, address, date, and amount contributed by each
12 contributor; and13 (D) for contributions in excess of \$250 in the aggregate during
14 a calendar year, the principal occupation and employer of the contributor; and

15 (2) filed in accordance with AS 15.13.110 and certified correct by the

1 candidate or campaign treasurer.

2 * Sec. 2. AS 15.13.040(b) is amended to read:

3 (b) Each group shall make a full report upon a form prescribed by the
4 commission, listing

5 (1) the name and address of each officer and director;

6 (2) the aggregate amount of all contributions made to it; and, for each
7 contribution [ALL CONTRIBUTIONS IN EXCESS OF \$100 IN THE
8 AGGREGATE A YEAR], the name, address, principal occupation, and employer of
9 the contributor, and the date and amount contributed by each contributor; for purposes
10 of this paragraph, "contributor" means the true source of the funds, property, or
11 services being contributed; and

12 (3) the date and amount of all contributions made by it and all
13 expenditures made, incurred, or authorized by it.

14 * Sec. 3. AS 15.13.040(j) is amended to read:

15 (j) Each [EXCEPT AS PROVIDED IN (I) OF THIS SECTION, EACH]
16 nongroup entity shall make a full report in accordance with AS 15.13.110 upon a form
17 prescribed by the commission and certified by the nongroup entity's treasurer, listing

18 (1) the name and address of each officer and director of the nongroup
19 entity;

20 (2) the aggregate amount of all contributions made to the nongroup
21 entity for the purpose of influencing the outcome of an election;

22 (3) for all contributions described in (2) of this subsection, the name,
23 address, date, and amount contributed by each contributor and, for all contributions
24 described in (2) of this subsection in excess of \$250 in the aggregate during a calendar
25 year, the principal occupation and employer of the contributor; and

26 (4) the date and amount of all contributions made by the nongroup
27 entity, and, except as provided for certain independent expenditures in
28 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup
29 entity, for the purpose of influencing the outcome of an election; a nongroup entity
30 shall report contributions made to a different nongroup entity for the purpose of
31 influencing the outcome of an election and expenditures made on behalf of a different

1 nongroup entity for the purpose of influencing the outcome of an election as soon as
2 the total contributions and expenditures to that nongroup entity for the purpose of
3 influencing the outcome of an election reach \$500 in a year and for all subsequent
4 contributions and expenditures to that nongroup entity in a year whenever the total
5 contributions and expenditures to that nongroup entity for the purpose of influencing
6 the outcome of an election that have not been reported under this paragraph reach
7 \$500.

8 * Sec. 4. AS 24.60.080(e) is amended to read:

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

14 * Sec. 5. AS 15.13.040(g) and 15.13.040(l) are repealed.

House State Affairs Committee
Ethics Subcommittee Meeting Minutes
Sat., Feb. 3, 2007, 10:06-10:35 a.m.

Rep coghill did not want to start without max ... keeps waiting

173 Coghill calls meeting to order, Roses and Coghill present. Gruenberg absent

We have a majority of subcommittee, missing max so not do anything. ... ill go through the explanation

We have a dozen bills that have been introduced, four of them by the senate... the governor bill is the one we will probably be focusing in on ... there are several titles we have to deal with ... we have one criminal code, title 15 which deals mostly with campaign issues ... title 24 which deals with legislative reporting issues and lobbyist reporting issues and then we have title 39 which deals primarily with executive ethics

186 what I did was I created a matrix and I (inaudible) in a packet for each one and the matrix will be like this ... for public information you can all get from me ... what I did was I outlined what had similar language options and so what I'm going to do is assign to each member of the subcommittee a title ... and what they're going to do is bring back a section like this that has what the language is in statute, what the proposed language sets are, and what they propose to do, and then any amendments that that particular individual proposes at the subcommittee level ... and what I'll do is I'll tab that language to this matrix and we'll just go down, starting with the lowest numbered title, which is title 11, would be title 15, title 24 and title 39 ... we'll go through and assemble a bill

202 My goal is to assemble an omnibus bill under the governor's title so we may end up having to propose a title amendment

(Rep. Gruenberg now present)

205 I went ahead and gavelled in, just to tell them what the purpose was max, and here's a packet for you ... went through the matrix ... matrix will be tabbed to the language ... and my next meeting will be to take not only the bills that are on this matrix, but we'll take all the amendments ... the reason we can't go into substance today is the last three days now our leg. Legal has been overheated taking amendments from everybody in the building ... they are near beside themselves with drafting language ... because of confidentiality they can't say to a member who has asked them that that's already been drafted so they have to do an individual draft for that individual member ... so I'm going to give time for that to kind of catch up with us ...

221 There are a bunch of amendments, not only from individuals, but the ethics committee brought several suggested language changes to us ... and we'll look at other proposed bills ... so the matrix may actually increase ... but it will be by title and what we'll do at the next meeting, we'll go through by title and we'll discuss the amendments

within the subcommittee members ... and then for those legislators who are here, who want to have any input, we'll ask for input ... but I'm going to keep it kind of tight ... I have a feeling that we could be here for ever and ever and ever .. I just want to (inaudible) and go back to the main committee, the state affairs committee ...

234 So the purpose today is to line out the process ... not to talk about the substance ... the goal is to head for an omnibus bill that we can fit in the title of house bill 109, which is the governor's bill ... the process is going to be an assignment to rep. Gruenberg, rep. roses and myself, to come back with suggested language in each title area ...

The assignments is going to be, I'm going to give rep. roses title 15 ... title 15 assignment is to come back with language that will fit under the governor's title as much as you can, I'm only interested in reporting issues, I'm not interested in campaign reform, so we're not going to go into term limits, or way out into other areas ... we're going to go to reporting issues that are primarily going to be viewed as ethical questions ... so this is the ethics subcommittee, not campaign reform committee ...

Same thing is going to be true for title 24 ... max have you got a preference on title 24 or title 39 ?

Max: your pleasure, mr. chairman

249 Coghill: O.K. I'll take title 24 and if you'll take title 39 ... title 39 is primarily the executive ethics ... the senate actually passed a couple of bills out of the state affairs committee yesterday ... it's kind of interesting to look at that ... in fact, they're actually in our matrix ... so we'll look at their suggested language ... I think ours is going to be a little more comprehensive than theirs, and so I'm going to allow that to happen .. remember that this goes to the full state affairs committee ... and then it goes to the judiciary committee .. and then it goes to the finance committee .. so we got quite a journey to go with this yet ..

259 My goal is to get them a bill in the state affairs committee ... if per chance the other body passes a bill over it may be that the titles naturally lend themselves to our work being amended into their bills ... and that's why I want to keep it as clean as I can between the titles ... because I think title 39 and title 24 lend themselves very cleanly to one set .. and title 15 is another set altogether .. they've been suggestions, I think Tom Brice got a suggestion to me that I'm now assimilating into language and so we'll take a look at it in the subcommittee ... the hope is to have a subcommittee that I can do amendments, as we're sitting at a table like this, where we can go through the title amendments, talk about them, say yes it goes into the bill, no it doesn't ... and so we'll have it in as clean a matrix as we can .. so that everyone in the room knows exactly what we're trying to shuffle into the bill ... we'll talk a little bit about the title before we get there .. and then we'll suggest that goes to the full committee ...

274 My hope is to get it so that you can have it in your committee on Friday (to state affairs committee chair Bob Lynn) .. I think you have a Friday caucus meeting, correct ...

that's a pretty aggressive schedule so forgive us if we don't hit that mark ... but that's going to be a goal, that's an aggressive goal so that means we're going to have to meet either tues night or wed night so that we can have a draft or finish it up ... so all of those of you who have been asking leg. Legal to draft things, I would suggest, that if you're in the House, head them toward this committee than leg. Legal at this point because we may already have something with regards to that so get us a note ... otherwise you're going to slow the process way down, we won't be able to get a bill before state affairs, which is our goal ... our goal is not to solve all the world's problems .. our goal is to get them in order, get the cleanest policy call you can before the committee, certainly there's going to be some debate, I can tell you for me, I want to make sure the principles of keeping people accountable, having bright lines wherever we can, where you'd be held accountable, but I don't want to necessarily put legislators in a cage, to put a shackle on them and say, that all of a sudden that they're the worst people in the world just because they happen to be a legislator ...or even a lobbyist ... so im going to be asking some pretty tough questions ...any questions from the committee ...

295 Max: why don't we introduce our staff who will be assigned ... Norman cohen

Coghill: for me rynniva is going to be my staff who will receive it but Karen lidster will be also doing the typing, assimilating and research .. but rynneiver will be the person to go through to get to Karen at this point ..

Bob roses: my contact person will be josh applebee ...

Coghill ... and Im going to enlist berta gardner, who has a bill and so you can certainly have staff work with us to make sure your bill is represented well and your language is represente well ..also true with john harris

Berta: did you talk about somebody doing title 11

Coghill: Im going to do title 11 and were going to debate that in committee on whether it should even be included ... because it is a criminal code issue but it does get into an ethics issues ... so Im disposed to put it in but Im not disposed necessarily to vote for it .. . and the reason is, as we get into the substance of the debate the next time we meet, it's a criminal code and it doesn't properly belong to an ethics issue although it deals with bribery specifically which has an ethics component to it ... but at this point, im disposed to at least have it set up so that we can put it in ... and im going to come up with some suggested language that I will be looking at as we get to judiciary committee ... but I will not stop the bill .. If I think it does not properly belong in this I think we'll just move it on to judiciary, that's where it properly belong for discussion anyway, but I'll go with the will of the subcommittee on that ..

Rep. Lynn

321 As liaison to the full state affairs committee, you can work with staffer Mike sica

Coghill: In fact, we'll have Nancy Manly probably helping us keep track of the meeting ... I've asked that the minutes of the meeting be brought together .. I think they're recording it but it's really only for the benefit of her benefit ... way regular committees do it, we're all digitized in the world now, and we don't have access to that equipment here ... so, it's going to be recorded for the benefit of the subcommittee so that when we make our report to the full committee it's very clean what we did, that's the only reason we're recording it ... so Nancy will take care of the minutes, as to what transpired vote wise and today's mostly instruction ...

Max: one thing our staff would appreciate and we would appreciate .. if any legislators are thinking of putting in additional bills and would like to have them included, if they could just give the relevant staffer a heads up just as to the concept and if they have any idea if it's going to go in title 24, then they should talk to the chair subcommittee, etc. so we can have an idea of something that's coming down the pike ... and try to reserve some time and some space ...

Coghill ... that is not a request for more work though and the reason I'm saying that is we could probably rewrite the whole title ... 15, 24 and 39 in this venue ... that's not my intention ... and so if your work doesn't get in here, there's no disrespect ... but what I'm trying to do is, our title is fairly good, there's places where we can brighten the lines, making people more accountable and do policy calls that say we want a respectable, enforceable, transparent process ... I think there's a range of policy calls that can be made ... I don't think we're going to make them all in this particular committee ... but I'm going to try to have a bill that's clean enough to look at to where you can argue your policy call issue .. so if I try settle all the issues in this committee, we just couldn't get it done ...

352

Doogan: I just want to make sure that I understand all the procedures ... so if I were to have something I thought, an amendment to title 24, I'd write something down not worryin_g about the legal niceties of it, I'd get that to you ..

Coghill: I think that would be the best thing to do and we'll consider it ... they may already be an amendment in here with that ... and that's one of the reasons why I'm asking because we have literally overheated our legislative legal department ... and I've got to say somewhere along the line we have to have mercy on these folks .. so this would be the best way to do it ... head toward this committee ... and if it doesn't get in, there's other opportunities to debate that ... but I will have it in the matrix if at all possible ... and that's why I need time to get that done ... like I said, the ethics committee, several legislators, and even looking at the governor's bill, what amendments have happened on the other side that are in that same title, I think it's wise to look at that ... so Bob roses anything ..

Rep. Roses: No. It sounds pretty clear to me.

Coghill: So we got the purpose. The goal is to get an omnibus bill. The process is fairly well described. Any other legislators got a question.

Rep. Seaton: Are the individual ones with assignments. Is the requests for everybody to get the amendments to you guys and are the amendments going to be available to us so that we know whether it's covered or not, or we just have to submit an additional amendment even though there are three other amendments on the same thing?

Coghill: If you get it to the individual member of the subcommittee they'll be able to tell you if there's another proposed amendment of the same language in that title. So if you'd like to put it upon me in Title 24, if I know that there's something else, I'll have on the matrix what that is and then I'd be able to tell you how close it is or how far it is from that.

Max: Is the governor going to have a point person on this that the people can contact.

John bittney: Either contact myself or from the dept. of Law, Dave Jones.

Coghill: Thank you very much. That will be a good resource.

Each binder that I have here I'm trying to keep tabbed here the same. So from my office I will continue to make sure that anything I get they get. And vice versa. So we'll keep our binders in the same tabbed order so what we have is not only the matrix, we'll have this, but every bill behind it and then for example the ethics committee actually submitted some recommendations which I think we'll go through the actual verbage of that in our next meeting.

Roses asks Josh about ethics committee meeting on March 6.

Coghill: These are recommendations that came from the board and they're from several advisory opinions. We'll talk about the advisory opinions they faxed us. As we get into that section, we'll probably slow down enough to look. But it will be by title number. So for example, here I have matrix title 15, section 13, paragraph 040, and then it would be sub c, b, e ... so that way there's no question as to where we're at in the statute. We start from the lowest number and go to the highest number, and work our way down.

406 If at the committee meeting, whether you agree with us or not, you'll be able to at least see what our disagreements are and when we get to the full committee, that's how the debate we'll happen. Amongst us three, we'll have to decide that, certainly with input from a lot of other people, but at the end of the day we have to make the decision, right or wrong, and then we get to our committee, the larger debate and then it has to go before two other committees anyway, so I think if we set up a template for it then it's clear enough where you know what part of the debate you want to get to and how we got there.

Tom Wright: Just one more thing. There's no fiscal not yet.

Coghill: Believe me, there's probably going to be a fiscal note.

Alright any other questions. We've given the assignments. Rep. Gruenberg is going to get title 39, which is the executive ethics, rep. roses is going to get title 15, which deals primarily with APOC reporting issues, Ill take title 24 with deals with lobbying and legislative ethics, so those of you who have any input that want to get to us, title 39 to max, title 24 to me and anything with campaign reporting to rep. roses.

SUBJECT MATRIX OF ETHICS LEGISLATION - TITLE 24

STATUTORY CHANGE	HB 5 Neuman	HB 6 Harris, etc	HB 10 Lynn, D's	HB 20 Harris	HB 27 Gardner	HB 38 Gara	HB 58 Gara	HB 109 Gov	SB 13 Stevens	SB 19 French	SB 20 French	SB 63 Bunde	Tab No.
24.45.121 prohibits spouse or domestic partner of legislator from being a lobbyist and prohibits anyone from hiring such a person.				X									1
24.60.020 Language cleanup to clarify that this subsection applies to this chapter.			X								X		2
24.60.030(a) prohibits a legislator or legislative employee from entering into a contract to provide consulting services.				X									3
24.60.080(e) Eliminates an exemption for a candidate who does not intend to raise more than \$5,000 in his campaign or expend more than \$5,000 in his campaign. All candidates will be required to report gifts per statute.				X								X	4
24.60.085 new section prohibiting a legislator from, directly or through any person, providing consulting services or accepting consulting fees from a person in the private sector while in office and for one year after leaving office.									X				5
24.60.115 new law requires a former legislator, legislative employee or public member of the Select Committee on Legislative Ethics to file disclosure information for all matters relevant to when that person was a legislator, legislative employee or public member of the Select Committee on Legislative Ethics even though they no longer hold that position.			X								X Within 90 days		6

STATUTORY CHANGE	HB 5	HB 6	HB 10	HB 20	HB 27	HB 38	HB 58	HB 109	SB 13	SB 19	SB 20	SB 63	Tab
	Neuman	Harris, etc	Lynn, D's	Harris	Gardner	Gara	Gara	Gov	Stevens	French	French	Bunde	No.
24.60.200 expands reporting of income in excess of \$1,000 to include dividends received from a LLC as compensation for personal services and requires the disclosure to include a description of services performed and the approximate number of hours spent performing services. Exceptions to comply with state and federal laws.			X		X			X			X		7 A - B
24.60.210(a) & (b) Requires former legislators, public members of Ethics Committee, & legislative directors to submit financial disclosures to APOC within 90 days after leaving those positions.								X					8
24.60.210(c) new subsection makes electronic reporting of Annual Reports to APOC mandatory except in extraordinary circumstances, which would have to comply with APOC requirements.								X					9
24.60.990(a) adds definition for "professional license" to mean a license required for a profession regulated by the federal government or a state.					X								10
UNCODIFIED LAW _ HB 10 Applicability of 24.60 changes to legislators in office between April 9, 2006 and July 1, 2007			X										11

TITLE 24.45 REGULATION OF LOBBYING - New Subsection AS 24.5.121

EXISTING STATUTE

HB 20 - Harris

EXPLANATION

<p>Sec. 24.45.121 Prohibitions.</p> <p><i>Existing language does not have restrictions for spouses or domestic partners of legislators to be paid lobbyists.</i></p>	<p>Sec. 4. AS 24.45.121 is amended by adding a new subsection to read:</p> <p>(d) A person who is married to or who is the domestic partner of a legislator may not receive any consideration for engaging in lobbying, and a person may not employ for pay or any consideration of pay or agree to pay consideration for engaging in lobbying to a person who is married to or who is the domestic partner of a legislator.</p>		<p>This new section of law would prohibit a spouse or domestic partner from engaging in lobbying and would prohibit a person from utilizing the services of a spouse or domestic as a lobbyist.</p>
---	--	--	---

*Language Matrix
Title 24 Table 9*

TAB 1

8-4-97

TITLE 24.60 STANDARDS OF CONDUCT - AS 24.60.020

EXISTING STATUTE	HB 10 - Lynn	SB 20 - French	EXPLANATION
<p><i>Applicability of Chapter</i></p> <p>Sec. 24.60.020 (a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature, to a legislative employee, and to public members of the committee. This chapter does not apply to (1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless the provisions specifically states that it applies; (2) a person elected to the legislature who at the time of election is not a member of the legislature.</p>	<p>Sec. 1. AS 24.60.020 is amended to read: (a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature, to a legislative employee, and to public members of the committee. This chapter does not apply to (1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless <u>a [THE] provision of this chapter</u> specifically states that it applies; (2) a person elected to the legislature who at the time of election is not a member of the legislature.</p>	<p>Sec. 1. AS 24.60.020 is amended to read: (a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature, to a legislative employee, and to public members of the committee. This chapter does not apply to (1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless <u>a [THE] provision of this chapter</u> specifically states that it applies; (2) a person elected to the legislature who at the time of election is not a member of the legislature.</p>	<p>Language clean up to clarify that this subsection applies to Chapter 60, Standards of Conduct.</p>

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.030

EXISTING STATUTE

HB 20 - Harris

EXPLANATION

<p>Sec. 24.60.030(a) Prohibitions related to conflicts of interest and unethical conduct.</p> <p>This subsection provides a list of things a legislator or an employee of a legislator cannot do such as solicit unofficial compensation, using public facilities for official purposes only, require a legislative employee to perform services for the private benefit of the legislator or employee, use public funds or facilities for campaign purposes, etc.</p> <p>AS 24.60.030 currently does not have a subsection (a)(6).</p>	<p>Sec. 4. AS 24.60.030(a) is amended to read:</p> <p>(a) A legislator or legislative employee may not</p> <p><u>(6) enter into a contract to provide consulting services.</u></p>		<p>Adds an additional restrictions to Prohibitions related to conflicts of interest and unethical conduct.</p>
---	---	--	---

TAB 3

TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.080

EXISTING STATUTE	HB 20 - Harris	SB 20 - French	EXPLANATION
<p>Sec. 24.60.080(e) Gifts</p> <p>(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 the legislator under this section.</p>	<p>Sec. 6. AS 24.60.080(e) is amended to read:</p> <p>(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 the legislator under this section.</p>	<p>Sec. 4. AS 24.60.080(e) is amended to read:</p> <p>(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 the legislator under this section.</p>	<p>Eliminates an exemption for a candidate who does not intend to raise more than \$5,000 in his campaign or expend more than \$5,000 in his campaign. All candidates will be required to report gifts per statute.</p>

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.085

EXISTING STATUTE	SB 13 - Stevens	EXPLANATION
<p>AS 24.60.085. Restrictions on earned income and honoraria.</p> <p>This section prohibits a legislator or legislative employee from seeking or accepting unreasonable compensation for the services rendered, accepting anything other than actual travel expenditures for an appearance under normal course of legislative business, and prohibits payment for a speech or appearance if not connected to person's legislative status.</p> <p>It currently does not address consulting.</p>	<p>Sec. 1. AS 24.60.085 is amended by adding a new subsection to read:</p> <p>(c) A legislator may not, directly or by authorizing another to act on the legislator's behalf, provide consulting services to a person in the private sector or accept, or agree to accept, consulting fees from a person in the private sector.</p>	
		<p>The way written this one and only section of SB 13 would prohibit an legislator or his staff from providing consulting services to "a person in the private sector", including constituents because it is written in "either-or" language.</p> <p>Recommend amending language.</p>

<p>NONE</p>	<p>Sec. 3. AS 24.60 is amended by adding a new section to Article 2 to read:</p> <p>Sec. 24.60.115. Disclosures by a former legislator, legislative employee, or public member of the committee. When a person who is a legislator, legislative employee, or public member of the committee is required to file a disclosure under this chapter, that person, as a former legislator, legislative employee, or public member of the committee is also required to file a disclosure if the matter subject to disclosure existed while the person was a legislator, legislative employee, or public member of the committee.</p>	<p>Sec. 2. AS 24.60 is amended by adding a new section to Article 2 to read:</p> <p>Sec. 24.60.115. Disclosures required of a legislator, legislative employee or public member of the committee. A person serving as a legislator, legislative employee, or public member of the committee shall, no later than 90 days after the person's final day of service, file a disclosure of every matter that was subject to disclosure under this chapter while the person was serving.</p>	<p>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. SB 20 puts a time restraint on the reporting requirement.</p>
-------------	--	--	---

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.200(2)

EXISTING STATUTE	HB 10 - Lynn	HB 27 - Gardner	EXPLANATION
<p>AS 24.60.200. <i>Financial disclosure by legislators, public members of the committee, and legislative directors.</i></p> <p><i>They must provide the following information about income received by the discloser and by the discloser's spouse or domestic partner, dependent children, and nondependent children who live with discloser.</i></p> <p>AS 24.60.200(2) existing language:</p> <p>(2) as to income in excess of 1,000 received as compensation for personnel services, the name and address of the source of the income, and a statement describing the nature of the services performed; if the source of income or reasonably should be known to have a substantial interest in legislative, administrative, or political action and the recipient of the income is a legislator or legislative director, the amount of income received from the source shall be disclosed;</p>	<p>(2) as to income in excess of \$1,000 received as compensation for personnel services, <u>and as to a dividend received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with a description sufficient to make clear to a person of ordinary understanding the specific services performed unless and only to the extent those services are required to be kept confidential under a state or federal law, including the common law;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the [; IF THE SOURCE OF INCOME OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the income is a legislator or legislative director [; THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personnel services, <u>and as to a dividend received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with a description sufficient to make clear to a person of ordinary understanding the specific services performed, unless those services require the issuance of a state or federal professional license;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the [; IF THE SOURCE OF INCOME OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the income is a legislator or legislative director [; THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];</u></p>	<p>24.60.200(2) expands reporting of income in excess of \$1,000 to include dividends received from a LLC as compensation for personal services and requires the disclosure to include a description of services performed and the approximate number of hours spent performing services. Exceptions to comply with state and federal laws.</p>

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.200(2)

EXISTING STATUTE

HB 109 - Governor

SB 20 - French

EXPLANATION

<p>Refer to previous tab</p>	<p>(2) as to income in excess of \$1,000 received as compensation for personnel services, name and address of the source of the income, <u>the amount of the income, the number of hours of services performed to earn that income,</u> and a statement describing <u>in detail</u> the nature of the services performed; [IF THE SOURCE OF INCOME OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE THE RECIPIENT OF THE INCOME IS A LEGISLATOR OR LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED;]</p>	<p>(2) as to income in excess of \$1,000 received as compensation for personnel services, <u>and as to dividend in excess of \$1,000 received from a limited liability company as compensation for personal services,</u> the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with sufficient to make clear to a person of ordinary understanding the specific services performed;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the</u> [; IF THE SOURCE OF INCOME OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the income is a legislator or legislative director [, THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];</p>	<p>24.60.200 expands reporting of income in excess of \$1,000 to include dividends received from a LLC as compensation for personal services and requires the disclosure to include a description of services performed and the approximate number of hours spent performing services. Exceptions to comply with state and federal laws.</p>
------------------------------	---	---	--

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.210(a) - (b)

EXISTING STATUTE

HB 109 - Governor

EXPLANATION

<p>Sec. 24.60.210. Deadlines for filing of disclosure statements. (a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year.</p> <p>(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, on or before the second Monday in January of each year.</p>	<p>Sec. 24.60.210. Deadlines for filing of disclosure statements. (a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year. <u>On or before the 90th day after ending service as a legislator or legislative director, a former legislator or legislative director shall file with the Alaska Public Offices Commission a report containing the disclosure required by AS 24.60.200, covering any period that service for which the legislator or legislative director has not already filed a report.</u></p> <p>(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, on or before the second Monday in January of each year. <u>On or before the 90th day after ending service on the committee, a former public member of the committee shall file with the Alaska Public Offices Commission a report containing the disclosure required by AS 24.60.200, covering any period that service for which the legislator or legislative director has not already filed a report.</u></p>		<p>24.60.210(a) places a deadline on when a legislator or legislative director who leaves service must report all unreported disclosures required by AS 24.60.200.</p> <p>AS 24.60.210(B) places a deadline on when an ethics committee member who leaves service must report all unreported disclosures required by AS 24.60.200.</p>
--	---	--	--

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.210 with new subsection (c)

EXISTING STATUTE

HB 109 - Governor

EXPLANATION

<p>NONE</p>	<p>Sec. 4. AS 24.60.210 is amended by adding a new subsection to read:</p> <p>(c) The Alaska Public Offices Commission shall require that the reports required under this section be submitted electronically but may, when extraordinary circumstances warrant an exception, accept any information required under this section that is typed in clear 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 and that is filed with the commission.</p>		<p>Makes electronic filing of disclosure statements mandatory.</p>
--------------------	---	--	--

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.990 New Definition

EXISTING STATUTE

HB 27 - Gardner

EXPLANATION

<p align="center">NONE</p>	<p>Sec. 2. AS 24.60.990(a) is amended by adding a new paragraph to read:</p> <p>(17) "professional license" means a license required for a profession regulated by the federal government or by a state.</p> <p align="center"><i>Language Matrix</i> <i>Title 24 Tab 10 & 11</i></p>		<p>This accomplishes the same goal as Rep. Lynn's HB 10 subsection (A) which stated a person must disclose services unless <i>"those services are required to be kept confidential under a state or federal law, including the common law;"</i></p> <p>Rep. Gardner requires disclosure of services unless those services require a professional license issued by the state or federal government. The question is, are there professional licenses that would not require confidentiality by the state or federal government? In addition there may be services that don't require a license but are not protected by the state or federal government for confidentiality.</p>
----------------------------	---	--	--

3-4-07

TITLE 24.60 STANDARDS OF CONDUCT - UNCODIFIED LAW

EXISTING STATUTE

HB 10 - Lynn

EXPLANATION

EXISTING STATUTE	HB 10 - Lynn		EXPLANATION
<p>NONE</p>	<p>Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to read:</p> <p>APPLICABILITY. (a) Sections 1 and 3 of this Act apply to all persons who become former legislators on or after the effective date of this Act and to all former legislators who were members of the legislature between April 9, 2006, and the effective date of this Act.</p> <p>(b) Former legislators who were members of the legislature between April 9, 2006, and the effective date of this Act shall make the disclosure required by AS 24.60.115, added by sec. 3 of this Act, within 30 days after the effective date of this Act.</p>		<p>This requires former legislators to disclose all nonreported information to be reported within thirty days of leaving office.</p>

Nancy Manly

From: Peg Warren
Sent: Wednesday, February 07, 2007 9:09 AM
To: Nancy Manly
Subject: RE: State Affairs Ethics Subcommittee Meeting

The state affairs room has a better room for sound. Rob will come over and dial you in and you will just take them off mute when you start. It will only be you online.

Sending the CD over to you.

- 1) How to take them off mute
- 2) How to hang up when were done

Peg

From: Nancy Manly
Sent: Wednesday, February 07, 2007 8:48 AM
To: Peg Warren
Subject: RE: State Affairs Ethics Subcommittee Meeting

Yes, you were on my list of people to talk with this morning. The STA room doesn't have a Polycom system so how would it work this week? Also, I had called last Saturday and asked that a CD be burned of that meeting. Do you know when we can expect to get that? Thanks Peg for being on top of this.

Nancy
x2794

From: Peg Warren
Sent: Wednesday, February 07, 2007 7:17 AM
To: Nancy Manly
Subject: RE: State Affairs Ethics Subcommittee Meeting

Did you want to use our system to capture a recording this week as well?
Peg

From: Nancy Manly [mailto:Nancy_Manly@legis.state.ak.us]
Sent: Tuesday, February 06, 2007 4:31 PM
Subject: State Affairs Ethics Subcommittee Meeting

(H)STATE AFFAIRS STANDING COMMITTEE *
Feb 10 Saturday 10:00 AM CAPITOL 106

State Affairs Ethics Subcommittee
Work Session on Ethics
Issues - Language - Amendments

We will not be teleconferencing this meeting and no public testimony at this time. This is strictly a work session. Contact Nancy Manly 465-2794 if you have any questions. Thanks.

25-LS0529\A
Wayne
2/3/07

HOUSE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HARRIS

Introduced:
Referred:

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to campaign financing and ethics in state government."**

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

3 *** Section 1.** AS 15.13.040 is amended by adding a new subsection to read:

4 (p) A contribution is reportable under this section when it is received by the
5 candidate, group, or nongroup entity and the recipient is aware that it is a contribution
6 and has decided not to reject it or return it to the person that rendered it.

7 *** Sec. 2.** AS 24.60.020(a) is amended to read:

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

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

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

1 * **Sec. 3.** AS 24.60.030(a) is amended to read:

2 (a) A legislator or legislative employee may not

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

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

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

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

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

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

28 (E) a legislator from using the legislator's private office in the
29 capital city during a legislative session, and for the 10 days immediately before
30 and the 10 days immediately after a legislative session, for nonlegislative
31 purposes if the use does not interfere with the performance of public duties and

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

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

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

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

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

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

17 (K) a legislator from sending any communication in the form of
18 a newsletter to the legislator's constituents, unless

19 (i) the communication is sent during the 30-day
20 period immediately preceding a state election; or

21 (ii) it is [EXCEPT] a communication expressly
22 advocating the election or defeat of a candidate or a newsletter or
23 material in a newsletter that is clearly only for the private benefit of a
24 legislator or a legislative employee; or

25 (L) full participation in a charity event approved in advance by
26 the Select Committee on Legislative Ethics [ALASKA LEGISLATIVE
27 COUNCIL];

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

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

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

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

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

17 (C) telephone or facsimile use that does not carry a special
18 charge;

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

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

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

31 * **Sec. 4.** AS 24.60.030(f) is amended to read:

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

16 * Sec. 5. AS 24.60.050(c) is amended to read:

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

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

10 * Sec. 6. AS 24.60.080(c) is amended to read:

11 (c) Notwithstanding (a) of this section, it is not a violation of this section for a
 12 legislator or legislative employee to accept

13 (1) hospitality, other than hospitality described in (4) of this
 14 subsection,

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

18 (B) at a social event or meal;

19 (2) discounts that are available

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

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

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

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

28 (5) gifts from the immediate family of the person;

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

30 (7) a discount for all or part of a legislative session, including time
 31 immediately preceding or following the session, or other gift to welcome a legislator

1 or legislative employee who is employed on the personal staff of a legislator or by a
2 standing or special committee to the capital city or in recognition of the beginning of a
3 legislative session if the gift or discount is available generally to all legislators and the
4 personal staff of legislators and staff of standing and special committees; this
5 paragraph does not apply to legislative employees who are employed by the
6 Legislative Affairs Agency, the office of the chief clerk, the office of the senate
7 secretary, the legislative budget and audit committee, the office of victims' rights, or
8 the office of the ombudsman;

9 (8) a gift of legal services in a matter of legislative concern and a gift
10 of other services related to the provision of legal services in a matter of legislative
11 concern;

12 (9) a gift of transportation from a legislator to a legislator if the
13 transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other
14 means of transport owned or under the control of the donor; this paragraph does not
15 apply to travel described in (4) of this subsection or travel for political campaign
16 purposes;

17 (10) tickets from a lobbyist for a charity event at any time, including
18 during a legislative session, except that tickets to or gifts received at a charity event
19 under this paragraph are subject to the calendar year limit on the value of gifts
20 received by a legislator or legislative employee in (a) of this section; in this paragraph,
21 "charity event" means an event the proceeds of which go to a charitable organization
22 with tax-free status under 26 U.S.C. 501(c)(3) and that the Select Committee on
23 Legislative Ethics [ALASKA LEGISLATIVE COUNCIL] has approved in advance;
24 the tickets may entitle the bearer to admission to the event, to entertainment, to food or
25 beverages, or to other gifts or services involved in the charity event; or

26 (11) a contribution to a charity event from any person at any time; in
27 this paragraph, "charity event" has the meaning given in (10) of this subsection.

28 * Sec. 7. AS 24.60.080(d) is amended to read:

29 (d) A legislator or legislative employee who accepts a gift under (c)(4) of this
30 section that has a value of \$250 or more shall disclose to the committee, within 30
31 days after receipt of the gift, the name and occupation of the donor and the

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

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

22 (i) A legislator or legislative employee who knows or reasonably should know
23 that a family member has received a gift because of the family member's connection
24 with the legislator or legislative employee shall disclose for publication under (d) of
25 this section [REPORT] the receipt of the gift by the family member to the committee
26 if the gift would have to be disclosed [REPORTED] under this section if it had been
27 received by the legislator or legislative employee or if receipt of the gift by a legislator
28 or legislative employee would be prohibited under this section.

29 * **Sec. 9.** AS 24.60.100 is amended to read:

30 **Sec. 24.60.100. Representation.** A legislator or legislative employee who
31 represents another person for compensation before an agency, board, or commission of

1 the state shall disclose the name of the person represented, the subject matter of the
2 representation, and the body before which the representation is to take place to the
3 committee. The disclosure shall be made by the deadline [DEADLINES] set out in
4 AS 24.60.105. The committee shall maintain a public record of a disclosure under this
5 section and forward the disclosure to the respective house for inclusion in the journal.
6 A legislator or legislative employee may not represent another person for
7 compensation before an agency, committee, or other entity of the legislative branch.

8 * **Sec. 10.** AS 24.60.105(a) is amended to read:

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

23 * **Sec. 11.** AS 24.60 is amended by adding a new section to article 2 to read:

24 **Sec. 24.60.115. Disclosure required of a legislator, legislative employee, or**
25 **public member of the committee after final day of service.** A person serving as a
26 legislator, legislative employee, or public member of the committee shall, not later
27 than 90 days after the person's final day of service as a legislator, legislative employee,
28 or public member, file a disclosure of every matter that was subject to disclosure under
29 this chapter while the person was serving.

30 * **Sec. 12.** AS 24.60.130(n) is amended to read:

31 (n) When appointing members of the legislature to serve on the committee, the

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

17 * **Sec. 13.** AS 24.60.130 is amended by adding a new subsection to read:

18 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
19 committee alleges an ethics violation by a group of legislators that includes a
20 legislative member of the committee and that member's alternate, the member and
21 alternate member are disqualified from serving on the committee with regard to the
22 complaint. If the disqualified members are part of the majority caucus, the presiding
23 officer of the house in which the disqualified members serve shall appoint another
24 member of that house to serve on the committee with regard to the complaint.
25 Otherwise, the minority caucus leader shall appoint the member. If a complaint alleges
26 a violation that includes all legislative members of the majority caucus of one house,
27 the presiding officer of that house shall appoint from the other house a member to
28 serve with regard to the complaint. Otherwise, the minority caucus leader shall appoint
29 a member from the other house.

30 * **Sec. 14.** AS 24.60.150(a) is amended to read:

31 (a) The committee shall

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

3 (2) publish advisory opinions annually;

4 (3) publish [SEMI-] annual summaries of decisions [AND
5 ADVISORY OPINIONS] with sufficient deletions in the summaries to prevent
6 disclosing the identity of the persons involved in the decisions [OR OPINIONS] that
7 have remained confidential;

8 (4) publish legislative ethics materials, including an annually
9 updated handbook on standards of ethical conduct and a bimonthly legislative
10 newsletter, to help educate legislators, legislative employees, and public members
11 of the committee on the subject of legislative ethics;

12 (5) in January of each year and at other times determined by the
13 committee, administer a legislative ethics course that teaches strategies for
14 compliance with this chapter and understanding of this chapter's purpose under
15 AS 24.60.010.

16 * Sec. 15. AS 24.60 is amended by adding a new section to read:

17 Sec. 24.60.155. Ethics course. A person who is a legislator, legislative
18 employee, or public member of the committee shall complete the legislative ethics
19 course administered by the committee under AS 24.60.150(a) at some time after the
20 last day of each regular legislative session and before the 10th day of the next regular
21 legislative session. However, a person who first takes office or begins employment
22 after the 10th day of a regular legislative session shall complete the course required by
23 this section within 30 days after the person's first day of service. The committee may
24 grant a person additional time to complete the course required by this section.

25 * Sec. 16. AS 24.60.160 is amended to read:

26 Sec. 24.60.160. Advisory opinions. (a) On the request of the committee, the
27 Alaska Public Offices Commission, a person to whom this chapter applies, or a
28 person who has been newly elected to the legislature, the committee shall issue an
29 advisory opinion within 60 days as to whether the facts and circumstances of a
30 particular case constitute a violation of ethical standards. If it finds that it is advisable
31 to do so, the committee may issue an opinion under this section on the request of a

1 person who reasonably expects to become subject to this chapter within the next 45
2 days. The 60-day period for issuing an opinion may be extended by the committee if
3 the person requesting the opinion consents.

4 (b) An opinion issued under this section is binding on the committee in any
5 subsequent proceedings concerning the facts and circumstances of the particular case
6 unless material facts were omitted or misstated in the request for the advisory opinion.
7 All advisory opinions shall be issued with sufficient deletions to prevent
8 disclosing the identity of the persons involved. Advisory opinion discussions and
9 deliberations are confidential, unless the requester and anyone else named in the
10 request who is covered by the ethics code waives confidentiality. The committee
11 vote shall be a public record. [EXCEPT AS PROVIDED IN THIS CHAPTER, AN
12 ADVISORY OPINION IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A
13 WRITTEN REQUEST BY THE PERSON WHO REQUESTED THE OPINION IS
14 FILED WITH THE COMMITTEE.]

15 * Sec. 17. AS 24.60.170(j) is amended to read:

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

1 committee's findings must be based upon clear and convincing evidence. Testimony
2 taken at the hearing shall be recorded, and evidence shall be maintained.

3 * Sec. 18. AS 24.60.176(b) is amended to read:

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

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

8 (2) the Legislative Budget and Audit Committee for the legislative
9 fiscal analyst and employees of the division of legislative finance, the legislative
10 auditor and employees of the division of legislative audit, and employees of the
11 Legislative Budget and Audit Committee;

12 (3) the appropriate finance committee for employees of the senate or
13 house finance committees;

14 (4) the appropriate rules committee for employees of

15 (A) standing committees of the legislature, other than the
16 finance committees;

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

19 (C) house records and senate records;

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

23 (6) the ombudsman for employees of the office of the ombudsman,
24 other than the ombudsman;

25 (7) the legislature for the ombudsman;

26 (8) the victims' advocate for employees of the office of victims'
27 rights, other than the victims' advocate;

28 (9) the legislature for the victims' advocate.

29 * Sec. 19. AS 24.60.250(c) is amended to read:

30 (c) In addition to the sanctions described in AS 24.60.260, if the Alaska Public
31 Offices Commission finds that a legislative director has failed or refused to file a

1 report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify
2 the Alaska Legislative Council or the Legislative Budget and Audit Committee, as
3 appropriate. For the ombudsman and the office of victims' rights, the Alaska
4 Legislative Council shall be notified.

5 * Sec. 20. 2 AAC 50.317 is annulled.

STATUTORY CHANGE	HB 5 Neuman	HB 6 Harris, etc	HB 10 Lynn, D's	HB 20 Harris	HB 27 Gardner	HB 38 Gara	HB 58 Gara	HB 109 Gov.	SB 13 Stevens	SB 19 French	SB 20 French	SB 63 Bunde
11.56.135 new section under 11.56 Criminal Law for "Improper legislative campaign contribution and agreement" and makes violation of the law by either a candidate or a contributor a Class B Felony.						X		SB 64				
15.13.040(a)(1)(C) adds reporting requirement of principle occupation and employer information for contributor and specifies this is for each contribution of each contributor and repeals (D) because they now require the information for all contributions not just those over \$250. Amends (b) & (j) from "the" to "each".				X								
15.13.040(g) repealed \$5,000 exemption	X			X								X
15.13.040(l) repealed exempt fundraisers				X								X
15.13.040(m) requires electronic filing with APOC but allows APOC to allow exceptions in extraordinary circumstances.								X				
15.13.070(c) reduced annual contributions of groups other than political party from \$1,000 to \$500.		X										
24.45.121 prohibits spouse or domestic partner of legislator from being a lobbyist and prohibits anyone from hiring such a person.				X								
24.60.020 Language cleanup to clarify that this subsection applies to this chapter.			X								X	

STATUTORY CHANGE	HB 5 Neuman	HB 6 Harris, etc	HB 10 Lynn, D's	HB 20 Harris	HB 27 Gardner	HB 38 Gara	HB 58 Gara	HB 109 Gov	SB 13 Stevens	SB 19 French	SB 20 French	SB 63 Bunde
24.60.030(a) prohibits a legislator or legislative employee from entering into a contract to provide consulting services.				X								
24.60.080(e) eliminate exempt language from report of gifts. All gifts which are not reported as contributions to APOC must be reported to Legislative Ethics.				X								X
24.60.085 new section prohibiting a legislator from, directly or through any person, providing consulting services or accepting consulting fees from a person in the private sector while in office and for one year after leaving office.									X			
24.60.115 new law requires a former legislator, legislative employee or public member of the Select Committee on Legislative Ethics to file disclosure information for all matters relevant to when that person was a legislator, legislative employee or public member of the Select Committee on Legislative Ethics even though they no longer hold that position.			X								X	Within 90 days
24.60.200 expands reporting of income in excess of \$1,000 to include dividends received from a LLC as compensation for personal services and requires the disclosure to include a description of services performed and the approximate number of hours spent performing services. Exceptions to comply with state and federal laws.			X		X			X				X

STATUTORY CHANGE	HB 5 Neuman	HB 6 Harris, etc	HB 10 Lynn, D's	HB 20 Harris	HB 27 Gardner	HB 38 Gara	HB 58 Gara	HB 109 Gov	SB 13 Stevens	SB 19 French	SB 20 French	SB 63 Bunde
------------------	----------------	---------------------	--------------------	-----------------	------------------	---------------	---------------	---------------	------------------	-----------------	-----------------	----------------

UNCODIFIED LAW _ HB 10 Applicability of 24.60 changes to legislators in office between April 9, 2006 and July 1, 2007			X									
24.60.210(a) & (b) Requires former legislators, public members of Ethics Committee, & legislative directors to submit financial disclosures to APOC within 90 days after leaving those positions.								X				
24.60.210(c) new subsection makes electronic reporting of Annual Reports to APOC mandatory except in extraordinary circumstances, which would have to comply with APOC requirements.								X				
24.60.990(a) adds definition for "professional license" to mean a license required for a profession regulated by the federal government or a state.					X							
39.50.020 Would require the governor, high-ranking executive branch officials judges and other judicial officers, and certain municipal officers to file a financial disclosure report with APOC within 90 days of leaving service.								X				
39.50.030(b) Requires financial disclosure of income and interest, and stock holdings, trust or similar interests, loans, loan guarantees, and indebtedness exceeding \$1,000, a reduction from \$5,000. And required more detail in financial disclosures.								X				

STATUTORY CHANGE	HB 5	HB 6	HB 10	HB 20	HB 27	HB 38	HB 58	HB 109	SB 13	SB 19	SB 20	SB 63
	Neuman	Harris, etc	Lynn, D's	Harris	Gardner	Gara	Gara	Gov.	Stevens	French	French	Bunde
39.50.050(a) Conforms section for APOC administration and inspection to comply with mandatory electronic filing.								X				
39.52.110(b) amends Executive Branch Ethics Act to draw a bright line for interest in and ownership of a business of not more than one percent or \$5,000; cannot be a member of the board or have a contract or an option for a contract with a business; cannot employed by the business.								X		X		
39.52.110(d) New subsection to "Scope of Code" clarifies stock or ownership interest in a business is presumptively insignificant if the value of the interest is less than \$5,000.								X				
39.52.130(a) establishes an assumption that all gifts from a lobbyist to a public officer, or a member of the officer's immediate family, are improper unless the lobbyist is an immediate family member of the gift's recipient.								X				
39.52.180(a) Makes limitations for post-employment by public officials covered under the Executive Branch Ethics Act more restrictive by precluding former public officials from working on particular legislation or regulations for two-years after leaving state service if they personally and substantially participated in work on the same legislation or regulations during their state service.								X				

STATUTORY CHANGE	HB 5 Neuman	HB 6 Harris, etc	HB 10 Lynn, D's	HB 20 Harris	HB 27 Gardner	HB 38 Gara	HB 58 Gara	HB 109 Gov	SB 13 Stevens	SB 19 French	SB 20 French	SB 63 Bunde
39.52.180(d) Extends the existing one-year ban on lobbying on certain public officials to include deputy heads of principal departments and those holding policy-making positions in the Office of the Governor, lieutenant governor, and heads of principal departments.								X			X	
UNCODIFIED LAW - Applicability of restrictions for one-year ban on lobbying and the two-year restriction for working on legislation or regulations to those leaving service on or after the effective date of the law.								X				
EFFECTIVE DATE of mandatory electronic filing of APOC reports is July 1, 2007								X				
EFFECTIVE DATE of all other provisions of Governor's Bill would be immediate.								X				
39.52.960(14) amends definition for "official action" broadening it to include <u>performance of any duties in the course and scope of a public official's employment review, advice, participation and assistance</u> in making a recommendation, decision, approval, disapproval, vote other similar action, including, inaction, by a public officer <u>regarding a matter</u> that could have an effect on the financial interests of that public officer.							X			X		

HB 109



SARAH PALIN
GOVERNOR
GOVERNOR@GOV.STATE.AK.US

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 24, 2007

RULES

The Honorable John Harris
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801 1182

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to reports to the Alaska Public Offices Commission and relating to the Alaska Executive Branch Ethics Act.

This bill would (1) generally require candidates, groups, legislators, public officials, and others to submit required reports electronically to the Alaska Public Offices Commission; (2) require legislators and other public officials to make financial disclosures when they leave office; (3) require candidates, legislators, and other public officials to disclose information about services performed for compensation and about certain income, gifts, and other financial matters; (4) establish a presumption that an interest of less than \$5,000 in a business is an "insignificant" interest for purposes of the Alaska Executive Branch Ethics Act; (5) establish a presumption that gifts from a lobbyist to a public officer and the public officer's immediate family members are prohibited under the Alaska Executive Branch Ethics Act, unless the lobbyist is an immediate family member of the gift recipient; and (6) tighten certain restrictions on employment after leaving state service for purposes of the Alaska Executive Branch Ethics Act.

The public's confidence in its government and governmental officials is essential. This bill would foster the openness in government that I have advocated as one means to increase that confidence.

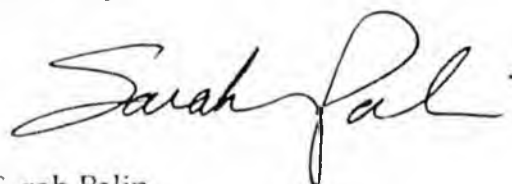
In preparing this bill, I have taken into consideration the advice and counsel of numerous individual Alaskans. The issues addressed by the provisions within this bill have largely been publicly discussed, and may even be addressed in other bills currently pending in the Legislature. For example, provisions to establish a

The Honorable John Harris
January 24, 2007
Page 2

presumption regarding "insignificant" interests were addressed in legislation last year that passed the Senate and moved all the way to the House Rules Committee.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Palin". The signature is written in black ink and is positioned to the right of the typed name.

Sarah Palin
Governor

Sectional Analysis of Governor's Ethics Bill

Section 1: This section would amend AS 15.13.040(m) to require electronic filing of campaign disclosure reports that candidates, groups, and others file with the Alaska Public Offices Commission. The section would allow the APOC to grant an exception in extraordinary circumstances.

Section 2: This section would amend AS 24.60.200 to require more detail in the financial disclosures that legislators, public members of the Select Committee on Legislative Ethics, and legislative directors file with the APOC. It would require that, for all income exceeding \$1,000, the disclosures describe the amount received, the number of hours spent to earn the income, and details regarding the services provided.

Section 3: This section would amend AS 24.60.210 to require former legislators, former public members of the Select Committee on Legislative Ethics, and former legislative directors to file financial disclosures with the APOC within 90 days of leaving service in those positions.

Section 4: This section would amend AS 24.60.210 to require electronic filing of financial disclosures that legislators, public members of the Select Committee on Legislative Ethics, and legislative directors file with the APOC, but would allow the APOC to grant an exception in extraordinary circumstances.

Section 5: This section would amend AS 39.50.020 to require financial disclosures from former public officials within 90 days of leaving service in their official positions. This requirement would apply to the governor and other high-ranking executive branch officials, judges and other judicial officers, and certain municipal officers, as well as some others.

Section 6: This section would amend AS 39.50.030(b) to require more detail in the financial disclosures that candidates and public officials file with the APOC. The current law requires reporting of income and interests exceeding \$5,000 in value; this section would require more extensive reporting by reducing that reporting threshold to \$1,000. In addition, it would require that, for all income exceeding \$1,000, the disclosures describe the source of the income, the amount received, the number of hours spent to earn the income, and details regarding the services provided. It would also require disclosure of all stock holdings, trust or similar interests, loans, loan guarantees, and indebtedness exceeding \$1,000 in value.

Section 7: This section would amend AS 39.50.050(a) to require electronic filing of candidates' and public officials' financial disclosures with the APOC. The section would allow the APOC to grant an exception in extraordinary circumstances.

Section 8: This section would amend AS 39.52.110 by defining an "insignificant financial interest" for purposes of the Executive Branch Ethics Act. It would make stock or an ownership interest in a business presumptively insignificant if the value of the interest is less than \$5,000.

Section 9: This section would amend the Executive Branch Ethics Act (AS 39.52.130(a)) to establish a presumption that all gifts from a lobbyist to a public officer (or a member of the officer's immediate family) are improper unless the lobbyist is an immediate family member of the gift's recipient.

Section 10: This section would amend the Executive Branch Ethics Act (AS 39.52.180(a)) by deleting some of the language defining "matter" for purposes of the two-year restrictions that apply to employment after leaving state service. The deleted language excludes work on legislation and regulations from the definition of "matter." The effect of this section would be to make the post-state employment limitations more restrictive by precluding former public officials from working on particular legislation or regulations after leaving state service if they personally and substantially participated in work on the same legislation or regulations during their state service.

Section 11: This section would amend the Executive Branch Ethics Act (AS 39.52.180(d)) to extend the existing one-year ban on lobbying to include deputy heads of principal departments and those holding policy-making positions in the Office of the Governor. Currently, the one-year lobbying ban applies only to the governor, lieutenant governor, and heads of principal departments.

Section 12: This section would restrict application of sections 10 (deletion of the legislation and regulations language from the post-state employment restrictions) and 11 (extension of the lobbying restrictions) to those who leave state service on or after the effective date of this enactment.

Section 13: This section would make sections 1, 4, and 7 (the sections addressing electronic filing with the APOC) effective on July 1, 2007.

Section 14: This section would make the remaining sections of the enactment effective immediately.

Bill History/Action Display



BILL: HB 109

SHORT TITLE: DISCLOSURES & ETHICS

BILL VERSION:

CURRENT STATUS: (H) STA

STATUS DATE: 01/25/07

THEN JUD

SPONSOR(s): RLS BY REQUEST OF THE GOVERNOR

HEARING: (H) STA Jan 30 8:00 AM CAPITOL 106 -- No Public Testimony -- TELECONFERENCE

TITLE: "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."

Bill Root: [Display Bill Root](#) [Next Bill](#)

[Full Text](#) [Fiscal Notes](#)

[Committee Action with Bill History](#)

Jm-Date	Jm-Page	Action
5/07	0108	(H) READ THE FIRST TIME - REFERRALS
1/25/07	0108	(H) STA, JUD
01/25/07	0108	(H) FN1: ZERO(ADM)
01/25/07	0108	(H) FN2: ZERO(LAW)
01/25/07	0108	(H) GOVERNOR'S TRANSMITTAL LETTER
01/25/07	0108	(H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match

- [CAMPAIGNS](#)
- [CONFLICT OF INTEREST](#)
- [DISCLOSURE](#)
- [ETHICS](#)
- [EXECUTIVE BRANCH](#)
- [LEGISLATIVE COMMITTEES](#)
- [LEGISLATORS](#)
- [LOBBYISTS](#)
- [MUNICIPALITIES](#)
- [PUBLIC EMPLOYEES](#)
- [PUBLIC OFFICERS](#)

Bill Root: [Display Bill Root](#) [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

[Live KTOO Streams](#)

[Return to Basis Main Menu \(25 Legislature\)](#)

[Return to Legislature Home Page](#)

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 109
 (H) Publish Date: 1/25/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to the requirement for candidates, RDU AK Public Offices Commission
groups, legislators, public officials... Component AK Public Offices Commission
 Sponsor Rules by Request
 Requester Governor's Office Component No. 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type-Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires candidates, groups, legislators, public officials, and others to submit required reports electronically; requires legislators and public officials to file financial disclosures after leaving office; requires financial disclosure filers to provide a detailed description about services performed for compensation and about certain income, gifts, and other financial matters; establishes a presumption that an interest of less than \$5000 in a business is an "insignificant" interest for the purposes of the Executive Branch Ethics Act, prohibits gifts from lobbyists to public officers or the immediate family members of public officers; and lightens the restrictions on employment after leaving state service. It is not anticipated that this measure will add to the costs of the Public Offices Commission.

Prepared by: Brooke Miles, Executive Director
 Division: Alaska Public Offices Commission
 Approved by: Melanie Millhorn, Deputy Commissioner
 Agency: Department of Administration

Phone: 907-334-1726
 Date/Time: 1/23/07 12:00 AM
 Date: 1/23/2007

STATUTE – original language	HB – 109 Amends	HB – 10	HB - 27
<p>AS 15.13.040 (m)</p>	<p>AS 15.13.040 (m)</p>		
<p>* Section 1. (m) The commission may request that the information required under this chapter be submitted electronically but shall accept any information required under this chapter that is typed 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 and that is filed with the commission.</p>	<p>* Section 1. (m) The commission <u>shall require</u> that the information required under this chapter be submitted electronically but <u>may, when extraordinary circumstances warrant an exception,</u> accept any information required under this chapter that is typed 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 and that is filed with the commission.</p>		

AS 24.60.200	HB - 109 Amends AS 24.60.200	HB - 10 Amends AS 24.60.200	HB - 27 Amends AS 24.60.200
<p>* Section 1 (a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature, to a legislative employee, and to public members of the committee. This chapter does not apply to (1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless the provision <u>of this chapter</u> specifically states that it applies; (2) a person elected to the legislature who at the time of election is not a member of the legislature.</p> <p>* Sec. 2. Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors. A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the</p>	<p>* Sec. 2. Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors. A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury,</p>	<p>* Section 1. (a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature, to a legislative employee, and to public members of the committee. This chapter does not apply to (1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless <u>a provision of this chapter</u> specifically states that it applies; (2) a person elected to the legislature who at the time of election is not a member of the legislature.</p>	<p>Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors. A legislator, a public member of the committee, and a legislative director</p>

<p>Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or domestic partner, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:</p> <p>(1) the information that a public official is required to report under AS 39.50.030, other than information about gifts;</p> <p>(2) as to income in excess of \$1,000 received as compensation for personal services, the name and address of the source of the income, and a statement describing the nature of the services performed; if the source of income is known or reasonably should be known to have as substantial interest in legislative, administrative or political action and the recipient of the income is a legislator or a legislative director, the amount of income received from the source shall be disclosed;</p>	<p>with the Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or domestic partner, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:</p> <p>(1) the information that a public official is required to report under AS 39.50.030, other than information about gifts;</p> <p>(2) as to income in excess of \$1,000 received as compensation for personal services, the name and address of the source of the income, <u>the amount of the income, the number of hours of services performed to earn that income,</u> and a statement describing <u>in detail</u> the nature of the services performed.</p>		<p>shall file a disclosure statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or domestic partner, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:</p> <p>(1) the information that a public official is required to report under AS 39.50.030, other than information about gifts;</p> <p>(2) as to income in excess of \$1,000 received compensation as for personal services, <u>and as to a dividend received from a limited liability company as compensation for personal services,</u> the name and address of the source of the income, and a statement describing</p> <p>(A) the nature of the</p>
--	---	--	---

<p>(3) as to each loan or loan guarantee over \$1,000 from a source with a substantial interest in legislative, administrative, or political action, the name and address of the person making the loan or guarantee, the amount of the loan, the terms and conditions under which the loan or guarantee was given, the amount outstanding at the time of filing, and whether</p>	<p>(3) as to each loan or loan guarantee over \$1,000 from a source with a substantial interest in legislative, administrative, or political action, the name and address of the person making the loan or guarantee, the amount of the loan, the terms and conditions under which the loan or guarantee was given, the amount outstanding at the time of filing,</p>		<p>services performed, <u>with sufficient description to make clear to a person of ordinary understanding the specific services performed, unless those services require the issuance of a state or federal professional license;</u> <u>(B) the approximate total number of hours that have been spent or will be spent performing the services and;</u> <u>(C) the amount of income received from the source, if the recipient of the income is a legislator or legislative director;</u> (3) as to each loan or loan guarantee over \$1,000 from a source with a substantial interest in legislative, administrative, or political action, the name and address of the person making the loan or guarantee, the amount of the loan, the terms and conditions under which the loan or</p>
---	---	--	--

<p>or not a written loan agreement exists.</p>	<p>and whether or not a written loan agreement exists.</p>		<p>guarantee was given, the amount outstanding at the time of filing, and whether or not a written loan agreement exists.</p>
<p>AS 24.60.210 * Sec. 3. Sec. 24.60.210. Deadlines for filing of disclosure statements. (a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year.</p> <p>(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, covering</p>	<p>HB 109- Amends AS 24.60.210 * Sec. 3. Sec. 24.60.210. Deadlines for filing of disclosure statements. (a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year. <u>On or before the 90th day after ending service as a legislator or legislative director a former legislator, or legislative director shall file with the Alaska Public Offices Commission a report containing the disclosures required by AS 24.60.200, covering any period of that service for which the legislator or legislative director has not already filed a report.</u></p> <p>(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission covering,</p>		

<p>the previous calendar year, containing the disclosures required by AS 24.60.200, on or before the second Monday in January of each year.</p>	<p>the previous calendar year, containing the disclosures required by AS 24.60.200, on or before the second Monday in January of each year. <u>On or before the 90th day after ending service on the committee, a former public member of the committee shall file with the Alaska Public Offices Commission a report containing disclosures required by AS 24.60.200, covering any period of that service for which the public member has not already filed a report.</u></p>		
<p>AS 24.60.210</p>	<p>HB 109 – AS 24.60.210</p>		
<p>New subsection added →</p>	<p>* Sec. 4. AS 24.60.210 is amended by adding a new subsection to read: (c) The Alaska Public Offices Commission shall require that the reports required under this section be submitted electronically but may, when extraordinary circumstances warrant an exception, accept any information required under this section that is typed in clear and</p>		

	<p>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 and that is filed with the commission.</p>		
<p>AS 39.50.020</p>	<p>HB 109 - AS 39.50.020</p>		
<p>* Sec. 5. Sec. 39.50.020. Report of financial and business interests. (a) A public official other than the governor or the lieutenant governor shall file a statement giving income sources and business interests, under oath and on penalty of perjury, within 30 days after taking office as a public official. Candidates for state elective office other than a candidate who is subject to AS 24.60 shall file the statement with the director of elections at the time of filing a declaration of candidacy or a nominating petition or becoming a candidate by any other means. Candidates for elective municipal office shall file the statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that a previously accepted filing</p>	<p>* Sec. 5. Sec. 39.50.020. Report of financial and business interests. (a) A public official other than the governor or the lieutenant governor shall file a statement giving income sources and business interests, under oath and on penalty of perjury, within 30 days after taking office as a public official. Candidates for state elective office other than a candidate who is subject to AS 24.60 shall file the statement with the director of elections at the time of filing a declaration of candidacy or a nominating petition or becoming a candidate by any other means. Candidates for elective municipal office shall file the statement at the time of filing a petition nominating, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that a previously accepted filing</p>		

<p>fee be returned and the candidate's name removed from the filing records. A statement shall also be filed by public officials no later than March 15 in each following year. Persons who are members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.</p> <p>(b) A public official other than an elected or appointed municipal officer shall file the statement with the Alaska Public Offices Commission. Candidates for the office of governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.</p>	<p>filing fee be returned and the candidate's name removed from the filing records. A statement shall also be filed by public officials no later than March 15 in each following year. <u>On or before the 90th day after leaving office, a former public official shall file a statement covering any period during the official's service in that office for which the public official has not already filed a statement.</u> Persons who are members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.</p> <p>(b) A public official <u>or former public official</u> other than an elected or appointed municipal officer shall file the statement with the Alaska Public Offices Commission. Candidates for the office of governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or 15.25.180. Municipal officers, <u>former municipal officers,</u> and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.</p>		
--	---	--	--

AS 39.50.030(b)	HB 109 amends AS 39.50.030(b)		
<p>* Sec. 6.</p> <p>(b) Each statement filed by a public official or candidate under this chapter must include the following:</p> <p>(1) the source of all income over \$5,000 during the preceding calendar year, including taxable and nontaxable capital gains, received by the person, the person's spouse or domestic partner, or the person's dependent child, except that a source of income that is a gift must be included if the value of the gift exceeds \$250;</p> <p>(2) the identity, by name and address, of each business in which the person, the person's spouse or domestic partner, or the person's dependent child has an interest or was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding</p>	<p>(b) Each statement filed by a public official or candidate under this chapter must include the following:</p> <p>(1) the source of all income over \$5,000 during the preceding calendar year, including taxable and nontaxable capital gains, <u>and each gift with a value exceeding \$250</u>, received by the person, the person's spouse or domestic partner, or the person's dependent child,</p> <p><u>(A) the source of the income or gift;</u></p> <p><u>(B) the recipient of the income or gift;</u></p> <p><u>(C) the amount of the income or value of the gift;</u></p> <p><u>(D) the number of hours of services performed, if any, to earn the income or for which the gift was given; and</u></p> <p><u>(E) a detailed description of the nature of the services performed;</u></p> <p>(2) the identity, by name and address, of each business in which the person, the person's spouse or domestic partner, or the person's dependent child has an interest or was a stockholder, owner, officer, director, partner, proprietor, or employee during</p>		

<p>calendar year, except that an interest of less than \$5,000 in the stock of a publicly traded corporation need not be included;</p> <p>(3) the identity and nature of each interest in real property, including an option to buy, owned at any time during the preceding calendar year by the person, the person's spouse or domestic partner, or the person's dependent child;</p> <p>(4) the identity of each trust or other fiduciary relation in which the person, the person's spouse or domestic partner, or the person's dependent child held a beneficial interest exceeding \$5,000 during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;</p> <p>(5) any loan or loan guarantee of more than \$5,000 made to the person, the person's spouse or domestic partner, or the person's dependent child, and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the person, the person's spouse or domestic partner, or the person's dependent child owed more than \$5,000; this paragraph requires disclosure of a loan, loan guarantee, or</p>	<p>the preceding calendar year, except that an interest of less than \$5,000 in the stock of a publicly traded corporation need not be included;</p> <p>(3) the identity and nature of each interest in real property, including an option to buy, owned at any time during the preceding calendar year by the person, the person's spouse or domestic partner, or the person's dependent child;</p> <p>(4) the identity of each trust or other fiduciary relation in which the person, the person's spouse or domestic partner, or the person's dependent child held a beneficial interest exceeding <u>\$1,000</u> during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;</p> <p>(5) any loan or loan guarantee of more than <u>\$1,000</u> made to the person, the person's spouse or domestic partner, or the person's dependent child, and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the person, the person's spouse or domestic partner, or the person's dependent child owed more than <u>\$1,000</u> this paragraph requires disclosure of a loan, loan</p>		
--	--	--	--

<p>indebtedness only if the loan or guarantee was made, or the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, or indebtedness was more than \$5,000 at any time during the preceding calendar year;</p>	<p>guarantee, or indebtedness only if the loan or guarantee was made, or the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, or indebtedness was more than <u>\$1,000</u> at any time during the preceding calendar year;</p>		
<p>(6) a list of all contracts and offers to contract with the state or an instrumentality of the state during the preceding calendar year held, bid or offered by the person, the person's spouse or domestic partner, or the person's dependent child, a partnership or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse, domestic partner, or dependent children, or a combination of them, hold a controlling interest; and</p>	<p>(6) a list of all contracts and offers to contract with the state or an instrumentality of the state during the preceding calendar year held, bid, or offered by the person, the person's spouse or domestic partner, or the person's dependent child, a partnership or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse, domestic partner, or dependent children, or a combination of them, hold a controlling interest; and</p>		
<p>(7) a list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar year by the person, the person's spouse or domestic partner, or the person's dependent child, a partnership or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse or domestic partner or dependent children, or a combination of them, holds a</p>	<p>(7) a list of all mineral, timber, oil, or any other natural resource held, lease or lease offer made, during the preceding calendar year by the person, the person's spouse or domestic partner, or the person's dependent child, a partnership or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse or domestic partner or dependent children, or a combination of them, holds a</p>		

controlling interest.	controlling interest.		
AS 39.50.050(a)	HB 109 amends AS 39.50.050(a)		
<p>* Sec. 7. (a) The Alaska Public Offices Commission created under AS 15.13.020(a) shall administer the provisions of this chapter. The commission shall prepare and keep available for distribution standardized forms on which the reports required by this chapter shall be filed. The commission shall print the forms provided under this section so that the front and back of each page have the same orientation when the page is rotated on the vertical axis of the page. The commission may request that the information required under this chapter be submitted electronically but shall accept any information required under this chapter that is typed in clear legible and black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission and that is filed with the commission.</p>	<p>* Sec. 7. AS 39.50.050(a) is amended to read: (a) The Alaska Public Offices Commission created under AS 15.13.020(a) shall administer the provisions of this chapter. The commission shall prepare and keep available for distribution standardized forms on which the reports required by this chapter shall be filed. The commission shall print the forms provided under this section so that the front and back of each page have the same orientation when the page is rotated on the vertical axis of the page. The commission <u>shall require</u> that the information required under this chapter be submitted electronically but <u>may, when extraordinary circumstances warrant an exception,</u> accept any information required under this chapter that is typed 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 and that is filed with the commission.</p>		

<p>AS 39.52.110</p>	<p>HB 109 – AS 39.52.110(d) subsection</p>		
<p>New Subsection added →</p>	<p>* Sec. 8. AS 39.52.110 is amended by adding a new subsection to read: (d) Stock or other ownership interest in a business is presumed to be insignificant if the value of the stock or other ownership interest is less than \$5,000.</p>		
<p>AS 39.52.130(a)</p>	<p>HB 109 amends AS 39.52.130(a)</p>		
<p>Sec. 9. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment.</p>	<p>Sec. 9. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. <u>A gift from a person required to register as a lobbyist under AS 24.45.041 to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.</u></p>		

<p>AS 39.52.180(a) Sec. 10. (a) A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, or determination, but does not include the proposal or consideration of legislative bills, resolutions and Constitutional amendments, or other legislative measures; or the proposal, consideration or adoption of administrative regulations.</p>	<p>HB 109 – amends AS 39.52.180(a) Sec. 10. (a) A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, or determination.</p>		
<p>AS 39.52.180(d) * Sec. 11. (d) A former governor, lieutenant governor, or head of a principal department in the executive branch may not engage in activity as a lobbyist under AS 24.45 for a period of one year after leaving service as the governor, lieutenant governor, or department head, as appropriate. This subsection does not prohibit service as a volunteer lobbyist described in AS</p>	<p>HB 109 – amends AS 39.52.180(d) * Sec. 11. (d) A former governor, lieutenant governor, head <u>or deputy head</u> of a principal department in the executive branch, <u>or employee of the Office of the Governor in a policy-making position</u> may not engage in activity as a lobbyist under AS 24.45 for a period of one year after leaving service as the governor, lieutenant governor, department head <u>or deputy head,</u></p>		

<p>24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission.</p> <p>New Section Added →</p> <p>* Sec. 13. Sections 1, 4, and 7 of this Act take effect July 1, 2007. * Sec. 14. Except as provided in sec. 13 of this Act, this Act takes effect immediately under AS 01.10.070(c).</p>	<p><u>or employee of the Office of the Governor in a policy-making position</u>, as appropriate. 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.</p> <p>* Sec. 12. The uncodified law of the State of Alaska is amended by adding a new section to read: APPLICABILITY. Sections 10 and 11 of this Act apply to a person who leaves state service on or after the effective date of secs. 10 and 11 of this Act.</p> <p>* Sec. 13. Sections 1, 4, and 7 of this Act take effect July 1, 2007. * Sec. 14. Except as provided in sec. 13 of this Act, this Act takes effect immediately under AS 01.10.070(c).</p>		
---	--	--	--

<p>STATUTE – AS 15.13.040(a)</p>	<p>HB 5 – amends AS 15.13.040(a)</p>	<p>HB 5 - repeals AS 15.13.040(g)</p>	<p>accomplishes</p>
<p>(a) Except as provided in (g) and (l) of this section, each candidate shall make a full report, upon a form prescribed by the commission,</p>	<p>(a) Except as provided in (l) of this section, each candidate shall make a full report, upon a form prescribed by the commission,</p>	<p>(g) The provisions of (a) and (l) of this section do not apply if a candidate (1) indicates, on a form prescribed by the commission, an intent not to raise and not to expend more than \$5,000 in seeking election to office, including both the primary and general elections; (2) accepts contributions totaling not more than \$5,000 in seeking election to office, including both primary and general elections. (3) makes expenditures totaling not more than \$5,000 in seeking election to office, including both the primary and general elections. (h) The provisions of (d) of this section do not apply to one or more expenditures made by an individual acting independently of any group or nongroup entity and independently of any other individual if the expenditures (1) cumulatively do not exceed \$500 during a calendar year; and (2) are made only for billboards, signs, or printed material concerning a ballot proposition as that term is defined by AS 15.13.065(c).</p>	<p>Requires all candidates to report contributions and expenses to APOC, removing exceptions for candidates raising or spending less than \$5,000.</p>
<p>STATUTE - AS 24.60.080 (e)</p>	<p>HB 5 – amends AS 24.60.080 (e)</p>		
<p>Sec. 2. (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.</p>	<p>Sec. 2. (e) A political contribution is not a gift under this section if it is reported under AS 15.13.040. 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.</p>		<p>NOTE: This bill amends and repeals the same statutes as HB 20 – but does not go as far.</p>

Alaska State Legislature

Session: (Jan-May)
State Capitol, Room 208
Juneau, AK 99801-1182
(907) 465-4859
Fax (907) 465-3799



Interim: (June-Dec)
716 West 4th Avenue, Suite 300
Anchorage, AK 99501-2133
(907) 269-0129
Fax (907) 269-0128

John Harris
Speaker of the House

SECTIONAL ANALYSIS CS for HOUSE BILL 6 (), Draft LS0055\K

An Act relating to political contributions; and providing for an effective date.

Section 1: Amends AS 15.13.040(a), Contributions, expenditures and supplying of services to be reported. Adds language that refers to elections for state offices only; candidates file a report in accordance with AS 15.13.110 (Filing of Reports); and, requires candidates to list, in addition to name, address and amount of the contribution, the principal occupation and employer of each contributor. Those not governed under subsection (1), which includes judges up for retention, constitutional convention delegates and municipal candidates, are required to provide certain information and for contributions totaling over \$250 to list the principal occupation and employer of the contributor.

Section 2: Amends AS 15.13.040(b), Contributions, expenditures and supplying of services to be reported. Requires groups to report all contributions.

Section 3: Amends AS 15.13.040(g), Contributions, expenditures and supplying of services to be reported. Lists those who are not required to file reports unless more than \$5000 is to be received or expended.

Section 4: Amends AS 15.13.040(j), Contributions, expenditures and supplying of services to be reported. Adds language requiring all nongroup entities to list the principal occupation and employer of each contributor. Deletes language for contributions in excess of \$250. Deletes language for contributions in excess of \$500 from one nongroup entity to another nongroup entity that are used to influence the outcome of an election. Deletion of this language requires nongroup entities to report all contributions and expenditures.

Section 5: Amends AS 15.13.070(c), Limitations on amount of political contributions. Reduces group contributions from \$1,000 to \$500.

Section 6: Immediate effective date.

**CAMPAIGN
INCOME**

30 Day Report 7 Day Report Year End Report
 Municipal Primary General Final



NAME OF CANDIDATE OR GROUP:

Report all contributions up to \$250 by Date, Check Number, Contributor Name and Address. Report all contributions in excess of \$250 by Date, Check Number, Contributor Name, Address, Principal Occupation and Employer.

Date	Check # Non-Mon Description Loan	Contributor, Address, Zip	Occupation, Employer	Amount this Period
				Annual Total:
				Annual Total:
				Annual Total:
				Annual Total:
				Annual Total:
				Annual Total:
				Annual Total:
				Annual Total:
				Annual Total:
				Annual Total:

**Total Income This Period:
(Including Income from
Exempt Fundraising)**

Include subtotals from any
Additional Income sheets.

Attach all Exempt fundraising forms

<p>AS 11.56.100. Bribery.</p> <p>(a) A person commits the crime of bribery if the person confers, offers to confer, or agrees to confer a benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, action, decision, or exercise of official discretion.</p> <p>(b) In a prosecution under this section, it is not a defense that the person sought to be influenced was not qualified to act in the desired way, whether because that person had not assumed office, lacked jurisdiction, or for any other reason.</p> <p>(c) Bribery is a class B felony.</p>	<p>Proposed new section – AS 11.56.135</p> <p>Improper legislative campaign contribution and agreement.</p> <p>(a) A person commits the crime of improper legislative campaign contribution and agreement if the person</p> <p>(1) <i>explicitly</i> agrees to make a campaign contribution to a member of the legislature or a candidate for the legislature, and makes that contribution, in exchange for an agreement by the legislator <i>or the candidate</i> to alter the legislator's <i>or candidate's</i> position on a legislative matter; or</p> <p>2) as a member of the legislature or a candidate for the legislature, accepts a campaign contribution and explicitly agrees, in exchange for that contribution, to alter the legislator's <i>or candidate's</i> position on a legislative matter.</p> <p>(b) Improper legislative campaign contribution and agreement is a class B felony.</p> <p>* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to read:</p> <p>APPLICABILITY. This Act applies to offenses occurring on or after the effective date of this Act.</p>
<p>AS 11.56.110. Receiving a Bribe.</p> <p>(a) A public servant commits the crime of receiving a bribe if the public servant</p> <p>(1) solicits a benefit with the intent that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced; or</p> <p>(2) accepts or agrees to accept a benefit upon an agreement or understanding that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced.</p> <p>(b) Receiving a bribe is a class B felony.</p>	<p>↑ Q: What does <i>explicitly</i> mean?</p> <p>Comment: The new section would make a 'candidate' liable for accepting a contribution – <i>before</i> he/she is elected – for what he/she may be able to influence – without yet having the capacity to influence anything. This is interesting because a candidate is still a private citizen – unless he/she is running as an incumbent, in which case he/she would still be a legislator. How would this be enforceable?</p> <p>It would also make a contributor a felon for giving a contribution to a candidate in exchange for possibly influencing a vote before he has the power to do anything.</p>
<p>AS 15.13.065. Contributions.</p> <p>(a) Individuals, groups, nongroup entities, and political parties may make contributions to a candidate. An individual, group, or nongroup entity may make a contribution to a group, to a nongroup entity, or to a political party.</p> <p>(b) A political party may contribute to a subordinate unit of the political party, and a subordinate unit of a political party may contribute to the political party of which it is a subordinate unit.</p>	

<p>(c) Except for reports required by AS <u>15.13.040</u> and <u>15.13.110</u> and except for the requirements of AS <u>15.13.050</u> , <u>15.13.060</u>, and <u>15.13.112</u> - <u>15.13.114</u>, the provisions of AS <u>15.13.010</u> - <u>15.13.116</u> do not apply to limit the authority of a person to make contributions to influence the outcome of a ballot proposition. In this subsection, in addition to its meaning in AS <u>15.60.010</u> , "proposition" includes an issue placed on a ballot to determine whether</p> <ol style="list-style-type: none"> (1) a constitutional convention shall be called; (2) a debt shall be contracted; (3) an advisory question shall be approved or rejected; or (4) a municipality shall be incorporated. 	<p>Q: What influence can a legislator have on the outcome of a ballot proposition?</p> <p>← HB 38 would seem to eliminate this exception, but does not mention it in the proposed bill language.</p>
<p>AS 11.56.120. Receiving Unlawful Gratuities.</p> <p>(a) A public servant commits the crime of receiving unlawful gratuities if, for having engaged in an official act which was required or authorized and for which the public servant was not entitled to any special or additional compensation, the public servant</p> <ol style="list-style-type: none"> (1) solicits a benefit, regardless of value; or (2) accepts or agrees to accept a benefit having a value of \$50 or more. <p>(b) Receiving unlawful gratuities is a class A misdemeanor.</p>	<p>← HB 38 essentially restates AS <u>11.56.110</u>. and AS <u>11.56.120</u>, adding 'candidates' and making it a class B felony to solicit, accept or agree to accept a benefit - and includes contributions that would result in giving or getting a vote as a benefit - (HB 38 does not address the definition of benefit)</p>
<p>AS 11.56.130. Definition.</p>	
<p>In AS <u>11.56.100</u> - <u>11.56.130</u>, "benefit" has the meaning ascribed to it in AS <u>11.81.900</u> but does not include:</p> <ol style="list-style-type: none"> (1) political campaign contributions reported in accordance with AS <u>15.13</u>; (2) concurrence in official action in the cause of legitimate compromise between public servants; or (3) support, including a vote, solicited by a public servant or offered by any person in an election. 	<p>AS <u>11.81.900</u> (4) "benefit" means present or future gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary;</p> <p>← HB 38 would eliminate this exception - but does not mention it in the proposed bill language.</p> <p>← HB 38 would eliminate this exception - but does not mention it in the proposed bill language.</p>

(24) "felony" means a crime for which a sentence of imprisonment for a term of more than one year is authorized;

STATUTE – original language	HB 38 - amends	
AS 11.56	AS 11.56	Results:
<p>New Section added →</p>	<p>* Section 1. AS 11.56 is amended by adding a new section to article 1 to read: Sec. 11.56.135. Improper legislative campaign contribution and agreement. (a) A person commits the crime of improper legislative campaign contribution and agreement if the person (1) explicitly agrees to make a campaign contribution to a member of the legislature or a candidate for the legislature, and makes that contribution, in exchange for an agreement by the legislator or the candidate to alter the legislator's or candidate's position on a legislative matter; or (2) as a member of the legislature or a candidate for the legislature, accepts a campaign contribution and explicitly agrees, in exchange for that contribution, to alter the legislator's or candidate's position on a legislative matter. (b) Improper legislative campaign contribution and agreement is a class B felony. * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to read: APPLICABILITY. This Act applies to offenses occurring on or after the effective date of this Act.</p>	<p>Makes giving or accepting campaign contributions in exchange for votes a class B felony.</p>

<p>STATUTE - original language</p>	<p>HB 58 - amends</p>
<p>AS 39.52.110(b)</p>	<p>AS 39.52.110(b)</p>
<p>* Section 1.</p> <p>(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's (1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or</p> <p>(2) action or influence would have insignificant or conjectural effect on the matter.</p>	<p>* Section 1. AS 39.52.110(b) is amended to read:</p> <p>(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's personal or financial interest in the matter</p> <p><u>(1) is insignificant or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs, and action taken or influence exercised by the public officer would have insignificant or conjectural effect on the matter; or</u></p> <p><u>(2) is in regard to a business and the public officer</u></p> <p><u>(A) does not own a controlling interest in the business;</u></p> <p><u>(B) does not own stock or options to buy stock that, when combined,</u></p> <p><u>(i) equal more than one percent of the stock in the business; or</u></p> <p><u>(ii) have a total value of more than \$5,000;</u></p> <p><u>(C) owns or has an option to buy an equity interest in the business the value of which is not more than \$5,000 or one percent of the total value of the business, whichever is less;</u></p> <p><u>(D) is not a member of the board of directors or another governing body of the business;</u></p> <p><u>(E) is not an elected officer of the business;</u></p> <p><u>(F) does not provide or have an option to provide personal or professional services to the business;</u></p> <p><u>(G) does not have a contract or have an option for a contract with the business; and</u></p> <p><u>(H) is not an employee of the business.</u></p>

HB 58

AS 39.52.960(14)	HB 58 - amends AS 39.52.960(14)
Sec. 2. (14) "official action" means a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;	Sec. 2. AS 39.52.960(14) is amended to read: (14) "official action" means <u>performance of any duties in the course and scope of a public official's employment, including review, advice, participation, assistance, or another kind of involvement regarding a matter, such as</u> recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB019-LAW-OAE-1-18-0
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title An Act relating to Executive branch ethics and RDU Civil Division
the financial interests of public officers. Component Opinions, Appeals & Ethics
Sponsor Senator French
Requester Senate Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends the Ethics Act. It is unclear whether these amendments will change the department's workload. The amendments may result in increased detailed evaluation of the business interests of public officers; however, the budget impact is indeterminable since it is impossible to predict with any certainty how many complaints or questions will arise.

Prepared by: Robert Meiners, Acting Director Phone 465-5427
Division Administrative Services Division Date/Time 1/18/07 11:07 AM
Approved by: Robert Meiners for Talis Colberg, Attorney General Date 1/18/2007
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB019-DOA-DOP-1-22-07
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title Exec Branch Ethics: Interests & Actions RDU Central Administrative Services
Component Personnel
Sponsor Senator(s) French, Elton, Mcguire, Wielechowski..
Requester Senate Judiciary Component No. 56

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the Division of Personnel. May require personnel board review.

Prepared by: Dianne Kiesel, Director
Division: Division of Personnel & Labor Relations
Approved by: Kevin Brooks, Deputy Commissioner
Agency: Department of Administration

Phone 465-4429
Date/Time 1/22/2007 8:25 a.m.
Date 1/22/2007

SENATE COMMITTEE REPORT

DATE: 1/26/07

FURTHER: Finance

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 19

SB 19 EXEC. BRANCH ETHICS: INTERESTS & ACTIONS

"An Act relating to a public officer's taking official action regarding a matter in which the public officer has a financial interest; and defining 'official action' under the Alaska Executive Branch Ethics Act and related law."

and recommends:

- be replaced with SCS or CS SB 19 (STA)
- adopt previous SCS or CS _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW				✓	
ADMM				✓	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
		X			
				X	
		✓			
				✓	
CHAIR:	McLeure	X			

CS FOR SENATE BILL NO. 20(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS FRENCH, ELTON, MCGUIRE, WIELECHOWSKI, THOMAS AND HUGGINS,
Ellis, Stevens, Cowdery, Olson, Hoffman, Kookesh, Davis, Green, Stedman

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to disclosures by legislators, legislative employees, public members of
2 the Select Committee on Legislative Ethics, and legislative directors subject to the
3 Legislative Ethics Act; relating to the applicability of the Legislative Ethics Act; and
4 providing for an effective date."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 * Section 1. AS 24.60.020(a) is amended to read:

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

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

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

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

2 Sec. 24.60.115 Disclosure ^[FORMER] required of a legislator, legislative employee or
3 public member of the committee after final day of service. A person serving as a
4 legislator, legislative employee, or public member of the committee shall, not later
5 than 90 days after the person's final day of service, file a disclosure of every matter
6 that was subject to disclosure under this chapter while the person was serving.

7 * Sec. 3. AS 24.60.200 is amended to read:

8 Sec. 24.60.200. Financial disclosure by legislators, public members of the
9 committee, and legislative directors. A legislator, a public member of the committee,
10 and a legislative director shall file a disclosure statement, under oath and on penalty of
11 perjury, with the Alaska Public Offices Commission giving the following information
12 about the income received by the discloser, the discloser's spouse or domestic partner,
13 the discloser's dependent children, and the discloser's nondependent children who are
14 living with the discloser:

15 (1) the information that a public official is required to report under
16 AS 39.50.030, other than information about gifts;

17 (2) as to income in excess of \$1,000 received as compensation for
18 personal services, and as to dividend income in excess of \$1,000 received from a
19 limited liability company "as compensation" for personal services, the name and
20 address of the source of the income, and a statement describing ^[a description]

21 (A) the nature of the services performed, with sufficient
22 description to make clear to a person of ordinary understanding the
23 specific services performed; ^{[unless and only to the extent those services}
24 ^{are required to be kept confidential under state or federal law, including the}

25 (B) the approximate total number of hours that have been
26 spent or will be spent performing the services; and

27 (C) the amount of income received from the source, if the [;
28 IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD
29 BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE,
30 ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the
31 income is a legislator or legislative director [, THE AMOUNT OF INCOME
RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];

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

6 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 APPLICABILITY. (a) Section 2 of this Act applies to a person serving as a legislator
9 who leaves service on or after the effective date of this Act, and to a person who is not a
10 legislator but served as a legislator between April 9, 2006, and the effective date of this Act.

11 (b) A person who is not a legislator on the effective date of this Act but who served as
12 a legislator between April 9, 2006, and the effective date of this Act shall make the disclosure
13 required by AS 24.60.115, added by sec. 2 of this Act, within 90 days after the effective date
14 of this Act.

15 * Sec. 5. This Act takes effect July 1, 2007.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB020-DOA-APOC-1-22-07
 () Publish Date: 1/16/2007

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An Act relating to disclosure to the Alaska Public RDU: AK Public Offices Commission
Offices Commission of information about... Component: AK Public Offices Commission
 Sponsor: Senators French, Elton, McGuire, et al.
 Requester: Senate Judiciary Component No.: 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires that dividends received from a limited liability company must be reported as a source of income on a legislator's financial disclosure statement. It also requires that when a legislator performs services, such as consulting services, he or she must provide a description of the services provided and the total number of hours that are spent performing the services. Lastly, it removes the requirement that amount of income need only be disclosed for sources that have a substantial interest in legislative, administrative, or political action. Rather amounts will be required for all income in excess of \$1000.

Prepared by: Brooke Miles, Executive Director
 Division: Alaska Public Offices Commission
 Approved by: Melanie Millhorn, Deputy Commissioner
 Agency: Department of Administration

Phone 465-2200
 Date/Time 1/22/2007 11:10 a.m.
 Date 1/22/2007

(NEW)
FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB020-DOA-APOC-1-29-07
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to disclosure to the Alaska Public RDU AK Public Offices Commission
Offices Commission of information about... Component AK Public Offices Commission
Sponsor Senators French, Eiton, McGuire, et al.
Requester Senate State Affairs Component No. 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1007 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires that dividends received from a limited liability company must be reported as a source of income on a legislator's financial disclosure statement. It also requires that when a legislator performs services, such as consulting services, he or she must provide a description of the services provided and the total number of hours that are spent performing the services. Lastly, it removes the requirement that amount of income need only be disclosed for sources that have a substantial interest in legislative, administrative, or political action. Rather amounts will be required for all income in excess of \$1000.

This bill should have no fiscal impact on the Alaska Public Offices Commission.

Prepared by: Brooke Miles, Executive Director Phone 465-2200
Division Alaska Public Offices Commission Date/Time 1/29/07 1:26 PM
Approved by: Kevin Brooks Date 1/29/2007
Agency Department of Administration

SENATE COMMITTEE REPORT

DATE: 1/26/07

FURTHER: Finance

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 20

SB 20 LEGISLATIVE DISCLOSURES

"An Act relating to disclosure to the Alaska Public Offices Commission of information about certain income received as compensation for personal services by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the Legislative Ethics Act; and providing for an effective date."

and recommends:

- be replaced with SCS or CS SB 20 (STA)
- adopt previous SCS or CS _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADMN	01/29			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADMN	01/29			✓	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
		X			
		X			
Linda Green		✓			
Brande		✓			
CHAIR:	McBure	✓			

NEWS ARTICLES

[Home](#) | [Newsroom](#) | [Photos](#) | [Office Locations](#) | [Bio](#) | [Email Governor Palin](#)

Governor Palin [find](#)

Jews & Announcements

State of Alaska > Governor > News > News Details

Governor Palin Submits Ethics Bill

[listen](#) Ethics Reform is Overdue, 266.7k mp3 [More Audio](#)

FOR IMMEDIATE RELEASE 07-015

Governor Palin Submits Ethics Bill to State Legislators Focuses on Restoring Trust in Government Makes Governance More Open and Transparent

January 25, 2007, Juneau, Alaska – Governor Sarah Palin announced today the introduction of her ethics bill into the State House and Senate Chambers.

"This bill cleans up our executive house and provides greater transparency," said Governor Palin. "We need to assure Alaskans that we are working for them and ensure that they have no doubt as to the intent of our decisions. As we work closely with the legislators on ethics reform, I look to swift passage so that we may also tackle PERS / TRS and the gasoline bill this session."

Governor Palin's ethics bill addresses six major areas:

- Greater access to campaign and financial disclosure reports through mandatory electronic filings
 - Requires candidates, groups, legislators, and public officials to file disclosure forms electronically with APOC
- More detail in financial disclosures
 - If lawmakers and other public officials receive more than \$1,000 for work, they must specify how much they received, how many hours they worked to earn it, and describe, in detail, the nature of their work
- Full and prompt disclosure of interests after leaving public office
 - Requires lawmakers and other public officials who leave office to report financial and business interests within 90 days upon leaving office
- Further defines conflict of interest
 - Helps clear up ambiguities about when public officials have a conflict of interest, including standards for the executive branch which define when the value of their stock or business interest is significant
- Bans gifts from lobbyists to all public officials, including staff
 - Prohibits executive branch officials from accepting gifts from a lobbyist, unless the lobbyist is an immediate family member
- Tightens certain employment restrictions after leaving public office
 - Tightens existing employment restrictions that apply for two years after leaving the executive branch by eliminating exception for work on legislation and regulations
 - Extends current one-year ban on lobbying to apply to more positions in the executive branch

Alaskans have to trust that each of us is working in the state's best interest and not for the advancement of our own," added Governor Palin. "We need to make sure, for example, that key staff who participate in things such as confidential gasoline negotiations on behalf of the



Photo archive: The Honorable Judge Niesje Steinkruger gave the oath of office and finalized the papers that made Governor Palin and Lt. Governor Parnell official on December 4th, 2006. [Enlarge](#)

Quick Links

[Contacts/Locations](#)
[Office of the Lt. Governor](#)
[Management & Budget](#)
[Administrative Orders](#)
[FY'07 Enacted Budget](#)
[Proclamations](#)

Of Interest

[Boards and Commissions](#)
[Human Rights Commission](#)
[Homeland Security](#)
[Same-sex Benefits Info](#)
[Denali Awards](#)
[2005 Export Report](#)
[USMC Roll of Honor](#)
[Avian/Pandemic Flu Info](#)

state, be prohibited from leaving their positions here to begin working immediately on the opposite side of the table." Under the bill, all provisions would be effective immediately, with the exception of electronic filing, which would take effect July 1, 2007.

###

- » Ethics Reform is Overdue (266.7k mp3) -
- » Restoring Trust is Most Important (320.6k mp3) -
- » Public Officials Must Disclose (163.2k mp3) -
- » Define a Conflict of Interest (201.4k mp3) -

News Archive >

[State of Alaska](#) - [Governor](#) - [Office Locations](#) - [Email Governor](#)

Rynniva Moss

From: michaeljosephson@jiethics.org
Sent: Thursday, January 25, 2007 8:43 AM
To: Rynniva Moss
Subject: Power Point Presentation - Alaska State Legislature - January 18, 2007

Attachments: Alaska.ppt



Alaska.ppt (8 MB)

I am gratified that you found value in my remarks at the presentation for the Alaska State Legislature on January 18, 2007. I am pleased to share with you the PowerPoint slides that you had requested. (Note: In order to make the file manageable to send and open, I deleted some of the photos.)

In my commitment to be responsive and accessible, I've also included in this email answers to some of the questions that people at my programs most frequently ask me. I apologize that this makes my note to you so long but I've received overwhelming feedback that this additional information has been very useful.

1. WHAT USE CAN I MAKE OF THE POWERPOINT SLIDES?

Please feel free to use the slides in personal presentations and for your personal edification. If you want to use them broadly or reproduce any of the slides for others or in printed form, please contact James Jankowski at 310/846-4800 or at jjankowski@jiethics.org. We are liberal about granting permission but, depending on the use, we may ask for a moderate donation or royalty fee (the Institute is a 501c3 nonprofit organization).

2. HOW CAN I GET MORE INFORMATION ABOUT YOUR FREE WEEKLY E-NEWSLETTER CONTAINING YOUR RADIO COMMENTARY TRANSCRIPTS?

You may be interested to learn that over 60,000 people subscribe to receive this free e-newsletter of my daily 90-second radio essays. I've included a few transcripts of some of my favorite broadcasts at the end of this email for you to enjoy.

I have also taken the liberty to subscribe you to receive my complimentary e-newsletter with the hope that you find them of personal value and pass them on to others. It should arrive in your email inbox each Thursday afternoon. We encourage you to use them at no charge in company meetings, newsletters, speeches and other communications.

We are completely respectful of overflowing inboxes and understand that you may not wish to continue to receive the newsletter. If this is the case, please reply with "unsubscribe commentary" in the subject box to this email or click on the unsubscribe link in the e-newsletter to automatically remove your email address from future mailings.

3. I UNDERSTAND THAT YOU ALSO DISTRIBUTE A FREE E-NEWSLETTER FOR PEOPLE INTERESTED IN YOUTH SPORTS. HOW CAN I SUBSCRIBE TO RECEIVE THIS NEWSLETTER?

Currently over 10,000 sport parents and coaches receive our Pursuing Victory With Honor e-newsletter. To help you assess whether you would like to receive this newsletter, I have taken the liberty to initially subscribe you to receive it. If, after review, you do not wish to continue to receive this newsletter, please click on the unsubscribe link OR reply to this email and put "unsubscribe sports" in the subject box.

4. WHO CAN I SPEAK WITH ABOUT THE POSSIBILITY OF CONTRACTING YOU TO SPEAK OR CONSULT AT MY ORGANIZATION?

To reach me or find out about the possibility of arranging a speaking or consulting engagement, please contact Christine Feely at 310/846-4804 or cfeely@jiethics.org.

Should you wish to contact me or my assistant by mail, our street address is:
Josephson Institute of Ethics
9841 Airport Boulevard, Suite 300
Los Angeles, CA 90045

5. HAVE YOU WRITTEN ANY BOOKS?

I have written five books which can all be purchased on line at:
[http://www.charactercounts.org/Merchant5/merchant.mvc?
Screen=CTGY&Store_Code=CCMP&Category_Code=2](http://www.charactercounts.org/Merchant5/merchant.mvc?Screen=CTGY&Store_Code=CCMP&Category_Code=2)

Please note that special deep discounts are available to organizations that purchase in volume for distribution to employees.

"Making Ethical Decisions" is a concise booklet designed to clarify the nature of ethics and provide specific decision making strategies. You can download a personal copy of the booklet at no charge from our website at <http://www.josephsoninstitute.org/MEDIA/ED-intro+toc.htm>

"You Don't Have to Be Sick to Get Better" and "The Best is Yet to Come" are compilations of some of my favorite radio commentaries packaged as ideal gift books. They are often provided as takeaways at major meetings or used as gifts for special occasions. They can be purchased separately or as a pair.

"The Power of Character" is a compilation of essays by prominent Americans from Ralph Larsen (former Chairman of Johnson & Johnson) to Dr. Laura Schlessinger.

"Parenting to Build Character in Your Teen" is a book written in collaboration with child-rearing experts at Boys and Girls Town.

6. WHAT OTHER PROGRAMS DO YOU OFFER FOR THE WORKPLACE?

Most of the work we do with companies is customized and includes training programs, climate assessments and consultation.

Our premier program is a two-day Ethics in the Workplace program to train and certify participants to roll out a comprehensive ethics program in their respective organizations. The slides I've sent you were derived from much more extensive materials used in this program. For more information about our Ethics in the Workplace programs, please visit <http://www.josephsoninstitute.org/seminars/etw.htm>

7. HOW CAN I FIND OUT MORE ABOUT THE CHARACTER COUNTS! PROGRAM AND WHAT MY CITY CAN DO TO BRING IT TO SCHOOLS IN MY AREA?

In addition to the information at www.charactercounts.org you can find out who is active in your area and how you can get involved by contacting Justin Lu at 310/846-4800 or jlu@jiethics.org

I hope this information has been helpful.

Very best wishes,
Michael Josephson

As promised, here are two samples of my commentary:

BECOMING AN EFFECTIVE CRITIC

After talking about the responsibility of employees to express concern when they see something they think is inefficient, illegal or unethical, a man charged the podium to set me straight. "You don't know what you're talking about," he said. "Everyone I've ever worked for cheated and cut corners. I confronted a boss and all it got me was fired." He was instantly unlikable and I realized it's guys like that who give whistleblowers a bad name.

Being an effective critic isn't easy. After all, no one likes criticism and even sincere people of good character can get defensive, especially when someone is being offensive.

It's easy to discount or dismiss complaints and opinions of people who seem more interested in letting off steam and telling you how bad things are than in making them better.

If you want to improve the chances of making things better without damaging your career here are a few suggestions:

First, be prepared. Be sure of your facts and that you're talking to the right person.

Second, be respectful. Watch your tone. Be earnest but not self-righteous or accusatory. An opening like, "you stupid, unethical scum" is not likely to be productive. Don't raise your voice or make threats. Be willing to listen as well as talk.

Third, be fair. Don't assume bad motives of anyone; be open to new facts and explanations. Don't equate not agreeing with you as not listening, not caring or with being stupid.

Fourth, be honest. Don't exaggerate or omit important facts.

Fifth, stick to the point; stay focused.

FILLING HOLES: TAKE PRIDE IN YOUR WORK

Bill and Chuck were hard at work along side a road. Bill was diligently digging holes while Chuck waited a short interval and then filled them up. A passing supervisor noted the activity and demanded an explanation. Bill was indignant "Chuck and I have been doing this job for more than 10 years. What's the problem?"

The supervisor was dumbfounded, "For 10 years you've been digging holes just so you can fill them up again?"

"Well, not exactly," Bill said. "Until a few months ago another fellow named Phil put a bush in the hole before Chuck filled it but he retired and he was never replaced."

"Why didn't you tell somebody?" the supervisor sputtered.

"My gosh, you signed Phil's retirement letter, we figured you knew."

While management is ultimately to blame, it's equally irresponsible for employees to demean the value of their work by becoming part of a process they know to be wasteful or stupid. Each of us has a moral duty to do our best, to make things better, to pursue excellence, and to produce and demand quality.

Yet many organizations are weighted down by workers and managers who "go through the motions" and regularly engage in or witness practices that are patently inefficient and ineffective.

It's not always easy to combat the inertia of habit and in some place it will take courage but if we strive to make our work more meaningful, we make our lives more meaningful.

If you don't take pride in what you do, it's impossible to take pride in what you are.



Portland Press Herald EST. 1862 Maine Sunday Telegram

House members urged to ban laptop lobbying

By PAUL CARRIER, Staff Writer
Portland Press Herald / Maine Sunday Telegram

E-mail this page
Reader Comments (below)

Thursday, January 25, 2007

AUGUSTA - State Rep. Stan Gerzofsky remembers peering up at the public gallery that overlooks the House of Representatives and spotting lobbyists typing on laptop computers while the House debated a bill on the floor last year.

Intrigued, he left the House chamber, walked into the gallery, peeked over the shoulders of the lobbyists, and found that they were using their computers to participate in the House debate unfolding below them.

"Every third person had a laptop open," Gerzofsky said. "They were e-mailing members of the House, helping to devise speeches and questions."

The practice was perfectly legal then and remains so today. But all that may be about to change.

The House Rules Committee is unanimously urging the House to ban the practice in the chamber. The Senate Rules Committee may take up the issue. And there's talk of asking or ordering committee chairs to prohibit electronic communications during committee meetings.

A pending House ban would appear to put the Maine Legislature at the forefront of such reforms nationally, according to the National Conference of State Legislatures. While many state legislatures ban the use of cell phones by lawmakers during sessions, only a handful specifically prohibit electronic communications.

"The lobbyists, because of the electronic age, have been invited to come right into our seats" with text messages and instant messaging, said Gerzofsky, a Brunswick Democrat and the chairman of the House Rules Committee. He said that invitation should be revoked to ensure "transparency" between legislators and special interests.

"We're seeing entire speeches, sometimes, e-mailed (to) representatives) during session," said House Speaker Glenn Cummings, D-Portland, who supports the proposed ban. That "raises a question of legislative autonomy and independence."

It's unclear how widespread the practice is. None of the lobbyists or legislators interviewed on Wednesday admitted to sending or receiving such messages, although some said they have seen the practice from time to time.

Nor do lobbyists have free rein at the State House. Anyone can sit in the Senate chamber when that body is in session. But lobbyists have long been barred from the House chamber, starting 30 minutes before the House goes into session and during the session itself.

Like anyone else, lobbyists can send written messages to senators and representatives during legislative sessions. But they must go through the legislative staff to do so.

The concern now is that some tech-savvy lobbyists equipped with cell phones, laptop computers and other devices, are secretly telling some laptop-toting legislators how to behave during committee meetings and floor debates.

Rep. Herb Adams, D-Portland, who proposed the ban, which the House may take up as soon as today, said he has overheard lobbyists outside committee rooms telling their associates to electronically transmit specific questions to legislators during committee hearings.

"It's one thing for a legislator to be asking a question," said Republican Rep. Henry Joy of Crystal, who supports the change. "It's another to be manipulated by a lobbyist."

The proposed House rule would bar lobbyists from communicating "by electronic or digital means" with representatives when the House is in session. It would force observers in the House gallery to turn off all computers and other "electronic or digital communication devices," but allow

PORTLAND VOLVO

portland.volvocars.com
9 Rt. One
Scarborough

CLICK HERE FOR SPECIALS!

WHERE MAINE COMES TO BUY A VOLVO

888-317-5136

representatives to continue using their laptop computers during sessions.

The request to ban electronic communications during legislative sessions and committee meetings is "the simplest in a teapot," said Sen. Richard Nass, R-Acton.

He said, for example, that well-informed lobbyists facilitate the legislative process by helping legislators frame pointed questions that elicit useful information from witnesses during committee hearings.

Several lawmakers interviewed on Wednesday said they are immune from lobbyists' electronic musings because they don't use laptop computers at the Capitol and they are unfamiliar with increasingly popular communication devices such as the BlackBerry.

"I never saw a blackberry in my life that I didn't eat," Gerzofsky said.

Similarly, several veteran lobbyists said they lack the technology and the know-how to send electronic messages to legislators.

"I wish I knew how to do that," said Chris Hall of the Maine State Chamber of Commerce.

Jon Doyle, a longtime lobbyist whose clients include Central Maine Power Co. and the town of Boothbay Harbor, said that he's so old school "all of my computers are wood-burning."

Staff Writer Paul Carrier can be contacted at 622-7511 or at:

pcarrier@pressherald.com

Reader comments

Bat Man of Lewiston, ME

Jan 25, 2007 10:50 AM
And don't forget Badooog, we are paying for their health care after two terms!

Independent of Gardiner, ME

Jan 25, 2007 9:20 AM
The problem is term limits in the legislature, which makes legislators more capable of being influenced by lobbyists.

Badooog of Biddeford, ME

Jan 25, 2007 8:44 AM
This just makes me wonder who our "Representatives" represent, their constituents or special-interest lobbyists. And why does Maine need so many reps? California has just 80 and Maine has 151. (By the way California has twenty-seven times the population.)

You must be a registered user of MaineToday.com to post a comment. [Register](#) or [log in](#).

Mainetoday.com Table of Contents

- News [Portland Press Herald/Maine Sunday Telegram](#) [Kennebec Journal](#) [Morning Sentinel](#) [Community Leader](#) [Coastal Journal](#) [Updates](#) [AP Wire](#) [Weather](#)
- Sports [High School Sports](#) [Sea Dogs](#) [Boston Red Sox](#) [Patriots](#)
- Business [Blogs](#) [Small Business 101](#) [News](#) [Features](#) [Calendar](#) [Resources](#) [Business Classifieds](#)
- Arts & Entertainment [Calendar](#) [Movies](#) [Music](#) [Dining](#)
- Travel [Maine Regions](#) [Things to Do](#) [Maine Guide](#) [Etc. n.Away](#) [Vacation Rentals](#) [Lodging Guide](#) [Campgrounds](#)
- Outdoors [Skiing](#) [Winter sports](#) [Fishing](#) [Hiking](#) [Hunting](#) [Nature Watching](#) [Outdoors with Children](#)
- Other sections [Manners at War](#) [myMaineToday](#) [Seen](#) [Blogs](#) [Pets](#) [Kids](#) [Family](#)
- Classifieds [MaineJobs](#) [Real Estate](#) [Wheels](#) [Markets/old](#) [Celebrations](#) [Place an ad](#)
- [Portland Press Herald/Maine Sunday Telegram](#) [News](#) [Sports](#) [Business](#) [Editorials](#) [Newsletters](#) [Herald](#) [Opinions](#) [Special Reports](#) [Reader Services](#)
- [Kennebec Journal](#) [News](#) [Sports](#) [Opinions](#) [Viewpoints](#) [Reader Services](#)
- [Morning Sentinel](#) [News](#) [Sports](#) [Obituaries](#) [Viewpoints](#) [Reader Services](#)
- Advertising [Advertising products](#) [Audience](#) [Content Areas](#) [Service](#) [Contact Us](#)
- [Corrections](#) | [News from the past week](#) | [Questions/Comments?](#)

Copyright © 2005, Berthen Maine Newspapers, Inc.



KENNEBEC JOURNAL

Instant messages a concern in session

By **SUSAN M. COVER**
Staff Writer
KENNEBEC JOURNAL Morning Sentinel

Monday, January 22, 2007

E-mail this page
E-mail a letter to the editor
Reader Comments (below)

Today's Top Headlines from the Kennebec Journal

- Panel rejects wind power in Redington
- Critics take turns blasting Baldacci plan
- Snowmobile season just can't get on track
- Group hopes to save home from developer's bulldozer
- Parents request schools remain open
- Up in smoke
- Ramblers rally in Bethel
- Copy survives penalty-laden affair for bid win

All of today's News | Sports from the Kennebec Journal

Today's Top Headlines from the Morning Sentinel

- Suspect's mother stunned at killing
- Police see links in burglaries
- Wind farm rejected
- Dealers, riders hope for winter turnaround
- Oakland grants junkyard permit to Smorgon Steel
- Jury backs defendants in trespassing case
- Panthers score 3 power play goals to top Raiders
- Eagles stay tough in busy week

All of today's News | Sports from the Morning Sentinel

AUGUSTA -- This week in Statehouse Notes, read about Rep. Sharon Treat's kayak adventures, a "facebook" for lobbyists and concern about the use of electronic devices.

FWIW ... (FOR WHAT IT'S WORTH)

Sen. John Martin, D-Fagle Lake, is concerned about the ability of lobbyists to text message, instant message or e-mail lawmakers while they are in committee or in session.

On at least three occasions last year, lobbyists sent messages to lawmakers during officials proceedings, said Martin, assistant Senate majority leader.

That gives them immediate -- hidden -- access to legislators, who can then ask questions posed by the lobbyists.

"That seemed to be an inappropriate way for a lobbyist to have such direct ability to get a question asked when they aren't testifying," he said.

But Martin and others realize computers can be used for legitimate reasons, such as looking up a law that's being discussed. So rather than pass a rule to prohibit computers or restrict their use, Martin has asked all committee chairs to point out to lawmakers that it's not appropriate to conduct these types of communications during official business.

"Most people who are ethical will understand that it's improper," he said.

If they don't, it could be a CLM (career limiting move).

FACES IN THE CROWD

Speaking of lobbyists, many committees have asked those who regularly testify on bills to provide them with a photo and biographical description. The "facebook" are meant to help new lawmakers recognize who's who, and who they are there to represent.

Last year, Rep. Lawrence Bliss, D-South Portland, asked all those who appear before the Utilities and Energy Committee on a regular basis to provide information for committee members. This year, he expects more than 60 people -- paid lobbyists, government spokesmen, those who represent nonprofits, and others -- to be included in his committee's book.



The perfect gift for Valentine's Day

SYNC[™] Only from Cingular

\$49.99 MAKE SWEET MUSIC NOW!

One touch access to great features:

- Satellite Radio
- Artist ID
- Music Videos

The new at&t

"Legislators ought to know, particularly with term limits and a high percentage of turnover," he said. "It's important to know who you're talking to."

INEBEC KAYAKER

During a get-to-know-you introductory period in the Insurance and Financial Services Committee, Rep. Sharon Treat, D-Farmingdale, revealed something about herself and her kayak.

Treat, a former Senate Majority Leader who's returned to the Legislature, said she sometimes takes a break from the action by taking a short trip down the Kennebec.

"I've been known to bring my kayak to the Legislature and cut out during long caucuses," she said.

Toward the end of the session, legislators spend hours in party meetings -- called caucuses -- to discuss upcoming bills and how they intend to vote. For veterans like Treat, that time can be better spent watching for bald eagles from the cockpit of a kayak.

MORE MYSPACERS

Sen. Peter Mills, R-Cornville, isn't the only politician with a page at Myspace.com.

Turns out, Sen. Joe Perry, D-Bangor, and Sen. Lynn Bromley, D-Portland, also maintain pages on the popular Web site. Although Perry doesn't provide many personal details, Bromley lists musical interests that range from Mozart to Nirvana.

ENERGY WINNERS

Gov. John Baldacci honored six students last week for their energy-saving ideas.

Brian Allen, a fourth-grader at Hall-Dale Elementary School in Hallowell received an iPod Shuffle for his tip: "Use sensor lights in schools to save money."

Fifth-grader James Rose of T.C. Hamlin Elementary School in Randolph won for his idea: "Keep the computer off if no one is using it." He, too, got an iPod.

The fourth annual Energy Savings Tip contest was sponsored by the Office of Energy Independence and Maine Public Utilities Commission's Efficiency Maine program.

ESSAY CONTEST

Students in middle school and high school can compete to win a savings bond in a contest held each year by Secretary of State Matthew Dunlap.

The contest requires entrants to write an essay on Maine Native American history that's 500-1,000 words. The deadline is Feb. 7. To get an application form and find out more, go to <http://www.maine.gov/sos>.

PUBLIC HEARINGS

The public hearing schedule is starting to pick up. The Appropriations Committee will begin public hearings on the supplemental budget today (that's a \$76 million budget, not the big \$6.4 billion, two-year budget), and the Transportation Committee on Thursday will hear a bill that makes not wearing a seat belt a primary offense.

For all the details go to: <http://www.state.me.us/legis/senate/Documents/hearing/ANPHFrame.htm>.

Susan Cover -- 623-1056

scover@centralmaine.com

Reader comments

There are not yet any reader comments. Use the form below to submit your comment and it will appear here.

You must be a registered user of MaineToday.com to post a comment. [Register](#) or [log in](#).

Sports: [High School Sports](#) [Sea Dogs](#) [Boston Red Sox](#) [Patrols](#)
Business: [Blogs](#) [Small Business 101](#) [News](#) [Features](#) [Calendar](#) [Resources](#) [Business Classifieds](#)
Arts & Entertainment: [Calendar](#) [Movies](#) [Music](#) [Dining](#)
Travel: [Maine Regions](#) [Things to Do](#) [Maine Guide](#) [From Away](#) [Vacation Rentals](#) [Lodging Guide](#) [Carpools](#)
Outdoors: [Skiing](#) [Winter sports](#) [Fishing](#) [hiking](#) [Hunting](#) [Nature Watching](#) [Outdoors with Children](#)
Sections: [Mainers at War](#) [myMaineToday](#) [Seen](#) [Blogs](#) [Pets](#) [Kids A Family](#)
Affiliates: [MaineJobs](#) [Real Estate](#) [Wheels](#) [Marketplace](#) [Celebrations](#) [Place an ad](#)

Portland Press Herald/Maine Sunday Telegram: [News](#) [Sports](#) [Business](#) [Editorials](#) [Nemitz Herald](#) [Obituaries](#) [Special Reports](#) [Reader Services](#)

Kennebec Journal: [News](#) [Sports](#) [Obituaries](#) [Viewpoints](#) [Reader Services](#)

Morning Sentinel: [News](#) [Sports](#) [Obituaries](#) [Viewpoints](#) [Reader Services](#)

Advertising: [Advertising products](#) [Audience](#) [Content areas](#) [Service](#) [Contact us](#)

[Questions/Comments?](#)

Copyright © 2006, Blethen Maine Newspapers, Inc.

MODEL CODE OF CONDUCT

Model
Code of
Conduct

Model Code of Conduct for Legislative Staff

Preamble

In recognition of the importance of staff to the mission of the legislative branch of state government and of the value of excellence and professionalism in staff performance, the National Conference of State Legislatures adopts this code as a model to guide the conduct of staff members of state legislatures in their service to the state legislature, its members and the public.

Statement Of Intent

Section 1. This code is intended to express an ideal for and provide guidance to all persons who serve as legislative staff members. It is also intended to be a model for adoption by each state legislature, which may modify it. The code contains no recommendations for enforcement. That is a matter for consideration by any legislative body or staff agency that adopts it or uses it as a basis for its own code.

Section 2. This code is intended to apply to all legislative staff members, regardless of their work assignment or responsibility. The variety of staff functions and of staffing structures within which legislative staff members serve the legislature requires that they interpret the obligations of this code from a variety of perspectives. It is particularly important whether a staff member works primarily or exclusively for an individual legislator, for a committee, for a partisan or other caucus, for a chamber, or for the whole legislative institution.

Section 3. This code is intended to supplement existing codes to which legislative staff members may already be subject. Obligations that staff members have under these codes, including various professional codes, are recognized and fully accepted.

Section 4. This code is intended to support the sense of personal responsibility that legislative staff members feel for their own actions. Reasonable people may disagree on the particulars of a code of conduct for legislative staff. The circumstances of life and work present conflicts and hard choices. Legislative staff members have the ultimate responsibility to make the day-to-day judgments necessary for this code to guide their service to the state legislature.

Article II: Obligations Of Legislative Staff Members To Legislators

Honest

Section 1. A trustworthy legislative staff member demonstrates the highest standards of honesty and personal integrity in all of his or her work for the state legislature.

Comment: A trustworthy staff member does not steal from his or her employer by taking public property, by using public property or his or her employment for personal gain, or by failing to give full effort for pay received. A trustworthy staff member does not lie to his or her employer. Dishonesty in any aspect of a staff member's life calls into doubt his or her honesty in work and can also harm the legislature's reputation.

Discrete

Section 2. A trustworthy legislative staff member is discreet in what he or she reveals about work done for any legislator and, subject to the law and in accordance with custom or policy of a legislative body or agency, maintains confidentiality of communications between the staff member and any legislator.

Comment: Discretion includes knowing when information is confidential and treating it as such, when carrying out a request must necessarily involve revealing some information, and when not to speak about non-confidential matters both within and outside the legislative context. Because many legislative staff members work for more than one legislator, including working on a single project or piece of legislation for legislators with opposing objectives, it can be difficult to meet this obligation at times. Also, the expectations of leaders that they be kept informed can place staff members in difficult situations. To minimize these difficulties, legislatures must clarify the staff obligation to maintain confidentiality.

Candid

Section 3. A trustworthy legislative staff member renders candid advice to legislators on matters of policy and procedure within the staff member's areas of work responsibility.

Comment: Candor is the full sharing of one's knowledge, in the form of information and advice, with a legislator who needs it in order to make an informed decision. The ability of a legislator to make a good decision may be lessened if a staff member fails to give the legislator the full benefit of his or her expertise. Although the obligation to be candid is clearest when a legislator asks

Competent

Section 5. A trustworthy legislative staff member strives to acquire and maintain the knowledge and skills necessary to do the work he or she is expected to do and recognizes when to seek assistance from others.

Comment: To support the legislature in its mission, staff members must be competent. A staff member needs to be aware of his or her kind and degree of expertise, to be forthright with legislators about what he or she can do, to know when to seek assistance, and to take every opportunity to continue to learn.

Diligent

Section 6. A trustworthy legislative staff member gives a hard-working effort to each work task, uses available time in a productive and efficient manner, and completes work in the most timely fashion possible.

Comment: Diligence is the application of full effort to the performance of one's work. The demands of the legislative process often make it difficult for a staff member to be as careful and thorough as he or she would like to be in completing a task. It may be appropriate to inform a legislator of the constraints of time or resources and to discuss what can reasonably be accomplished. The obligation of diligence requires that the staff member do his or her best in the time and with the resources available.

Fair

Section 7. A trustworthy legislative staff member treats all legislators with equal respect and provides services of equal quality to all legislators to whom he or she is responsible.

Comment: By virtue of their office, all legislators deserve respectful and dignified treatment by all legislative staff members. All legislators who have the right to ask for and receive services from a staff member expect that a diligent effort will be forthcoming and will not be lacking due to the legislator's political or religious beliefs, race, ethnic origin, sex, or physical ability.

agencies, and lobbyists to have information about the legislature. They will, subject to legal and policy guidelines, attempt to meet that need. If a staff member does not have what is requested, he or she will help citizens find the information or assistance they seek.

Law-Abiding

Section 2. A trustworthy legislative staff member is law-abiding. He or she encourages lawfulness in the activities of all participants in the legislative process.

Comment: A legislative staff member has the same obligation as any citizen in this regard. But because of the position he or she holds as the employee of a law-making organization, the staff member is subject to a high standard of knowledge and conduct. If a staff member is directly aware of unlawful activities which involve the legislative process, it is consistent with this code for him or her to pursue appropriate channels, subject to other codes and obligations.

Article V: Staff Expectations Of The Legislature

Supportive

Section 1. In placing their knowledge and skills at the service of the legislature and in committing themselves to be trustworthy servants of the legislature, legislative staff members rightfully expect that the legislature will clarify staff responsibilities and will support staff members in fulfilling their obligations under this code of conduct.

Sec. 24.60.130. Select committee on legislative ethics.

(a) There is established as a permanent interim committee within the legislative branch of state government the Select Committee on Legislative Ethics.

(b) The committee consists of nine members, in two subcommittees, as follows:

(1) the senate subcommittee, which consists of two members of the senate, one of whom shall be a member of the minority organizational caucus, if any, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the senate, and includes the five public members appointed under (3) of this subsection;

(2) the house subcommittee, which consists of two members of the house, one of whom shall be a member of the minority organizational caucus, if any, appointed by the speaker of the house with the concurrence by roll call vote of two-thirds of the full membership of the house, and includes the five public members appointed under (3) of this subsection; and

(3) five public members who are selected by the Chief Justice of the Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house.

(c) No more than one public member may be a former legislator and no more than two public members of the committee may be members of the same political party.

(d) The members of each subcommittee shall elect a chair and a vice-chair, who serve a term of two years. Neither a chair nor a vice-chair may be a member of the legislature. An officer may not hold the same office for more than two consecutive terms. The vice-chair shall act as chair in the absence of the chair. The chair selected by the senate subcommittee shall chair the full committee beginning the first day of the regular session in odd-numbered years and the chair selected by the house subcommittee shall chair the full committee beginning the first day of the regular session in even-numbered years.

(e) Except as provided in this subsection, a vacancy on the committee shall be filled under (b) of this section. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the first regular session of a legislature or during the interim between regular sessions of that legislature serves without concurrence or ratification through the 10th day of the second regular session of the legislature. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the second regular session of a legislature or during the interim after the second regular session serves without concurrence or ratification through the convening of the first regular session of the next legislature.

(f) The committee may contract for professional services and may employ staff as it considers necessary. A committee employee, including a person who provides personal services under a contract with the committee, may not be a legislator, an elected or appointed official of a state or local governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist. The legislative council shall provide office space, equipment, and additional staff support for the committee. The committee shall submit a budget for each fiscal year to the finance committees of the legislature and shall annually submit an estimated budget to the governor for information purposes in preparation of the state operating budget. Public members of the committee serve without compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

(g) Each legislative member serves for the duration of the legislature during which the member is appointed. Each public member serves for a term that commences on the date the member is ratified and ends on the first day of the third regular session that follows the ratification. A public member whose term has expired continues in office until a successor has been appointed and ratified or until the 30th calendar day of the first legislative session that follows the successor's appointment, whichever is earlier. A member of the committee may be removed from membership on the committee for failure to carry out the person's duties as a member of the committee. A legislator may be removed with the concurrence by roll call vote of two-thirds of the full membership of the house of the legislature to which the member belongs. A public member may be removed with the concurrence by roll call vote of two-thirds of the full membership of each house of the legislature.

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an employee whose work is supervised by the member or an advisory opinion requested by the member. If a regular legislative member of the committee is disqualified under this subsection from participating in a proceeding involving a complaint, the member's alternate shall be designated under (n) of this section.

(i) A quorum of the committee consists of a majority of the members and must include at least two legislative members and three public members. A quorum of a subcommittee established under this section consists of a majority of the members of the subcommittee and must include at least one legislative member and three public members. A vote of a majority of the members appointed to the committee or a subcommittee is required for official action.

(j) Except to the extent that a provision would prevent the committee from complying with the confidentiality provisions of this chapter, the committee is subject to AS 44.62.310 - 44.62.312 and to the procurement provisions adopted by the legislative council under AS 36.30.020. In this subsection, "committee" includes a subcommittee.

(k) A member or an employee or contractor of the committee may obtain access to closed committee files containing information that is made confidential by law only if the

committee determines that the person has a need to obtain access to the closed files that relates to the official duties of the committee and the person seeking access.

(l) The committee or a subcommittee shall meet at the call of the chair or a majority of the members. The committee or a subcommittee may meet by teleconference.

(m) Except as provided in (b)(1) and (2) of this section, a member may not be a legislator, a legislative employee, an elected or appointed official required to make disclosures under AS 39.50 (public official financial disclosure), an officer of a political party, a candidate for public office, or a registered lobbyist.

(n) When appointing members of the legislature to serve on the committee, the speaker of the house or the president of the senate, as appropriate, shall appoint an alternate member for each regular member. An alternate must have the same qualifications as the regular member for whom the alternate stands as alternate and is subject to confirmation as required for the regular member. If a regular legislative member of the committee or a subcommittee is disqualified under (h) of this section from serving on the committee or the subcommittee concerning a proceeding under AS 24.60.170, the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member in the proceeding unless the alternate is also disqualified from serving. The designation shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential.

(o) In this section, "minority organizational caucus" means a group of legislators who have organized and elected a minority leader and constitute at least 25 percent of the total membership of the house or senate, as appropriate.

Sec. 24.60.134. Prohibited conduct by public members and committee employees and contractors.

(a) Except as provided in (c) of this section, in addition to complying with the other requirements of this chapter, a public member of the committee, an employee of the committee, or a person under contract to provide personal services to the committee may not, during the person's term of office or employment or during the life of the contract, participate in

(1) political management or in a political campaign for a candidate for election to federal, state, or local office, regardless of whether the campaign is partisan or nonpartisan, or for passage or defeat of a ballot measure of any type;

(2) the campaign of, attend campaign fund-raising events for, or make a financial contribution to

(A) a candidate for the legislature;

(B) an incumbent legislator or legislative employee who is a candidate for another public office; or

(C) a person running for another office against an incumbent legislator or legislative employee;

(3) a fund-raising event held on behalf of a political party or attend a political party fund-raising event; or

(4) lobbying activities that would require the person to register as a lobbyist except as required to inform the legislature concerning legislation requested by the committee or other matters related to the committee.

(b) A violation or alleged violation of this section shall be treated as any other violation of this chapter and shall be dealt with by the committee accordingly. During the pendency of a complaint against a member, committee employee, or committee contractor, the person complained against may not participate in official action of the committee.

(c) A person under contract to provide personal services to the committee who is part of a corporation or partnership that includes individuals who will not be participating directly in the work performed by the entity for the committee may request the committee to exclude members of the entity from some or all of the provisions of this section. The committee may grant the request if it finds that doing so will not lead to the appearance that the committee is subject to undue political influence and if there is no appearance of impropriety.

Sec. 24.60.140. Authority of the committee.

(a) The senate subcommittee has authority over proceedings concerning conduct by a member or former member of the senate or a person employed by a member or a committee of the senate.

(b) The house subcommittee has authority over proceedings concerning the conduct by a member or former member of the house or a person employed by a member or a committee of the house.

(c) The full committee has authority

(1) over proceedings concerning the conduct by an employee of an agency of the legislature;

(2) to review any matter arising under this chapter that would result in action being required by both houses of the legislature; and

(3) to issue advisory opinions under AS 24.60.160.

Sec. 24.60.150. Duties of the committee.

(a) The committee shall

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

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

(b) The committee may

(1) recommend legislation to the legislature the committee considers desirable or necessary to promote and maintain high standards of ethical conduct in government;

(2) subpoena witnesses, administer oaths, and take testimony relating to matters before the committee, and may require the production for examination of any books or papers relating to any matter under investigation before the committee.

Sec. 24.60.158. Informal advice.

The committee shall authorize and train its staff to give oral advice and provide a written informal nonbinding advice letter to persons seeking guidance as to the spirit or legal requirements of this chapter, provided that the advice is given with the express stipulations that

(1) the opinions given are not necessarily those of the committee;

(2) although the advice is given in good faith, the person seeking the advice relies on it at the person's own risk; and

(3) the advice is not binding upon the committee.

Sec. 24.60.160. Advisory opinions.

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

(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case

unless material facts were omitted or misstated in the request for the advisory opinion. Except as provided in this chapter, an advisory opinion is confidential but shall be made public if a written request by the person who requested the opinion is filed with the committee.

Sec. 24.60.165. Use of information submitted with request for advice.

The committee may not bring a complaint against a person based upon information voluntarily given to the committee by the person in connection with a good faith request for advice under AS 24.60.158 or 24.60.160, and may not use that information against the person in a proceeding under AS 24.60.170. This section does not preclude the committee from acting on a complaint concerning the subject of a person's request for advice if the complaint is brought by another person, or if the complaint arises out of conduct taking place after the advice is requested, and does not preclude the committee from using information or evidence obtained from an independent source, even if that information or evidence was also submitted with a request for advice.

Sec. 24.60.170. Proceedings before the committee; limitations.

(a) The committee shall consider a complaint alleging a violation of this chapter if the alleged violation occurred within two years before the date that the complaint is filed with the committee and, when the subject of the complaint is a former member of the legislature, the complaint is filed within one year after the subject's departure from the legislature. The committee may not consider a complaint filed against all members of the legislature, against all members of one house of the legislature, or against a person employed by the legislative branch of government after the person has terminated legislative service. However, the committee may reinstate the proceedings concerning a complaint that was closed because a former employee terminated legislative service or because a legislator left the legislature if the former employee or legislator resumes legislative service, whether as an employee or a legislator, within two years after the alleged violation. The time limitations of this subsection do not bar proceedings against a person who intentionally prevents discovery of a violation of this chapter.

(b) A complaint may be initiated by any person. The complaint must be in writing and signed under oath by the person making the complaint and must contain a statement that the complainant has reason to believe that a violation of this chapter has occurred and describe any facts known to the complainant to support that belief. The committee shall upon request provide a form for a complaint to a person wishing to file a complaint. Upon receiving a complaint, the committee shall advise the complainant that the committee or the subject of the complaint may ask the complainant to testify at any stage of the proceeding as to the complainant's belief that the subject of the complaint has violated this chapter. The committee shall respond to a complaint concerning the conduct of a candidate for election to state office received during the campaign period in accordance with (c) of this section. The committee shall treat a complaint concerning the conduct of a candidate for election to state office that is pending at the beginning of a

campaign period in accordance with (p) of this section. The committee shall immediately provide a copy of the complaint to the person who is the subject of the complaint.

(c) When the committee receives a complaint under (a) of this section, it may assign the complaint to a staff person. The staff person shall conduct a preliminary examination of the complaint and advise the committee whether the allegations of the complaint, if true, constitute a violation of this chapter and whether there is credible information to indicate that a further investigation and proceeding is warranted. The staff recommendation shall be based on the information and evidence contained in the complaint as supplemented by the complainant and by the subject of the complaint, if requested to do so by the staff member. The committee shall consider the recommendation of the staff member, if any, and shall determine whether the allegations of the complaint, if true, constitute a violation of this chapter. If the committee determines that the allegations, if proven, would not give rise to a violation, that the complaint is frivolous on its face, that there is insufficient credible information that can be uncovered to warrant further investigation by the committee, or that the committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the complaint and shall notify the complainant and the subject of the complaint of the dismissal. The committee may ask the complainant to provide clarification or additional information before it makes a decision under this subsection and may request information concerning the matter from the subject of the complaint. Neither the complainant nor the subject of a complaint is obligated to provide the information. A proceeding conducted under this subsection, documents that are part of a proceeding, and a dismissal under this subsection are confidential as provided in (l) of this section unless the subject of the complaint waives confidentiality as provided in that subsection.

(d) If the committee determines that some or all of the allegations of a complaint, if proven, would constitute a violation of this chapter, or if the committee has initiated a complaint, the committee shall investigate the complaint, on a confidential basis. Before beginning an investigation of a complaint, the committee shall adopt a resolution defining the scope of the investigation. A copy of this resolution shall be provided to the complainant and to the subject of the complaint. As part of its investigation, the committee shall afford the subject of the complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

(e) If during the investigation under (d) of this section, the committee discovers facts that justify an expansion of the investigation and the possibility of additional charges beyond those contained in the complaint, the resolution described in (d) of this section shall be amended accordingly and a copy of the amended resolution shall be provided to the subject of the complaint.

(f) If the committee determines after investigation that there is not probable cause to believe that the subject of the complaint has violated this chapter, the committee shall dismiss the complaint. The committee may also dismiss portions of a complaint if it finds no probable cause to believe that the subject of the complaint has violated this chapter as alleged in those portions. The committee shall issue a decision explaining its dismissal.

Committee deliberations and vote on the dismissal order and decision are not open to the public or to the subject of the complaint. A copy of the dismissal order and decision shall be sent to the complainant and to the subject of the complaint. Notwithstanding (l) of this section, a dismissal order and decision is open to inspection and copying by the public.

(g) If the committee investigation determines that a probable violation of this chapter exists that may be corrected by action of the subject of the complaint and that does not warrant sanctions other than correction, the committee may issue an opinion recommending corrective action. This opinion shall be provided to the complainant and to the subject of the complaint, and is open to inspection by the public. Within 20 days after receiving the opinion, the subject of the complaint may request a confidential meeting with the committee at which meeting the committee shall explain the reasons for its recommendations. The committee may divulge confidential information to the subject of the complaint. The information remains confidential. The subject of the complaint may comply with the opinion or may request a hearing before the committee under (j) of this section. After the hearing, the committee may amend or affirm the opinion. If the subject of the complaint agrees to comply with the opinion but later fails to complete the corrective action in a timely manner, the committee may formally charge the person as provided in (h) of this section or may refer the matter to the appropriate house of the legislature, in the case of a legislator, or, in the case of a legislative employee, to the employee's appointing authority. The appropriate house of the legislature or the appointing authority, as appropriate, may take action to enforce the corrective action or may decline to take action and refer the matter to the committee. In either case, the committee may formally charge the person under (h) of this section.

(h) If the subject of a complaint fails to comply with an opinion and the committee decides under (g) of this section to charge the person, or if the committee determines after investigation that there is probable cause to believe that the subject of the complaint has committed a violation of this chapter that may require sanctions instead of or in addition to corrective action, the committee shall formally charge the person. The charge shall be served on the person charged, in a manner consistent with the service of summons under the rules of civil procedure, and a copy of the charge shall be sent to the complainant. The person charged may file a responsive pleading to the committee admitting or denying some or all of the allegations of the charge.

(i) A person charged under (h) of this section may engage in discovery in a manner consistent with the Alaska Rules of Civil Procedure. The committee may adopt procedures that

(1) impose reasonable restrictions on the time for this discovery and on the materials that may be discovered;

(2) permit a person who is the subject of a complaint to engage in discovery at an earlier stage of the proceedings;

(3) impose reasonable restrictions on the release of information that the subject of a complaint acquires from the committee in the course of discovery, or on information obtained by use of the committee's authority, in order to protect the privacy of persons not under investigation to whom the information pertains; however, the committee may not impose restrictions on the release of information by the subject of the complaint unless the complainant has agreed to be bound by similar restrictions and has not made public the information contained in the complaint, information about the complaint, or the fact of filing the complaint.

(j) If the committee has issued a formal charge under (h) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to present the case against the person charged if that individual does not provide and has not provided legal advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless the person agrees to a later hearing date. At the hearing, the person charged shall have the right to appear personally before the committee, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The committee is not bound by the rules of evidence, but the committee's findings must be based upon clear and convincing evidence. Testimony taken at the hearing shall be recorded, and evidence shall be maintained.

(k) Following the hearing, the committee shall issue a decision stating whether or not the subject of the complaint violated this chapter, and explaining the reasons for the determination. The committee's decision may also indicate whether the subject cooperated with the committee in its proceedings. If the committee finds a violation, or lack of cooperation by the subject, the decision shall recommend what sanctions, if any, the committee believes are appropriate. If there has not been a hearing because the person charged admitted to the allegations of the charge, the committee shall issue a decision outlining the facts of the violation and containing a sanctions recommendation.

(l) Proceedings of the committee relating to complaints before it are confidential until the committee determines that there is probable cause to believe that a violation of this chapter has occurred. Except to the extent that the confidentiality provisions are waived by the subject of the complaint, the person filing a complaint shall keep confidential the fact that the person has filed a complaint under this section as well as the contents of the complaint filed. The complaint and all documents produced or disclosed as a result of the committee investigation are confidential and not subject to inspection by the public. If in the course of an investigation or probable cause determination the committee finds evidence of probable criminal activity, the committee shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the committee finds evidence of a probable violation of AS 15.13, the committee shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. All meetings of the

committee before the determination of probable cause are closed to the public and to legislators who are not members of the committee. However, the committee may permit the subject of the complaint to attend a meeting other than the deliberations on probable cause. The confidentiality provisions of this subsection may be waived by the subject of the complaint. Except to the extent that the confidentiality provisions are waived by the subject of the complaint, if the committee finds that a complainant has violated any confidentiality provision, the committee shall immediately dismiss the complaint. Dismissal of a complaint under this subsection does not affect the right of the committee or any person other than the complainant to initiate a complaint based on the same factual allegations.

(m) All documents issued by the committee after a determination of probable cause to believe that the subject of a complaint has violated this chapter, including an opinion recommending corrective action under (g) of this section and a formal charge under (h) of this section, are subject to public inspection. Hearings of the committee under (j) of this section are open to the public, and documents presented at a hearing, and motions filed in connection with the hearing, are subject to inspection by the public. Deliberations of the committee following a hearing, deliberations on motions filed by the subject of a charge under (h) of this section, and deliberations concerning appropriate sanctions are confidential.

(n) The committee shall dismiss a complaint against a person employed by the legislative branch of government if the person terminates legislative service. The committee may in its discretion dismiss a complaint against a former member of the legislature whether the complaint was filed before or after the former member departed from the legislature.

(o) The committee shall return a complaint concerning the conduct of a candidate for state office received during a campaign period to the complainant unless the subject of the complaint permits the committee to assume jurisdiction under this subsection. If the committee receives a complaint concerning the conduct of a candidate during the campaign period, the committee shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the committee's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the committee mails or otherwise sends notice of the complaint to the candidate, notify the committee that the candidate chooses to have the committee proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the committee that the candidate is not waiving the suspension of committee jurisdiction, the committee shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(p) When the committee has a complaint concerning the conduct of a candidate for state office pending before it at the beginning of a campaign period that has not resulted in the issuance of formal charges under (h) of this section, the committee may proceed

with its consideration of the complaint only to the extent that the committee's actions are confidential under this section. The committee may not, during a campaign period, issue a dismissal order or decision under (f) of this section, issue an opinion under (g) of this section, or formally charge a person under (h) of this section. If the committee has formally charged a person under (h) of this section and the charge is still pending when a campaign period begins, the committee shall suspend any public hearings on the matter until after the campaign period ends. The parties to the hearing may continue with discovery during the campaign period. If a hearing has been completed before the beginning of a campaign period but the committee has not yet issued its decision, the committee may not issue the decision until after the end of the campaign period. Notwithstanding the suspension of public proceedings provided for in this subsection, a candidate who is the subject of a complaint may notify the committee in writing that the candidate chooses to have the committee proceed with the complaint under this section.

(q) A campaign period under this section begins on the later of 45 days before a primary election in which the legislator or legislative employee is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

(r) At any point in the proceedings when the subject of a complaint appears before the committee, the subject of a complaint may choose to be accompanied by legal counsel or another person who may also present arguments before the committee. The choice of counsel or another person is not subject to review and approval or disapproval by the committee. The choice by the subject of a complaint to be accompanied under this subsection does not constitute a waiver of any confidentiality provision in this chapter.

Sec. 24.60.174. Recommendations to the legislature where violator is a legislator.

(a) If the person found to have violated this chapter is or was a member of the legislature, the committee's recommendations shall be forwarded by the chair of the committee to the presiding officer of the appropriate house of the legislature. If the committee recommends sanctions other than expulsion from the legislature, the committee recommendation

(1) must include a suggested timetable for the compliance reports required under (e) of this section, if any; and

(2) may include recommended fines that the legislature may impose if the legislator who was found to have violated this chapter does not comply with the sanctions imposed by the legislature in a timely manner.

(b) If the legislature is in session, the appropriate house shall determine the sanctions, if any, that are to be imposed. The vote shall be taken within 10 legislative days of receipt of the committee's recommendations.

(c) If the legislature is not in session, the presiding officer of the appropriate house may request the legislature to consider convening itself into special session under AS 24.05.100 (a)(2) to consider the committee's recommendations. If expulsion is recommended, the presiding officer shall so request. If the legislature does not convene itself into special session, the appropriate house shall consider the recommendations during the first 10 days of the next regular session.

(d) Except in the case of expulsion, which requires a two-thirds vote, all other sanctions shall be determined by a majority vote of the full house of which the legislator is a member.

(e) When a house of the legislature imposes a sanction other than expulsion on a member or former member, it shall advise the committee at the time of imposing the sanction of the terms it has imposed and of the timetable for compliance adopted with the sanctions. A legislator or former legislator on whom sanctions other than expulsion have been imposed shall report to the committee as required by the timetable. If the committee determines that the legislator or former legislator has not complied fully and in a timely manner with the sanctions imposed by the legislature, the committee may recommend that the legislature impose a fine or additional sanctions.

Sec. 24.60.176. Recommendations where violator is a legislative employee.

(a) If the person found to have violated this chapter is or was a legislative employee, the committee's recommendations shall be forwarded to the appropriate appointing authority which shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed. The appointing authority may not question the committee's findings of fact. The appointing authority shall assume the validity of the committee's findings and determine and impose the appropriate sanctions. The appointing authority has the power to impose a sanction recommended by the committee or to impose a different sanction. The appointing authority shall enforce the sanction and shall report to the committee at a time specified by the committee concerning the employee's compliance with the sanction.

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

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

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

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

(4) the appropriate rules committee for employees of

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

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

(C) house records and senate records;

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

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

(7) the legislature for the ombudsman.

Sec. 24.60.178. Recommended sanctions.

(a) When the committee finds that a person has violated this chapter, the committee may recommend appropriate sanctions, including sanctions set out in (b) of this section.

(b) The sanctions that the committee may recommend include:

(1) imposition of a civil penalty of not more than \$5,000 for each offense or twice the amount improperly gained, whichever is greater;

(2) divestiture of specified assets or withdrawal from specified associations;

(3) additional, detailed disclosure, either as a public disclosure or as a confidential disclosure to the committee;

(4) in the case of a legislative employee, suspension of employment with or without pay for a stated period of time or until stated conditions are met, or termination from legislative employment;

(5) restitution of property or reimbursement of improperly received benefits;

(6) public or private written reprimand;

(7) censure, including, in the case of a legislator, removal from a leadership position or committee membership and a determination that the legislator will not be appointed to serve in a leadership position or on a committee during the remainder of that legislature;

(8) placing the person on probationary status;

(9) in the case of a legislator, expulsion from the house of the legislature;

(10) any other appropriate measure.

(c) In addition to or in place of a sanction recommended under (b) of this section, the committee may recommend that the subject of a complaint be required to pay all or a portion of the costs related to the investigation and adjudication of a complaint.

ETHICS

Ethics

FAX COVER SHEET

Alaska State Legislature
Select Committee on Legislative Ethics
P.O. Box 101468
Anchorage AK 99510-1468
(907) 269-0150
Fax (907) 269-0152

DATE: 1-26-07
TO: Iris, Mike, Cindy, Jane & Sharon
DEPT: _____
PHONE: _____
FAX: _____

FROM: Joyce Anderson *Joyce*
Administrator, Ethics Committee

Number of pages, including cover sheet: 6

Ethics draft
language

WORK DRAFT

WORK DRAFT

WORK DRAFT

24-LS1268\G
Wayne
12/28/05

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Introduced:
Referred:

Draft
technical amendments recommended by the Ethics Committee

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative ethics."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 24.60.040 is amended by adding a new subsection to read:

4 (d) Disclosure by a legislator or legislative employee under this section shall
5 be made in writing to the committee, which shall maintain a public record of the
6 disclosure and forward the disclosure to the respective house for inclusion in the
7 journal.

8 * Sec. 2. AS 24.60.050(c) is amended to read:

9 (c) A legislator or legislative employee who participates in a program or
10 receives a loan that is not exempt from disclosure under (a) of this section shall make
11 written disclosure to [FILE A WRITTEN REPORT WITH] the committee by the
12 date required under AS 24.60.105 stating the amounts of the loans outstanding or
13 benefits received during the preceding calendar year from nonqualifying programs. If
14 the committee requests additional information necessary to determine the propriety of
15 participating in the program or receiving the loan, it shall be promptly provided. The

WORK DRAFT

WORK DRAFT

24-LS1268\G

1 committee shall promptly compile a list of the statements indicating the loans and
2 programs and amounts and send it to the presiding officer of each house who shall
3 have it published in the supplemental journals with the next regular publication, by
4 the senate secretary and the house chief clerk, of disclosures under this chapter
5 [WITHIN THREE WEEKS AFTER THE FILING DATE]. A legislator or legislative
6 employee who believes that disclosure of participation in a program would be an
7 invasion of the participant's right to privacy under the state constitution may request
8 the committee to keep the disclosure confidential. If the committee finds that
9 publication would constitute an invasion of privacy, the committee shall publish only
10 the fact that a person has participated in the program and the amount of benefit that the
11 unnamed person received. The committee shall maintain the disclosure of the name of
12 the person as confidential and may only use the disclosure in a proceeding under
13 AS 24.60.170. If the disclosure becomes part of the record of a proceeding under
14 AS 24.60.170, the disclosure may be made public as provided in that section.

15 * Sec. 3. AS 24.60.080(c) is amended to read:

16 (c) Notwithstanding (a) of this section, it is not a violation of this section for a
17 legislator or legislative employee to accept

18 (1) hospitality, other than hospitality described in (4) of this
19 subsection,

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

23 (B) at a social event or meal;

24 (2) discounts that are available

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

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

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

31 (4) travel and hospitality primarily for the purpose of obtaining

ERROR: WORK DRAFT
syntaxerror

WORK DRAFT

24-LS1268IG

OFFENDING COMMAND: --nostringval--

1 information on matters of legislative concern;

STACK: 2 (5) gifts from the immediate family of the person;

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

4 (7) a discount for all or part of a legislative session, including time

5 immediately preceding or following the session, or other gift to welcome a legislator

6 or legislative employee who is employed on the personal staff of a legislator or by a

7 standing or special committee to the capital city or in recognition of the beginning of a

8 legislative session if the gift or discount is available generally to all legislators and the

9 personal staff of legislators and staff of standing and special committees; this

10 paragraph does not apply to legislative employees who are employed by the

11 Legislative Affairs Agency, the office of the chief clerk, the office of the senate

12 secretary, the legislative budget and audit committee, the office of victims' rights, or

13 the office of the ombudsman;

14 (8) a gift of legal services in a matter of legislative concern and a gift

15 of other services related to the provision of legal services in a matter of legislative

16 concern;

17 (9) a gift of transportation from a legislator to a legislator if the

18 transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other

19 means of transport owned or under the control of the donor; this paragraph does not

20 apply to travel described in (4) of this subsection or travel for political campaign

21 purposes; or

22 (10) tickets from a lobbyist for a charity event at any time, including

23 during a legislative session, except that tickets to or gifts received at a charity event

24 under this paragraph are subject to the calendar year limit on the value of gifts

25 received by a legislator or legislative employee in (a) of this section; in this paragraph,

26 "charity event" means an event the proceeds of which go to a charitable organization

27 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council

28 has approved in advance; the tickets may entitle the bearer to admission to the event,

29 to entertainment, to food or beverages, or to other gifts or services involved in the

30 charity event.

31 * Sec. 4. AS 24.60.080(i) is amended to read:

WORK DRAFT

WORK DRAFT

24-LS1268IG

1 (i) A legislator or legislative employee who knows or reasonably should know
2 that a family member has received a gift because of the family member's connection
3 with the legislator or legislative employee shall make written disclosure to the
4 committee regarding the gift [REPORT THE RECEIPT OF THE GIFT BY THE
5 FAMILY MEMBER TO THE COMMITTEE] if the gift would have to be reported
6 under this section if it had been received by the legislator or legislative employee or if
7 receipt of the gift by a legislator or legislative employee would be prohibited under
8 this section. The committee shall maintain a public record of the disclosure and
9 forward the disclosure to the respective house for inclusion in the journal.

10 * Sec. 5. AS 24.60.176(b) is amended to read:

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

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

15 (2) the Legislative Budget and Audit Committee for the legislative
16 fiscal analyst and employees of the division of legislative finance, the legislative
17 auditor and employees of the division of legislative audit, and employees of the
18 Legislative Budget and Audit Committee;

19 (3) the appropriate finance committee for employees of the senate or
20 house finance committees;

21 (4) the appropriate rules committee for employees of

22 (A) standing committees of the legislature, other than the
23 finance committees;

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

26 (C) house records and senate records;

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

30 (6) the ombudsman for employees of the office of the ombudsman,
31 other than the ombudsman;

WORK DRAFT

WORK DRAFT

24-LS1268AG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

(7) the legislature for the ombudsman;

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

(9) the legislative council for the victims' advocate.

* Sec. 6. AS 24.60.210(a) is amended to read:

(a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year, except that a legislator appointed under AS 15.40.320 - 15.40.350, a public member of the committee, and a legislative director must file within 30 days after the person's initial appointment.

* Sec. 7. AS 24.60.250(c) is amended to read:

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

LEGAL OPINIONS

legal
opinions

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-2457 or 465-2450
FAX (907) 465-2029
Mail Stop 01

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 22, 2007

SUBJECT: Certain ethics issues raised by Mr. Josephson
(Work Order No. 25-LS0423)

TO: Representative John Coghill
Attn: Rynnieva Moss

FROM: Tamara Brandt Cook
Director

TBC

(1) Should the "Findings and Purpose" section of the legislative standards of conduct Act be placed in a codified section of law?

The Manual of Legislative Drafting directs that findings and purposes clauses not be placed in codified law. The 2005 Manual states at page 14:

The purpose or intent of a bill should be clear in the body of the bill or expressed in a letter of intent or other legislative history so that a general provision setting out the purpose or legislative intent of the bill should be unnecessary. . . . When a purpose section is necessary, it should be drafted as a temporary law provision that precedes the body of the bill. Only when a statement of purpose is absolutely necessary to explain or otherwise place in contest codified provisions of law should the section be drafted as codified law. Even then, it is generally preferable to enact the purpose provision as temporary law and rely on cross-reference and other notes in the Alaska Statutes to inform interested persons of the purpose. . . . Findings are often combined with statements of purpose, set out as a separate subsection within the first section of a bill. As mentioned in connection with statements of purpose, it is important that the finds not be used to make up for poor drafting or to close gaps in the substantive provisions of the bill.

Despite the direction in the Manual of Legislative Drafting, as it happens the legislative findings and purpose section for the legislative Standards of Conduct Act have been placed in codified law and are found at AS 24.60.010.

(2) Are spouses of legislators permitted to lobby?

Representative John Coghill

January 22, 2007

Page 2

Spouses and domestic partners of legislators are permitted to lobby, but special disclosure requirements apply. A lobbyist must file a registration statement that includes: "the identification of a legislator, legislative employee, or public official to whom the lobbyist is married or who is the domestic partner of the lobbyist; in this paragraph 'domestic partner' has the meaning given in AS 39.50.200(a)." (AS 24.45.041(b)(7)) Under AS 24.60.070(a), a legislator must disclose "a close economic association involving a substantial financial matter" with a lobbyist. (See also AS 24.60.070(d)) Subsection (c) of that same statute states in full:

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

(3) *Describe the Uniform Rule regarding abstaining from voting and comment on Mr. Josephson's suggestion during the recent ethics training session that legislators engage in "civil disobedience" rather than vote in a conflict situation.*

Uniform Rule 34(b) states in full:

(b) Abstention. Every member present in the house shall vote unless the house for special reasons permits a member to abstain. All motions excusing a member from voting shall be made before the house divides or before the call for the yeas and nays is commenced. A member requesting to be excused from voting may make a brief oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. A member may not explain a vote, may not discuss the question while the yeas and nays are being called, and may not change a vote after the roll call result has been announced. Upon division and count of the house of any question a member who is not within the chamber may not be counted. A member may not be permitted to abstain except upon the unanimous consent of the membership.

From the territorial days through 1968, Alaska permitted a legislator to abstain from voting only with the permission of the body. This appears to follow the general rule applicable to legislative bodies. (See Mason's Manual, sec. 521) Unlike some of the examples involving an individual who abstains from acting in a conflict of interest

Representative John Coghill

January 22, 2007

Page 3

situation discussed by Mr. Josephson, a judge recusing himself or herself for example, when a vote in a legislative body requires a particular number in support, failure to vote is not without effect. It has the effect of a negative vote. (Mason's Manual, sec. 515(b)) Furthermore, the legislator's constituents are deprived of representation in the matter in which the legislator abstains. While a judge who has a potential conflict of interest can be replaced with one who does not, there is no substitute for an abstaining legislator. Consequently, along with the power to compel the attendance of its members, it is within the power of a legislative body to compel a member to vote. (Mason's Manual, sec. 521) This precludes a legislator, as an act of civil disobedience, from properly refusing to vote when directed to do so by the body.

On the other hand, most legislative bodies do permit a member to abstain from voting in clear cases when the member has a direct personal interest in the outcome of the vote. (Mason's Manual, sec. 522) In fact, a legislator in this state may abstain from voting under Uniform Rule 34, but only if no other member of the body objects. The requirement of unanimous consent before a legislator may abstain from voting was added to the Uniform Rules in 1969 and has been in place since that year.

While there are good public policy arguments, as suggested by Mr. Josephson, for permitting a legislator to refrain from voting, there are probably also public policy arguments to be made for requiring a legislator to vote. A voting requirement prevents a legislator from ducking a hard vote and creates a public record of the legislator's position in that context.

TBC:ljw
07-024.ljw

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 23, 2007

SUBJECT: Campaign contributions (Work Order No. 25-LS0424)

TO: Representative John Coghill
Attn: Rynnieva Moss

FROM: Tamara Brandt Cook
Director *TBC*

(1) Describe the law regarding campaign contributions by lobbyists.

Lobbyists are permitted to make personal contributions to candidates, but restrictions are placed on other campaign activities by lobbyists. AS 24.45.121(a)(8) states:

A lobbyist may not . . .

(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; . . .

Under AS 15.13.074(g), a person required to register as a lobbyist may not make a contribution to a candidate for the legislature while subject to the registration requirement and for a year after, except to a candidate in a district in which the lobbyist or former lobbyist may vote. (See also AS 15.13.074(g)(4).)

(2) Describe the law that applies to use of left-over campaign contributions by a candidate.

AS 15.13.112 sets out the uses that may be made of campaign contributions and limits those uses. AS 15.13.116 describes what may be done with campaign contributions after the election in considerable detail. Subsection (a) provides:

(a) A candidate who, after the date of the general, special, municipal, or municipal runoff election or after the date the candidate withdraws as a candidate, whichever comes first, holds unused campaign contributions shall distribute the amount held on February 1 for a general election or within 90 days after a special election. The distribution may only be made to

(1) pay bills incurred for expenditures reasonably related to the campaign and the winding up of the affairs of the campaign, including a victory or thank you party, thank you advertisements, and thank you gifts to campaign employees and volunteers, and to pay expenditures associated with post-election fund raising that may be needed to raise funds to pay off campaign debts;

(2) make donations, without condition, to

(A) a political party;

(B) the state's general fund;

(C) a municipality of the state; or

(D) the federal government;

(3) make donations, without condition, to organizations qualified as charitable organizations under 26 U.S.C. 501(c)(3) if the organization is not controlled by the candidate or a member of the candidate's immediate family;

(4) repay loans from the candidate to the candidate's own campaign under AS 15.13.078(b);

(5) repay contributions to contributors, but only if repayment of the contribution is made pro rata in approximate proportion to the contributions made using one of the following, as the candidate determines:

(A) to all contributors;

(B) to contributors who have contributed most recently; or

(C) to contributors who have made larger contributions;

(6) establish a fund for, and from that fund to pay, attorney fees or costs incurred in the prosecution or defense of an administrative or civil judicial action that directly concerns a challenge to the victory or defeat of the candidate in the election;

(7) transfer all or a portion of the unused campaign contributions to an account for a future election campaign; a transfer under this paragraph is limited to

(A) \$50,000, if the transfer is made by a candidate for governor or lieutenant governor;

(B) \$10,000, if the transfer is made by a candidate for the state senate;

(C) \$5,000, if the transfer is made by a candidate for the state house of representatives; and

(D) \$5,000, if the transfer is made by a candidate for an office not described in (A) - (C) of this paragraph;

(8) transfer all or a portion of the unused campaign contributions to a public office expense term account or to a public office expense term account reserve in accordance with (d) of this section; a transfer under this paragraph is subject to the following:

(A) the authority to transfer is limited to candidates who are elected to the state legislature;

(B) the public office expense term account established under this paragraph may be used only for expenses associated with the candidate's serving as a member of the legislature;

(C) all amounts expended from the public office expense term account shall be annually accounted for under AS 15.13.110(a)(4); and

(D) a transfer under this paragraph is limited to \$5,000 multiplied by the number of years in the term to which the candidate is elected plus any accumulated interest; and

(9) transfer all or a portion of the unused campaign contributions to a municipal office account; a transfer under this paragraph is subject to the following:

(A) the authority to transfer is limited to candidates who are elected to municipal office, including a municipal school board;

(B) the municipal office account established under this paragraph may be used only for expenses associated with the candidate's serving as mayor or as a member of the assembly, city council, or school board;

(C) all amounts expended from the municipal office account shall be annually accounted for under AS 15.13.110(a)(4); and

(D) a transfer under this paragraph is limited to \$5,000.

AS 15.13.116(b) permits retention by a candidate of some limited campaign assets. Subsection (d) permits a person who has been elected to the House of Representatives to transfer up to \$10,000 from unused campaign contributions to a public office expense term account reserve and permits a person who has been elected to the Senate to transfer up to \$20,000 from unused campaign contributions to a public office expense term account reserve. This use of campaign contributions is referred to in subsection (a)(8) and use of the transferred money is described in detail. Lastly, subsection (c) generally requires that campaign assets remaining after other permitted uses are forfeited to the state.

GARA
MEMO

Gara
Memo

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES CARA

MEMORANDUM

DATE: January 24, 2007

TO: Rep. Bob Roses, Rep. John Coghill, Rep. Max Gruenberg

FROM: Rep. Les Gara

RE: Ethics Proposals

Congratulations on your recent appointment to the subcommittee to work on these important issues. We have three ethics law issues for your consideration, one of which is an easy fix to concerns that were expressed on HB 10 at this week's hearing. Our office has worked in detail on a number of ethics matters the past few years, and we would be happy to assist you with any questions.

1. HB 10: One goal behind HB 10 is to draw a line between work legislators should not be paid for, and legitimate work that allows for a citizen legislature. The bill aims to prevent legislators from charging money for providing legislative advice, or helping to pass or stop legislation. Those are things legislators are paid for through our salary. The bill says legislators cannot charge for "legislative, administrative or political action." Those terms are defined in various ways in our statutes. The definitions of administrative and legislative action in AS 24.45.171 draw the line discussed above, and avoid the problem discussed in committee by more expansive definitions of those terms found elsewhere in the code.

Proposed fix: Specifically state in the bill that the terms "legislative action" and "Administrative action" shall be defined as stated in AS 24.45.171, and the term "political action" shall be defined as stated in AS 24.60.990. I am submitting the summaries of two of the House Bills which I hope can be incorporated into your committee bill.

2. Bribery Loophole: House Bill 38 (HB 38), closes a current loophole in Alaska state law which allows for Legislators or candidates to change their vote on an issue in exchange for a campaign contribution. This bill is narrowly drafted, to recognize that a candidate should not be prevented from accepting a legal campaign donation just because the candidate agrees on an issue with a donor. Under HB 38 the donor and candidate will only be held criminally liable if the prosecution proves, beyond a reasonable doubt, that the Legislator and donor had an express, specific agreement that the Legislator would change his or her position on a matter in exchange for a donation.

3. Needed Executive Ethics Act Fixes. House Bill 58 (HB 58) seeks to fix a current problem with the Alaska Executive Ethics Act. Those problems came to light during a controversy relating to our former Attorney General. Currently the Ethics Act does not spell out clearly what sorts of financial interests constitute a conflict of interest. The bill sets out a series of bright financial lines for executive branch employees. For example, current law provides no guidance whatsoever as to the size of investment that an executive branch employee may own and still take official state action that affects the investment. HB 58 declares that either \$5000 worth of stock, or one percent of a company's stock, whichever is *less*, means that the executive branch employee must not be involved in state actions that impact that investment. While it seems like common sense to have such a concrete definition, current law does not provide one.

The bill also describes with particularity other sorts of forbidden financial interests. An executive branch employee may not own a controlling interest in a business, may not own an equity interest in a business worth more than \$5000, may not be a member of a company's board of directors and may not be an employee of a business. Finally, the bill also expands the definition of "official action" to more clearly capture the day to day duties of our executive branch employees.

I look forward to assisting in anyway the subcommittee would like. Please do not hesitate to contact my office if we can provide more information to assist you.

Thank you for your time and consideration.

Political action defined in AS 21.60.990



Sec. 24.45.171. Definitions.

In this chapter

(1) "administrative action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by any state agency of any rule or regulation, or any other quasi-legislative or quasi-judicial action or proceeding whether or not governed by AS 44.62 (Administrative Procedure Act); "administrative action" does not include

(A) a proceeding or an action to determine the rights or duties of a person under existing statutes, regulations, or policies;

(B) the issuance, amendment, or revocation of a permit, license, or entitlement for use under existing statutes, regulations, or policies by the agency authorized to issue, amend, or revoke the permit, license, or entitlement for use;

(C) the enforcement of compliance with existing law or the imposition of sanctions for a violation of existing law;

(D) procurement activity, including the purchase or sale of property, goods, or services by the agency or the award of a grant contract;

(E) the issuance of, or ensuring compliance with, an opinion or activity related to a collective bargaining agreement including negotiating or enforcing the agreement;

(2) "agency" means a state department, division, commission, board, office, bureau, institution, corporation, authority, organization, committee, council or board in the executive branch, or independent of the executive branch, of state government;

(3) "commission" means the Alaska Public Offices Commission;

(4) "communicate directly" means to speak with a legislator, legislative employee, or public official;

(A) by telephone;

(B) by two-way electronic communication; or

(C) in person;

(5) "gift"

(A) means any payment to the extent that consideration of equal or greater value is not received;

(B) includes but is not limited to

(i) a loan, loan guarantee, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except when full and adequate consideration is received;

(ii) the purchase of tickets for travel or for entertainment events; and

(iii) the granting of discounts or rebates for goods or services not extended to the public generally;

(C) does not include

(i) informational or promotional materials, including but not limited to books, reports, pamphlets, calendars, or periodicals; however, payments for travel or reimbursement for expenses may not be considered "informational material";

(ii) food and beverages consumed in places of public accommodation;

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

(7) "individual" means a natural person;

(8) "influencing legislative or administrative action" means to communicate directly for the purpose of introducing, promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative or administrative action;

(9) "legislative action" means the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, defeat, or rejection of any bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the legislature, or by a standing, interim, or special committee of the legislature, or by a member or employee of the legislature acting in an official capacity; it includes, but is not limited to, the action of the governor in approving or vetoing a bill or the action of the legislature in considering, overriding, or sustaining that veto and the action of the legislature in considering, confirming, or rejecting an executive appointment of the governor;

(10) "lobbyist" means a person who

(A) is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislation or administrative action for more than 10 hours in any 30-day period in one calendar year; or

(B) represents oneself as engaging in the influencing of legislative or administrative action as a business, occupation, or profession;

(11) "payment" means the disbursement, distribution, transfer, loan, advance, deposit, gift, or other rendering or tendering of money, property, goods, or services or anything else of value;

(12) "payment to influence legislative or administrative action" means any of the following:

(A) a direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;

Sec. 24.60.990. Definitions.

(a) In this chapter,

(1) "administrative action" means ~~conduct~~ related to the development, drafting, consideration, enactment, defeat, application, or interpretation of a rule, regulation, policy, or other action in a regulatory proceeding or a proceeding involving a license, permit, franchise, or entitlement for use;

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

(A) an item listed in AS 24.60.080 (c);

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

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

(D) grants under AS 37.05.316 to named recipients;

(3) "committee" means the Select Committee on Legislative Ethics and includes, when appropriate, the senate or house subcommittee;

(4) "compensation" means remuneration for personal services rendered, including salary, fees, commissions, bonuses, and similar payments, but does not include reimbursement for actual expenses incurred by a person;

(5) "domestic partner" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage.

(6) "immediate family" means

(A) the spouse or domestic partner of the person; or

(B) a parent, child, including a stepchild and an adoptive child, and sibling of a person if the parent, child, or sibling resides with the person, is financially dependent on the person, or shares a substantial financial interest with the person;

(7) "income" means assets that are received, regardless of whether they are earned or unearned; inheritances and other gifts are not income;

(8) "knowingly" has the meaning given in AS 11.81.900;

(9) "legislative action" means conduct relating to the development, drafting, consideration, sponsorship, enactment or defeat, support or opposition to or of a law, amendment, resolution, report, nomination, or other matter affected by legislative action or inaction;

(10) "legislative director" means the director of the legislative finance division, the legislative auditor, the director of the legislative research agency, the ombudsman, the victims' advocate, the executive director of the Legislative Affairs Agency, and the directors of the divisions within the Legislative Affairs Agency;

(11) "legislative employee" means a person, other than a legislator, who is compensated by the legislative branch in return for regular or substantial personal services, regardless of the person's pay level or technical status as a full-time or part-time employee, independent contractor, or consultant; it includes public members and staff of the committee; it does not include individuals who perform functions that are incidental to legislative functions, including security, messenger, maintenance, and print shop employees, and other employees designated by the committee;

(12) "lobbyist" means a person who is required to register under AS 24.45.041 and is described under AS 24.45.171, but does not include 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;

(13) "political action" means conduct in which public officials, including legislators or legislative employees, use their official position or political contacts to exercise influence on state and local government employees or entities; it includes but is not limited to endorsing and pledging support or actively supporting a legislative matter, a nominee, or a candidate for public office; ✓

FAX COVER SHEET

Alaska State Legislature
 Select Committee on Legislative Ethics
 P.O. Box 101468
 Anchorage AK 99510-1468
 (907) 269-0150
 Fax (907) 269-0152

DATE: 1-26-07
 TO: Iris, Mike, Cindy, Jane & Sharon
 DEPT: _____
 PHONE: _____
 FAX: _____

FROM: Joyce Anderson
 Administrator, Ethics Committee



Number of pages, including cover sheet: 6

Ethics draft
language

WORK DRAFT

WORK DRAFT

WORK DRAFT

24-LS1268VG
Wayne
12/28/05

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Introduced:
Referred:

Draft
technical amendments recommended by the Ethics Committee

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative ethics."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 24.60.040 is amended by adding a new subsection to read:

4 (d) Disclosure by a legislator or legislative employee under this section shall
5 be made in writing to the committee, which shall maintain a public record of the
6 disclosure and forward the disclosure to the respective house for inclusion in the
7 journal.

8 * Sec. 2. AS 24.60.050(c) is amended to read:

9 (c) A legislator or legislative employee who participates in a program or
10 receives a loan that is not exempt from disclosure under (a) of this section shall make
11 written disclosure to [FILE A WRITTEN REPORT WITH] the committee by the
12 date required under AS 24.60.105 stating the amounts of the loans outstanding or
13 benefits received during the preceding calendar year from nonqualifying programs. If
14 the committee requests additional information necessary to determine the propriety of
15 participating in the program or receiving the loan, it shall be promptly provided. The

WORK DRAFT

WORK DRAFT

24-LS1268IG

1 committee shall promptly compile a list of the statements indicating the loans and
2 programs and amounts and send it to the presiding officer of each house who shall
3 have it published in the supplemental journals with the next regular publication, by
4 the senate secretary and the house chief clerk, of disclosures under this chapter
5 [WITHIN THREE WEEKS AFTER THE FILING DATE]. A legislator or legislative
6 employee who believes that disclosure of participation in a program would be an
7 invasion of the participant's right to privacy under the state constitution may request
8 the committee to keep the disclosure confidential. If the committee finds that
9 publication would constitute an invasion of privacy, the committee shall publish only
10 the fact that a person has participated in the program and the amount of benefit that the
11 unnamed person received. The committee shall maintain the disclosure of the name of
12 the person as confidential and may only use the disclosure in a proceeding under
13 AS 24.60.170. If the disclosure becomes part of the record of a proceeding under
14 AS 24.60.170, the disclosure may be made public as provided in that section.

15 * Sec. 3. AS 24.60.080(c) is amended to read:

16 (c) Notwithstanding (a) of this section, it is not a violation of this section for a
17 legislator or legislative employee to accept

18 (1) hospitality, other than hospitality described in (4) of this
19 subsection,

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

23 (B) at a social event or meal;

24 (2) discounts that are available

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

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

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

31 (4) travel and hospitality primarily for the purpose of obtaining

WORK DRAFT

WORK DRAFT

24-LS1268\G

ERROR: syntaxerror
OFFENDING COMMAND: --nostringval--

1 information on matters of legislative concern;

2 (5) gifts from the immediate family of the person;

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

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

14 (8) a gift of legal services in a matter of legislative concern and a gift
15 of other services related to the provision of legal services in a matter of legislative
16 concern;

17 (9) a gift of transportation from a legislator to a legislator if the
18 transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other
19 means of transport owned or under the control of the donor; this paragraph does not
20 apply to travel described in (4) of this subsection or travel for political campaign
21 purposes; or

22 (10) tickets from a lobbyist for a charity event at any time, including
23 during a legislative session, except that tickets to or gifts received at a charity event
24 under this paragraph are subject to the calendar year limit on the value of gifts
25 received by a legislator or legislative employee in (a) of this section; in this paragraph,
26 "charity event" means an event the proceeds of which go to a charitable organization
27 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council
28 has approved in advance, the tickets may entitle the bearer to admission to the event,
29 to entertainment, to food or beverages, or to other gifts or services involved in the
30 charity event.

31 * Sec. 4. AS 24.60.080(i) is amended to read:

WORK DRAFT

WORK DRAFT

24-LS1268/G

1 (i) A legislator or legislative employee who knows or reasonably should know
2 that a family member has received a gift because of the family member's connection
3 with the legislator or legislative employee shall make written disclosure to the
4 committee regarding the gift [REPORT THE RECEIPT OF THE GIFT BY THE
5 FAMILY MEMBER TO THE COMMITTEE] if the gift would have to be reported
6 under this section if it had been received by the legislator or legislative employee or if
7 receipt of the gift by a legislator or legislative employee would be prohibited under
8 this section. The committee shall maintain a public record of the disclosure and
9 forward the disclosure to the respective house for inclusion in the journal.

10 * Sec. 5. AS 24.60.176(b) is amended to read:

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

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

15 (2) the Legislative Budget and Audit Committee for the legislative
16 fiscal analyst and employees of the division of legislative finance, the legislative
17 auditor and employees of the division of legislative audit, and employees of the
18 Legislative Budget and Audit Committee;

19 (3) the appropriate finance committee for employees of the senate or
20 house finance committees;

21 (4) the appropriate rules committee for employees of

22 (A) standing committees of the legislature, other than the
23 finance committees;

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

26 (C) house records and senate records;

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

30 (6) the ombudsman for employees of the office of the ombudsman,
31 other than the ombudsman;

WORK DRAFT

WORK DRAFT

24-LS1268VG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

(7) the legislature for the ombudsman;

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

(9) the legislative council for the victims' advocate.

* Sec. 6. AS 24.60.210(a) is amended to read:

(a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year, except that a legislator appointed under AS 15.40.320 - 15.40.350, a public member of the committee, and a legislative director must file within 30 days after the person's initial appointment.

* Sec. 7. AS 24.60.250(c) is amended to read:

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

TRANSACTION REPORT

JAN-26-2007 FRI 03:08 PM

FOR: REPRESENTATIVE BOB LYNN 907 465 4316

RECEIVE

DATE	START	SENDER	PAGES	TIME	NOTE	M#
JAN-26	03:06 PM	907 2690152	6	1' 59"	OK	

ERROR: syntaxerror
 OFENDING COMMAND: --nostringval--
 STACK:
 /GenStrips
 false

Suggested Language (Prepared in 2005)

AS 24.60.130(n)

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

Suggested Language (prepared in 2005)

AS 24.60.150

(a) The committee shall

- (1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;
- (2) **publish advisory opinions annually; and**
- (3) publish [SEMI-]annual summaries of decisions [AND ADVISORY OPINIONS] with sufficient deletions in the summaries to prevent disclosing the identity of the person involved in the decisions [OR OPINIONS] that have remained confidential.

AS 24.60.160

(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY OPINION IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN REQUEST BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH THE COMMITTEE.] **All advisory opinions shall be issued with sufficient deletions to prevent disclosing the identity of the persons involved. Unless the requester and anyone else named in the request who is covered by the ethics code waives confidentiality, advisory opinion discussions and deliberations are confidential. The committee vote will be a public record.**

January 25, 2007 -- Suggested substantive changes to AS 24.60 Ethics Code

(These suggestions do not include changes already proposed in 2007 ethics bills.)

These suggestions are the result of either an advisory opinion issued by the committee, committee discussion or observations by ethics staff or individual committee members.

1. **AS 24.60.160 Advisory Opinions** - Add language allowing the Ethics Committee and/or staff to request an advisory opinion. Currently, the request must relate to a set of circumstances of a particular situation that effect the person requesting the opinion. Many times the person does not want to request an opinion. Advisory opinions are referenced when a similar request is received.
2. **AS 24.60.160 Advisory Opinions** – Add language allowing the Ethics Committee to request an advisory opinion from APOC and for APOC to request one from the Ethics Committee. APOC statutes and ethics statutes are much intertwined and many times clarification is needed from one oversight agency for the other agency to issue an advisory opinion.
3. **AS 24.60.160(b) Advisory Opinions** – Clarify the language in this section. Make it clear advisory opinions will be issued with sufficient deletions to prevent disclosure of the identity of the person requesting the opinion and any other persons named in the request. (suggested language approved by the ethics committee will be transmitted in a separate document)
4. **AS 24.60.150(a) Duties of the committee** – Delete in (a)(2) the requirement that summaries of public decisions and advisory opinions be published on a semi-annual basis. Public decisions have been published annually since 1999 and advisory opinions since 1995. (suggested language approved by the ethics committee will be transmitted in separate document)
5. **AS 24.60.130(n) Select committee on legislative ethics** – Add language to allow the chair of the committee or subcommittee to designate the alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the alternate member may only serve if the regular member has a conflict. This change would allow the committee to meet in a more timely fashion. (suggested language approved by the ethics committee will be transmitted in a separate document)
6. **AS 24.60.030(f) Boards and Commissions** - Legislators currently have double disclosure requirements for membership on boards and commissions. Reporting is inclusive for APOC and subjective for Ethics. Membership on boards and commissions is only required if the board and commission will have an interest in legislation. This is very confusing and often times not reported properly. Should be inclusive for both oversight agencies. Reporting of membership on boards and

commissions is on the ethics web site for the public to view. APOC need this information to administer the financial disclosure reporting requirement.

7. **AS 24.60.050 State programs and loans** - Add a section that allows 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. The committee has determined they do not have the authority to withhold publication. They have, however, determined the dollar amount need not be disclosed.
8. **AS 24.60.105 Deadlines for filing disclosures** - 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 disclosures are required during the timeframe of 30 days prior to the end of session. Suggest all disclosures be filed within 30 days of the association or interest.
9. **AS 24.60.031(1) Restrictions on fund raising** - The ethics committee defined 'acceptance' of a campaign contribution in Advisory Opinion 94-05. APCO differentiates between 'receiving' and 'accepting' a contribution. See 2 AAC 50.333. Clarification of these terms is needed so both ethics and APOC are disseminating the same information to candidates who are also sitting legislators.
10. Include in the ethics code an education program and/or training class.
11. **AS 24.60.030(c) Prohibitions related to conflicts of interest and unethical conduct** - Prohibit the distribution of legislative newsletters within the 30 days preceding an election. Many calls are received from the public asking why a legislator is allowed to send a legislative newsletter so close to an election. The newsletter is perceived as a campaign piece.
12. **Article 4 of AS 24.60** - Change the title from "Required Annual Financial Disclosure" to "Disclosure Statements" since the section covers both financial disclosure requirements and some ethics disclosures.
13. **AS 24.60.080(c)(10) Gifts** - Legislative Council presently approves 501(c)(3) charity events during session. Lobbyists are then allowed to give free tickets to attend the event. Change the approving authority from Legislative Council to the Ethics Committee. This will allow oversight from one area and provide consistency of information provided by Ethics and APOC.
14. **AS 24.60.170 Proceedings before the committee** - The complaint section of the code does not provide for an alternate legislative member to be appointed if both the legislative member and designated alternate have a conflict and cannot serve on the ethics subcommittee hearing a complaint. The Open Meetings section, AS 24.60.037, has a provision for this type of occurrence. Add similar language to

the complaint section.

15. **AS 24.60.170(i) Proceedings before the committee** – This section states a person providing legal advice to the committee is prohibited from ever being involved in a complaint proceeding. The ethics committee discussed clarifying the language to stipulate ‘currently providing legal advice to the committee’.

16. **AS 24.60.170(j) Proceedings before the committee** – This section grants authority to the subject of the complaint to change the date of the public hearing to a time outside of the 90 day requirement. However, the committee does not appear to have the authority to approve the change of the date of the hearing. An example given by the committee is what if the subject of the complaint wants to change the hearing to a date 6 months in the future. The statute needs to include a provision for approval by the committee of the change in date and also allow the committee to change the date of the hearing due to, for example, a lack of a quorum.

Suggested Technical Changes to AS 24.60, Legislative Ethics

These suggested technical changes were approved by the Ethics Committee at the September 27, 2005 committee meeting. Draft language was drafted in 2005. See attached work drafts.)

AS 24.60.040 Contract and Leases

- Add language stipulating the disclosure shall be forwarded to the respective house for inclusion in the legislative journal. For some reason this section of the code was overlooked when language was added requiring other disclosures to be published. Current practice has been to have all disclosures published.

AS 24.60.050 State Programs and Loans

- Delete language indicating a 'written report' is required and add language a 'disclosure' is required making language consistent with other sections of the code.
- Delete language requiring the disclosure be published within three weeks after filing. Other disclosures are published in cooperation with the senate secretary and house clerk. Current practice has been to have these disclosures published along with other disclosures. Add language to this effect.

AS 24.60.080 Gifts

- Add to (c)(7) language to include 'the office of victims' rights in relation to 'welcome to Juneau gifts' prohibition. Currently LAA employees, office of the chief clerk and senate secretary, legislative budget and audit employees, and the office of ombudsman are included. It makes sense to include the office of victims' rights.
- Delete language in (i) indicating a 'report' is required and add language a 'disclosure' is required making language consistent with other sections of the code. Add language requiring these disclosures be published in the journal along with other required disclosures. This section of the code was overlooked when language was added requiring other disclosures to be published. Current practice has been to publish all disclosures.

AS 24.60.176 Recommendations where violator is a legislative employee

- Add new sections (b)(8) and (9) to address the office of victims' rights employees and who is their appointing authority when an ethics complaint is filed.

AS 24.60.250 Effect of failure to file

- Add language to (c) placing the victims' advocate under the Legislative Council when failing or refusing to file a financial disclosure. The ombudsman is listed as reporting to Legislative Council

AS 25.60.210 Deadlines for filing of disclosure statements

- Add language covering persons who must file a financial disclosure under AS 24.60.200 and who are appointed to their position after March 15. New language states legislators, public members of the committee and legislative directors must file an annual report with the Alaska Public Office Commission within 30 days after appointment. APOC indicated these positions were inadvertently left out of legislation when the law was changed. APOC has taken the position the intent of the law was to include these positions and currently notifies all appointees about filing a financial disclosure.

AMENDMENTS

AMEND
MENTS

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 109

1 Page 1, lines 10 - 11:

2 Delete "relating to certain restrictions on employment after leaving state service"

3 Insert "prohibiting certain activities by individuals who formerly held certain
4 positions in the executive branch"

5

6 Page 7, line 19:

7 Delete "or deputy head"

8

9 Page 7, line 21:

10 Delete "in a policy-making position"

11

12 Page 7, line 23:

13 Delete "or deputy head"

14

15 Page 7, line 24:

16 Delete "in a policy-making position"

17

18 Page 7, following line 27:

19 Insert a new bill section to read:

20 **** Sec. 12.** AS 39.52.180 is amended by adding a new subsection to read:

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

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

7 Renumber the following bill sections accordingly.
8

9 Page 7, line 30:

10 Delete "Sections 10 and 11"

11 Insert "Sections 10 - 12"
12

13 Page 7, lines 30 - 31:

14 Delete "state service"

15 Insert "a position in the executive branch"
16

17 Page 7, line 31:

18 Delete "secs. 10 and 11"

19 Insert "secs. 10 - 12"
20

21 Page 8, line 2:

22 Delete "sec. 13"

23 Insert "sec. 14"

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 20

BY REPRESENTATIVE HARRIS

1 Page 1, lines 1 - 4:

2 Delete all material and insert:

3 **""An Act prohibiting lobbying, other than as a volunteer or representational**
4 **lobbyist, by spouses and domestic partners of legislators; prohibiting legislators and**
5 **legislative employees from entering into contracts to provide consulting services;**
6 **restricting representation of others by legislators and legislative employees before**
7 **municipalities or state agencies, boards, and commissions; and requiring certain**
8 **legislators, legislative employees, and public members of committees no longer holding**
9 **office to comply with certain disclosure requirements.""**

10

11 Page 1, line 6, through page 3, line 19:

12 Delete all material and insert:

13 **** Section 1. AS 24.45.041(b) is amended to read:**

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

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

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

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

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

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

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

11 (7) the identification of a [LEGISLATOR,] legislative employee [,] or
12 public official to whom the lobbyist is married or who is the domestic partner of the
13 lobbyist; in this paragraph, "domestic partner" has the meaning given in
14 AS 39.50.200(a).

15 * **Sec. 2.** AS 24.45.121 is amended by adding a new subsection to read:

16 (d) The spouse or domestic partner of a legislator may not engage in an
17 activity as a lobbyist. This subsection does not prohibit the spouse or domestic partner
18 from acting as a volunteer lobbyist under AS 24.45.161 or a representational lobbyist
19 as defined under regulations of the commission."
20

21 Renumber the following bill sections accordingly.
22

23 Page 6, lines 16 - 22:

24 Delete all material and insert:

25 ** **Sec. 4.** AS 24.60.070(c) is amended to read:

26 (c) When making a disclosure under (a) of this section concerning a
27 relationship with a lobbyist to whom the [LEGISLATOR OR] legislative employee is
28 married or who is the [LEGISLATOR'S OR] legislative employee's domestic partner,
29 the [LEGISLATOR OR] legislative employee shall also disclose the name and address
30 of each employer of the lobbyist and the total monetary value received by the lobbyist
31 from the lobbyist's employer. The [LEGISLATOR OR] legislative employee shall

1 report changes in the employer of the spouse or domestic partner within 48 hours after
2 the change. In this subsection, "employer of the lobbyist" means the person from
3 whom the lobbyist received amounts or things of value for engaging in lobbying on
4 behalf of the person.

18 ✓ * **Sec. 6.** AS 24.60 is amended by adding a new section to article 2 to read:

19 **Sec. 24.60.115. Disclosures by a former legislator, legislative employee, or**
20 **public member of the committee.** Notwithstanding another deadline set by
21 AS 24.60.105(a), within 60 days after a person required to file a disclosure under this
22 chapter leaves office or terminates employment for any reason, the person shall file all
23 disclosures required under this chapter that have not been disclosed under
24 AS 24.60.105.

25 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **TRANSITION.** A person who is not a legislator, legislative employee, or public
28 member of the Select Committee on Legislative Ethics on the effective date of this Act but
29 who served as a legislator, legislative employee, or public member of the Select Committee
30 on Legislative Ethics between April 9, 2006, and the effective date of this Act shall make the
31 disclosure required by AS 24.60.115, added by sec. 6 of this Act, within 90 days after the
1 effective date of this Act."

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 2, 2007

SUBJECT: Amendment to House Bill 20 to ban PACs (political action committees) from making campaign contributions.
(Work Order No. 25-LS0136\6)

TO: Representative Craig Johnson

FROM: Jack Chenoweth
Assistant Revisor

Enclosed is the amendment you requested barring political action committees, PACs (and most other groups), from making campaign contributions.¹

¹ Though commonly referred to as "political action committees" or "PACs," that is a term used in federal election law and is not one to be found in Alaska law; the comparable designation in AS 15.13 is to "groups". The federal definition of a "political committee" is found in 2 U.S.C. 431(4) and reads as follows:

The term "political committee" means--

(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 316(b) [2 USCS § 441b(b)]; or

(C) any local committee of a political party which receives contributions aggregating in excess of \$5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in section 301 (8) and (9) aggregating in excess of \$5,000 during a calendar year, or makes contributions aggregating in excess of \$1,000 during a calendar year or makes expenditures aggregating in excess of \$1,000 during a calendar year.

The state's comparable definition, for purposes of administration of the campaign financing law, is that for the term "group," and appears in AS 15.13.400(8):

(8) "group" means

(A) every state and regional executive committee of a political party; and

CONSTITUTIONAL CONSIDERATIONS:

A complete ban on campaign contributions by political action committees, as contained in the enclosed amendment, might be held to violate the speech and associational rights of those groups under the Constitution of the United States and the Constitution of the State of Alaska. Prohibiting PACs and other groups from making campaign contributions will affect the speech and associational rights of those groups.

Alaska law prohibits campaign contributions by business corporations and labor unions, see AS 15.13.074(f), and that ban was upheld in *State v. Alaska Civil Liberties Union*, 978 P.2d 597, 613 - 614 (Alaska 1999). The court explained that the state-created advantages enjoyed by corporations create the potential for corruption, and makes corporations completely subject to regulation. 978 P.2d at 607. The court was concerned about corruption of the political process due to "the disproportionate political influence corporate wealth can have because it bears no necessary relationship to the actual public support for the corporation's political views." 978 P.2d at 609. However, the court made clear that only a limited group of entities other than corporations and labor unions could be barred from making contributions:

Entities which are neither labor unions nor corporations are subject to contribution bans only to the extent they are within the class of organizations potentially able to amass great wealth through state-created advantages.

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the commission, on a form provided by the commission, an affidavit that the group is operating without the candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 percent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate;

Representative Craig Johnson

February 2, 2007

Page 3

978 P.2d at 614. At that time, the court declined to list what entities might fall within this class, leaving that for future litigation.

DRAFTING ISSUES:

The enclosed amendment draft only prohibits PACs from making campaign contributions; it does not bar them from making expenditures.

Please appreciate that, under current law, PACs and political parties are both considered groups and are treated in substantially similar fashion. The amendment attempts to curtail contributions by PACs without affecting the rights of political parties. However, it will affect contributions by other types of groups, including political groups that have not attained party status under AS 15.60.010. Courts have been particularly concerned about preserving the speech and associational freedoms of political parties. The United States Supreme Court recently described the right to associate in a political party as "a particularly important political right." *Randall v. Sorrell*, 165 L. Ed. 2d 482, 504 (2006). A political group that has not yet attained political party status under Alaska law might be entitled to similar deference, so that even if the amendment could pass constitutional muster as it relates to PACs, it might be invalidated as it affects political groups.²

JBC:ljw
07-050.ljw

Enclosure

² An alternative drafting approach would entail defining "political committees" or "political action committees," perhaps using the federal definition of "political committee," removing them from the definition of "group," and then adding new language to clarify how the campaign finance laws are to be applied to PACs.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOHNSON

TO: HB 20

1 Page 1, line 1:

2 Delete "disclosure of"

3

4 Page 3, following line 13:

5 Insert new bill sections to read:

6 *** Sec. 4.** AS 15.13.050(b) is amended to read:

7 (b) If a group intends to support only one candidate or to [CONTRIBUTE TO
8 OR] expend on behalf of one candidate 33 1/3 percent or more of its funds, the name
9 of the candidate shall be a part of the name of the group. If the group intends to oppose
10 only one candidate or to [CONTRIBUTE ITS FUNDS IN OPPOSITION TO OR]
11 make expenditures in opposition to a candidate, the group's name must clearly state
12 that it opposes that candidate by using a word such as "opposes," "opposing," "in
13 opposition to," or "against" in the group's name. Promptly upon receiving the
14 registration, the commission shall notify the candidate of the group's organization and
15 intent. A candidate may register more than one group to support the candidate;
16 however, multiple groups controlled by a single candidate shall be treated as a single
17 group for purposes of the contribution limit in AS 15.13.070(b)(1).

18 *** Sec. 5.** AS 15.13.065(a) is amended to read:

19 (a) An individual, a group that is a political party, and a nongroup entity
20 may make a contribution [INDIVIDUALS, GROUPS, NONGROUP ENTITIES,
21 AND POLITICAL PARTIES MAY MAKE CONTRIBUTIONS] to a candidate. An
22 individual [, GROUP,] or nongroup entity may make a contribution to a group, to a
23 nongroup entity, or to a political party.

1 * **Sec. 6.** AS 15.13.072 is amended by adding a new subsection to read:

2 (i) A candidate may not accept a contribution from a group that is not a
3 political party.

4 * **Sec. 7.** AS 15.13.074(c) is amended to read:

5 (c) A person or group **that is a political party** may not make a contribution

6 (1) to a candidate or an individual who files with the commission the
7 document necessary to permit that individual to incur certain election-related expenses
8 as authorized by AS 15.13.100 when the office is to be filled at a general election
9 before the date that is 18 months before the general election;

10 (2) to a candidate or an individual who files with the commission the
11 document necessary to permit that individual to incur certain election-related expenses
12 as authorized by AS 15.13.100 for an office that is to be filled at a special election or
13 municipal election before the date that is 18 months before the date of the regular
14 municipal election or that is before the date of the proclamation of the special election
15 at which the candidate or individual seeks election to public office; or

16 (3) to any candidate later than the 45th day

17 (A) after the date of the primary election if the candidate was
18 not nominated at the primary election; or

19 (B) after the date of the general election, or after the date of a
20 municipal or municipal runoff election.

21 * **Sec. 8.** AS 15.13.074(h) is amended to read:

22 (h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant
23 governor [AND A GROUP THAT IS NOT A POLITICAL PARTY AND THAT,
24 UNDER THE DEFINITION OF THE TERM "GROUP," IS PRESUMED TO BE
25 CONTROLLED BY A CANDIDATE FOR GOVERNOR OR LIEUTENANT
26 GOVERNOR.] may not make a contribution to a candidate for another office, to a
27 person who conducts a write-in campaign as a candidate for other office, or to another
28 group of amounts received by that candidate [OR CONTROLLED GROUP] as
29 contributions between January 1 and the date of the general election of the year of a
30 general election for an election for governor and lieutenant governor. This subsection
31 does not prohibit

1 [(1) THE GROUP DESCRIBED IN THIS SUBSECTION FROM
2 MAKING CONTRIBUTIONS TO THE CANDIDATES FOR GOVERNOR AND
3 LIEUTENANT GOVERNOR WHOM THE GROUP SUPPORTS; OR

4 (2)] the governor or lieutenant governor [, OR THE GROUP
5 DESCRIBED IN THIS SUBSECTION,] from making contributions under
6 AS 15.13.116(a)(2)(A).

7 * **Sec. 9.** AS 15.13.074 is amended by adding a new subsection to read:

8 (j) A group that is not a political party may not make a contribution to a
9 candidate.

10 * **Sec. 10.** AS 15.13.400(8) is amended to read:

11 (8) "group" means

12 (A) every state and regional executive committee of a political
13 party; and

14 (B) any combination of two or more individuals acting jointly
15 who organize for the principal purpose of influencing the outcome of one or
16 more elections and who take action the major purpose of which is to influence
17 the outcome of an election; a group that makes expenditures or receives
18 contributions with the authorization or consent, express or implied, or under
19 the control, direct or indirect, of a candidate shall be considered to be
20 controlled by that candidate; a group whose major purpose is to further the
21 nomination, election, or candidacy of only one individual, or intends to expend
22 more than 50 percent of its money on a single candidate, shall be considered to
23 be controlled by that candidate and its actions done with the candidate's
24 knowledge and consent unless, within 10 days from the date the candidate
25 learns of the existence of the group the candidate files with the commission, on
26 a form provided by the commission, an affidavit that the group is operating
27 without the candidate's control; a group organized for more than one year
28 preceding an election and endorsing candidates for more than one office or
29 more than one political party is presumed not to be controlled by a candidate;
30 however, a group that expends [CONTRIBUTES] more than 50 percent of its
31 money to or on behalf of one candidate shall be considered to support only one

1 candidate for purposes of AS 15.13.070, whether or not control of the group
2 has been disclaimed by the candidate;

3 * Sec. 11. AS 15.13.400(13) is amended to read:

4 (13) "nongroup entity" means a person, other than an individual and
5 other than a group that is not a political party, that takes action the major purpose
6 of which is to influence the outcome of an election, and that

7 (A) cannot participate in business activities;

8 (B) does not have shareholders who have a claim on corporate
9 earnings; and

10 (C) is independent from the influence of business
11 corporations."

12

13 Renumber the following bill sections accordingly.

14

15 Page 6, line 22:

16 Delete "and 15.13.040(l)"

17 Insert ", 15.13.040(l), and 15.13.070(c)"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 4 2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

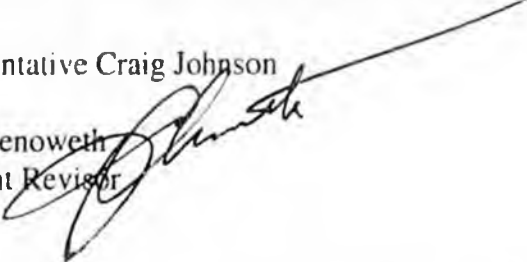
MEMORANDUM

February 2, 2007

SUBJECT: Amendment C.4 to House Bill 20 (Work Order No. 25-LS0136\C.4)

TO: Representative Craig Johnson

FROM: Jack Chenoweth
Assistant Revisor



Amendment C.4 that accompanies this memo proposes to eliminate all exemptions from disclosure of election campaign contributions (not already covered by HB 20's amendments to AS 15.13.040(a) and (b), as already proposed in bill sections 1 and 2) and require that all campaign contributions be reported within 72 hours and that the reports of election campaign contributions be filed electronically. This amendment distinguishes between campaign contributions -- political contributions -- provisions for which this measure proposes to amend, and campaign expenditure provisions which are left unamended. The material in the amendment fits within the clause of the bill's current title "relating to disclosure of campaign contributions," so no title change would appear to be necessary.

In order to get this to you with time sufficient for your review, this amendment omits the delayed legislative date and software development components of the work order request.

JBC:ljw
07-049.ljw

Enclosure

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOHNSON

TO: HB 20

1 Page 2, line 20, through page 3, line 13:

2 Delete all material and insert:

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

4 (j) Each [EXCEPT AS PROVIDED IN (I) OF THIS SECTION, EACH]
5 nongroup entity shall make a full report in accordance with AS 15.13.110 upon a form
6 prescribed by the commission and certified by the nongroup entity's treasurer, listing

7 (1) the name and address of each officer and director of the nongroup
8 entity;

9 (2) the aggregate amount of all contributions made to the nongroup
10 entity for the purpose of influencing the outcome of an election;

11 (3) for all contributions described in (2) of this subsection, the name,
12 address, date, and amount contributed by each contributor, and [, FOR ALL
13 CONTRIBUTIONS DESCRIBED IN (2) OF THIS SUBSECTION IN EXCESS OF
14 \$250 IN THE AGGREGATE DURING A CALENDAR YEAR,] the principal
15 occupation and employer of the contributor; and

16 (4) the date and amount of all contributions made by the nongroup
17 entity, and, except as provided for certain independent expenditures in
18 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup
19 entity, for the purpose of influencing the outcome of an election; under this
20 paragraph, a nongroup entity shall report

21 (A) all contributions made to a different nongroup entity for the
22 purpose of influencing the outcome of an election; and

23 (B) expenditures made on behalf of a different nongroup entity for the

1 purpose of influencing the outcome of an election as soon as the total
 2 [CONTRIBUTIONS AND] expenditures made on behalf of [TO] that different
 3 nongroup entity for the purpose of influencing the outcome of an election reach \$500
 4 in a year, and for all subsequent [CONTRIBUTIONS AND] expenditures made on
 5 behalf of [TO] that nongroup entity in a year whenever the total [CONTRIBUTIONS
 6 AND] expenditures made on behalf of [TO] that nongroup entity for the purpose of
 7 influencing the outcome of an election that have not been reported under this
 8 paragraph reach \$500.

9 * Sec. 4. AS 15.13.040(k) is amended to read:

10 (k) Every individual, person, nongroup entity, or group contributing [A
 11 TOTAL OF \$500 OR MORE] to a group organized for the principal purpose of
 12 influencing the outcome of a proposition shall report the contribution or contributions
 13 on a form prescribed by the commission [NOT LATER THAN 30 DAYS AFTER
 14 THE CONTRIBUTION THAT REQUIRES THE CONTRIBUTOR TO REPORT
 15 UNDER THIS SUBSECTION IS MADE]. The report must include the name, address,
 16 principal occupation, and employer of the individual filing the report and the amount
 17 of the contribution, as well as the total amount of contributions made to that group by
 18 that individual, person, nongroup entity, or group during the calendar year.

19 * Sec. 5. AS 15.13.040(m) is amended to read:

20 (m) A candidate, individual, group, nongroup entity, or other person
 21 required under this section to file a report of funds contributed to a candidate,
 22 group, or nongroup entity shall file the report electronically. As to all other
 23 reports required by this chapter, except the reports of funds contributed to a
 24 candidate, group, or nongroup entity that are required by this section, the [THE]
 25 commission may request that the information required [UNDER THIS CHAPTER] be
 26 submitted electronically but shall accept any information required under this chapter,
 27 except the reports of funds contributed that are required by this subsection to be
 28 filed electronically, that is typed in clear and legible black typeface or hand-printed in
 29 dark ink on paper in a format approved by the commission or on forms provided by
 30 the commission and that is filed with the commission.

31 * Sec. 6. AS 15.13.040(o) is amended to read:

1 (o) For purposes of (a), (b), [AND] (j), and (k) of this section, "contributor"
 2 means the true source of the funds, property, or services being contributed.

3 * Sec. 7. AS 15.13.078(c) is amended to read:

4 (c) On and after the date determined under AS 15.13.110 as the last day of the
 5 period ending three days before the due date of the report required to be filed under
 6 AS 15.13.110(a)(2)(A) [AS 15.13.110(a)(1)] and until the date of the election for
 7 which the report is filed, a candidate may not give or loan to the candidate's campaign
 8 the candidate's money or other thing of value of the candidate in an amount that
 9 exceeds \$5,000.

10 * Sec. 8. AS 15.13.110(a) is amended to read:

11 (a) A candidate, individual, group, nongroup entity, or other person
 12 required by AS 15.13.040

13 (1) or by (e) of this section to file a report of funds contributed to
 14 the candidate, group, or nongroup entity shall make a full report in accordance
 15 with that section within 72 hours after the receipt of the contribution; the
 16 commission shall post copies of reports received under this paragraph within one
 17 business day;

18 (2) to file a report not described in (1) of this subsection for
 19 expenditures made by the candidate, individual, group, nongroup entity, or other
 20 person [EACH CANDIDATE, GROUP, AND NONGROUP ENTITY] shall make a
 21 full report in accordance with that section [AS 15.13.040] for the period ending three
 22 days before the due date of the report and beginning on the last day covered by the
 23 most recent previous report; if [. IF] the report is a first report, it must cover the period
 24 from the beginning of the campaign to the date three days before the due date of the
 25 report; if [. IF] the report is a report due February 15, it must cover the period
 26 beginning on the last day covered by the most recent previous report or on the day that
 27 the campaign started, whichever is later, and ending on February 1 of that year; the [.
 28 THE] report shall be filed

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

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

10 * **Sec. 9.** AS 15.13.110(b) is amended to read:

11 (b) Notwithstanding (a)(1) of this section, each [EACH] contribution

12 (1) that [EXCEEDS \$250 AND THAT] is made within nine days of

13 the election shall be reported to the commission by date, amount, and contributor

14 within 24 hours of receipt by the candidate, group, campaign treasurer, or deputy

15 campaign treasurer; and

16 (2) [EACH CONTRIBUTION] to a nongroup entity for the purpose

17 of influencing the outcome of an election that [EXCEEDS \$250 AND THAT] is made

18 within nine days of the election shall be reported to the commission by date, amount,

19 and contributor within 24 hours of receipt by the nongroup entity.

20 * **Sec. 10.** AS 15.13.110(e) is amended to read:

21 (e) A group formed to sponsor an initiative, a referendum, or a recall shall

22 report 30 days after its first filing with the lieutenant governor. Thereafter each group

23 shall report

24 (1) contributions received under AS 15.13.040 in accordance with

25 (a) and (b) of this section; and

26 (2) expenditures made within 10 days after the end of each calendar

27 quarter on the [CONTRIBUTIONS RECEIVED AND] expenditures made during the

28 preceding calendar quarter until reports are due under (a)(2) [(a)] of this section.

29 * **Sec. 11.** AS 15.13.116(a) is amended to read:

30 (a) A candidate who, after the date of the general, special, municipal, or

31 municipal runoff election or after the date the candidate withdraws as a candidate,

1 whichever comes first, holds unused campaign contributions shall distribute the
2 amount held on February 1 for a general election or within 90 days after a special
3 election. The distribution may only be made to

4 (1) pay bills incurred for expenditures reasonably related to the
5 campaign and the winding up of the affairs of the campaign, including a victory or
6 thank you party, thank you advertisements, and thank you gifts to campaign
7 employees and volunteers, and to pay expenditures associated with post-election fund
8 raising that may be needed to raise funds to pay off campaign debts;

9 (2) make donations, without condition, to

10 (A) a political party;

11 (B) the state's general fund;

12 (C) a municipality of the state; or

13 (D) the federal government;

14 (3) make donations, without condition, to organizations qualified as
15 charitable organizations under 26 U.S.C. 501(c)(3) if the organization is not controlled
16 by the candidate or a member of the candidate's immediate family;

17 (4) repay loans from the candidate to the candidate's own campaign
18 under AS 15.13.078(b);

19 (5) repay contributions to contributors, but only if repayment of the
20 contribution is made pro rata in approximate proportion to the contributions made
21 using one of the following, as the candidate determines:

22 (A) to all contributors;

23 (B) to contributors who have contributed most recently; or

24 (C) to contributors who have made larger contributions;

25 (6) establish a fund for, and from that fund to pay, attorney fees or
26 costs incurred in the prosecution or defense of an administrative or civil judicial action
27 that directly concerns a challenge to the victory or defeat of the candidate in the
28 election;

29 (7) transfer all or a portion of the unused campaign contributions to an
30 account for a future election campaign; a transfer under this paragraph is limited to

31 (A) \$50,000, if the transfer is made by a candidate for governor

1 or lieutenant governor;

2 (B) \$10,000, if the transfer is made by a candidate for the state
3 senate;

4 (C) \$5,000, if the transfer is made by a candidate for the state
5 house of representatives; and

6 (D) \$5,000, if the transfer is made by a candidate for an office
7 not described in (A) - (C) of this paragraph;

8 (8) transfer all or a portion of the unused campaign contributions to a
9 public office expense term account or to a public office expense term account reserve
10 in accordance with (d) of this section; a transfer under this paragraph is subject to the
11 following:

12 (A) the authority to transfer is limited to candidates who are
13 elected to the state legislature;

14 (B) the public office expense term account established under
15 this paragraph may be used only for expenses associated with the candidate's
16 serving as a member of the legislature;

17 (C) all amounts expended from the public office expense term
18 account shall be annually accounted for under AS 15.13.110(a)(2)(D)
19 [AS 15.13.110(a)(4)]; and

20 (D) a transfer under this paragraph is limited to \$5,000
21 multiplied by the number of years in the term to which the candidate is elected
22 plus any accumulated interest; and

23 (9) transfer all or a portion of the unused campaign contributions to a
24 municipal office account; a transfer under this paragraph is subject to the following:

25 (A) the authority to transfer is limited to candidates who are
26 elected to municipal office, including a municipal school board;

27 (B) the municipal office account established under this
28 paragraph may be used only for expenses associated with the candidate's
29 serving as mayor or as a member of the assembly, city council, or school
30 board;

31 (C) all amounts expended from the municipal office account

1 shall be annually accounted for under AS 15.13.110(a)(2)(D)
2 [AS 15.13.110(a)(4)]; and

3 (D) a transfer under this paragraph is limited to \$5,000.

4 * **Sec. 12.** AS 15.13.116(d) is amended to read:

5 (d) After a general or special election, a candidate for the state legislature who
6 has been elected to the state legislature in that election may, from the amount retained
7 in the public office expense term account reserve under this subsection, transfer to a
8 public office expense term account not more than \$5,000 each calendar year for use
9 only for expenses associated with the candidate's serving as a member of the
10 legislature, except that a senator serving a two-year term may transfer not more than
11 \$10,000 each calendar year. A candidate for the senate may transfer up to \$20,000
12 from unused campaign contributions to a public office expense term account reserve.
13 A candidate for the house of representatives may transfer up to \$10,000 from unused
14 campaign contributions to a public office expense term account reserve. The public
15 office expense term account reserve may only be used to make transfers to the public
16 office expense term account. At the end of the candidate's term of office, a balance in
17 the public office expense term account reserve must be disposed of as provided in (a)
18 of this section but may not be disposed of as provided in (a)(1), (4), or (6) - (9) of this
19 section. All amounts expended under this subsection shall be annually accounted for
20 under AS 15.13.110(a)(2)(D) [AS 15.13.110(a)(4)].

21 * **Sec. 13.** AS 15.13.390(a) is amended to read:

22 (a) A person who fails to register when required by AS 15.13.050(a) or who
23 fails to file a properly completed and certified report within the time required by
24 AS 15.13.040, 15.13.060(b) - (d), 15.13.110(a)(1), 15.13.110(a)(2)(A), (2)(C), or
25 (2)(D) [(3), OR (4)], (e), or (f) is subject to a civil penalty of not more than \$50 a day
26 for each day the delinquency continues as determined by the commission subject to
27 right of appeal to the superior court. A person who fails to file a properly completed
28 and certified report within the time required by AS 15.13.110(a)(2)(B)
29 [AS 15.13.110(a)(2)] or 15.13.110(b) is subject to a civil penalty of not more than
30 \$500 a day for each day the delinquency continues as determined by the commission
31 subject to right of appeal to the superior court. A person who violates a provision of

1 this chapter, except a provision requiring registration or filing of a report within a time
2 required as otherwise specified in this section, is subject to a civil penalty of not more
3 than \$50 a day for each day the violation continues as determined by the commission,
4 subject to right of appeal to the superior court. An affidavit stating facts in mitigation
5 may be submitted to the commission by a person against whom a civil penalty is
6 assessed. However, the imposition of the penalties prescribed in this section or in
7 AS 15.13.380 does not excuse that person from registering or filing reports required
8 by this chapter."
9

10 Remember the following bill sections accordingly.

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 109

1 Page 1, line 3, following "**Commission**";:

2 Insert "**prohibiting the spouses and domestic partners of legislators and certain**
3 **state officials from engaging in certain activity as lobbyists;**"

4

5 Page 2, following line 8:

6 Insert new bill sections to read:

7 **"* Sec. 2.** AS 24.45.041(b) is amended to read:

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

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

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

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

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

22 (5) a general description of the subjects or matters on which the
23 registrant expects to lobby or to engage in the influencing of legislative or

1 administrative action;

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

5 (7) the identification of a [LEGISLATOR,] legislative employee [.] or
6 public official to whom the lobbyist is married or who is the domestic partner of the
7 lobbyist; in this paragraph, "domestic partner" has the meaning given in
8 AS 39.50.200(a).

9 * **Sec. 3.** AS 24.45.121 is amended by adding a new subsection to read:

10 (d) The spouse or domestic partner of the governor, the lieutenant governor, a
11 legislator, an employee in the office of the governor, or a commissioner of a principal
12 department in the executive branch may not engage in an activity as a lobbyist. This
13 subsection does not prohibit the spouse or domestic partner from acting as a volunteer
14 lobbyist under AS 24.45.161 or a representational lobbyist as defined under
15 regulations of the commission.

16 * **Sec. 4.** AS 24.60.070(c) is amended to read:

17 (c) When making a disclosure under (a) of this section concerning a
18 relationship with a lobbyist to whom the [LEGISLATOR OR] legislative employee is
19 married or who is the [LEGISLATOR'S OR] legislative employee's domestic partner,
20 the [LEGISLATOR OR] legislative employee shall also disclose the name and address
21 of each employer of the lobbyist and the total monetary value received by the lobbyist
22 from the lobbyist's employer. The [LEGISLATOR OR] legislative employee shall
23 report changes in the employer of the spouse or domestic partner within 48 hours after
24 the change. In this subsection, "employer of the lobbyist" means the person from
25 whom the lobbyist received amounts or things of value for engaging in lobbying on
26 behalf of the person."

27
28 Renumber the following bill sections accordingly.

29
30 Page 7, line 30:

31 Delete "Sections 10 and 11"

- 1 Insert "Sections 13 and 14"
- 2
- 3 Page 7, line 31:
- 4 Delete "secs. 10 and 11"
- 5 Insert "secs. 13 and 14"
- 6
- 7 Page 8, line 1:
- 8 Delete "Sections 1, 4, and 7"
- 9 Insert "Sections 1 - 4, 7, and 10"
- 10
- 11 Page 8, line 2:
- 12 Delete "sec. 13"
- 13 Insert "sec. 16"

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 109

1 Page 1, line 6, following "financial";

2 Insert "or personal"

3

4 Page 7, following line 27:

5 Insert a new bill section to read:

6 "* **Sec. 12.** AS 39.52 is amended by adding a new section to read:

7 **Sec. 39.52.225. Disclosures in connection with executive clemency.** Before
8 granting executive clemency to a person, the governor shall disclose in writing to the
9 attorney general if granting the clemency would benefit a personal or financial interest
10 of the governor. The attorney general shall make a written determination whether
11 granting executive clemency to the person would violate AS 39.52.110 - 39.52.190. "

12

13 Renumber the following bill sections accordingly.

14

15 Page 8, line 2:

16 Delete "sec. 13"

17 Insert "sec. 14"