

HB

109

2/15/07

SUB-

COMMITTEE

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

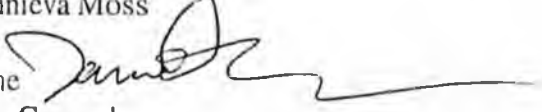
State Capitol
Juneau, Alaska 99801-1132
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 14, 2007

SUBJECT: Changes to language approved by the sub-committee
(CSHB 109(); Work Order No. 25-GH1059\C)

TO: Representative John Coghill
Attn: Rynniva Moss

FROM: Dan Wayne 
Legislative Counsel

Enclosed is the draft committee substitute you requested. There are a few new issues you should be aware of.

I changed the title to describe secs. 11, 24, and 25. I added "municipal" because of the reference in sec. 19.

Section 2 is language that was drafted for an amendment to a related bill, and its only purpose is to conform AS 24.45.041(b) to language banning lobbying by spouses and domestic partners in that other bill. In the context of the enclosed CS, it has little or no meaning since the language it conforms is absent. I left it in the CS because it is my understanding the other language is still under consideration for inclusion in the CS, and it was the sub-committee's wish to include all of the language approved so far in order to better evaluate what remains to be done on this lengthy document.

In sec. 8, I added all of AS 24.60.080(c) as amended, instead of the fragment requested, because of drafting requirements. I mention this because, in paragraph (c)(10), I restored the original language that requires approval of charity events to come from the Alaska Legislative Council (not the Select Committee on Legislative Ethics). According to my notes the sub-committee unanimously opposed shifting this responsibility to the Select Committee.

In secs. 9 and 10, wherever the word "deadlines" appeared I changed it to "deadline", to conform with the substantive change in sec. 10 establishing a single deadline for disclosures under AS 24.60. I also inserted a new term, "matter", to the last line of sec. 10, which now reads "after the commencement of the matter, interest, or representation. This more clearly defines the scope of what is disclosable under the requirements of AS 24.60, and I think it is a necessary addition.

Representative John Coghill

February 14, 2007

Page 2

In sec. 14, I made some drafting improvements to the bold/underlined language in AS 24.60.160(b). Most significantly, the last sentence of that section now says, "The committee's final vote on the advisory opinion shall be a public record."¹

I deleted from the bill sec. 3, relating to disclosure by former legislators, since the changes proposed in the Governor's sec. 3 (HB 109, page 3, lines 2-19) are replaced in the enclosed draft CS with the subcommittee's new statute, AS 24.60.115.

In sec. 24, I cleaned up the Governor's proposed amending language to address my concern that the deletion proposed at the end of that section would create ambiguity as to whether or not the consideration of "legislative measures" and changes affecting "administrative regulations" ought to be treated as a "matter." I spoke with the Governor's drafter, David Jones of the Department of Law, who agrees that my version achieves the same result the Governor's version intended, and he does not object to my version.

In sec. 26, regarding retroactivity of secs. 24 and 25, I have added new language to clarify whom those sections intend to affect. This was necessary because one section affects persons leaving state service, and the other affects specific persons (Governor, Lieutenant Governor, etc.) leaving a position (but not necessarily state service).

DCW:med
07-098.med

Enclosure

¹ It has been the committee's practice for some time to publish its final vote along with any published advisory opinion.

ALASKA STATE HOUSE OF REPRESENTATIVES



Session

(907)-465-3719

FAX# (907)-465-3258

State Capitol

Room 204

Contact:

Interim Address:

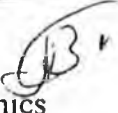
3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: February 12, 2007

To: Dan Wayne, Legal Counsel

From: Representative Coghill, Chairman 
State Affairs Subcommittee on Ethics

Re: CS for HB 109

We would like a draft CS to present to the State Affairs Subcommittee on Ethics to reflect the amendments adopted by the subcommittee on Saturday, February 10th.

Page 2, line 9, after "Sec. 2." Insert:

AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

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

Sec. 3. AS 24.60.020(a(1)) 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 a [THE] provision of this chapter 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.

Sec. 4. AS 24.60.030(a) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5. AS 24.60.030(f) is amended to read:

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

Sec. 6. AS 24.60.050(c) is amended to read:

AS 24.60.050(c) A legislator or legislative employee who participates in a program or receives a loan that is not exempt from disclosure under (a) of this section shall file [A WRITTEN REPORT] with the committee by the date required under AS 24.60.105 **a disclosure** stating the amounts of the loans outstanding or benefits received during the preceding calendar year from nonqualifying programs. If the committee requests additional information necessary to determine the propriety of participating in the program or receiving the loan, it shall be promptly provided. The committee shall promptly compile a list of the statements indicating the loans and programs and amounts and send it to the presiding officer of each house who shall have it published in the supplemental journals **on or before the next regularly scheduled publication of ethics disclosures** [WITHIN THREE WEEKS AFTER THE FILING DATE]. **If a** [A] legislator or legislative employee **asks** [WHO BELIEVES THAT DISCLOSURE OF PARTICIPATION IN A PROGRAM WOULD BE AN INVASION OF THE PARTICIPANT'S RIGHT TO PRIVACY UNDER THE STATE CONSTITUTION MAY REQUEST] the committee to keep **any part of** the disclosure confidential **and a quorum of the committee determines that making the entire disclosure public would cause an unjustifiable invasion of personal privacy, the committee may elect to** [IF THE COMMITTEE FINDS THAT PUBLICATION WOULD CONSTITUTE AN INVASION OF PRIVACY, THE COMMITTEE SHALL] publish only the fact that a person has participated in the program and the amount of benefit that the unnamed person received. The committee shall maintain the disclosure of the name of the person as confidential and may only use the disclosure in a proceeding under AS 24.60.170 . If the disclosure becomes part of the record of a proceeding under AS 24.60.170, the disclosure may be made public as provided in that section.

Sec. 7. AS 24.60.070(c) is amended to read:

(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.

Sec. 8. AS 24.60.080(c)(7) is amended to read:

AS 24.60.080(c)(7) a discount for all or part of a legislative session, including time immediately preceding or following the session, or other gift to welcome a legislator or legislative employee who is employed on the personal staff of a legislator or by a standing or special committee to the capital city or in recognition of the beginning of a legislative session if the gift or discount is available generally to all legislators and the personal staff of legislators and staff of standing and special committees; this paragraph does not apply to legislative employees who are employed by the Legislative Affairs Agency, the office of the chief clerk, the office of the senate secretary, the legislative budget and audit committee, the office of victims' rights, or the office of the ombudsman;

Sec. 9. AS 24.60.105(a) is amended to read:

AS 24.60.105(a) When a legislator or legislative employee is required to file a disclosure under this chapter and a date by which the disclosure must be filed is not otherwise set by statute, the deadline for filing disclosure shall be 30 days [DEADLINES SET OUT IN THIS SECTION SHALL APPLY. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR WAS ACQUIRED DURING THE INTERIM BETWEEN REGULAR LEGISLATIVE SESSIONS, WHETHER OR NOT THE REGULAR SESSION IS EXTENDED OR THERE IS A SPECIAL SESSION, OR DURING THE LAST 30 DAYS OF A REGULAR SESSION, THE LEGISLATOR OR LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE MATTER BY MARCH 15. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR WAS ACQUIRED DURING A REGULAR LEGISLATIVE SESSION, BUT NOT DURING THE LAST 30 DAYS OF THE REGULAR SESSION, THE DISCLOSURE MUST BE MADE WITHIN 30 DAYS] after the commencement of the interest or representation.

Sec. 10. AS 24.60 is amended by adding a new section to Article 2 to read:

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 final disclosure of every matter that was subject to disclosure under this chapter while the person was serving.

Sec. 11. AS 24.60.130(n) is amended to read:

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 designed 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.

Sec. 12. AS 24.60.150(a) is amended to read:

(a) The committee shall

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

(2) **publish advisory opinions annually;**

(3) publish [SEMI-] semi-annual summaries of decisions [AND ADVISORY OPINIONS] 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.

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

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

Sec. 13. AS 24.60.160 is amended to read:

(a) On the request of the committee, the Alaska Public Offices Commission, a person to whom this chapter applies, or a person 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. All advisory opinions shall be issued with sufficient deletions to prevent disclosing the identity of the persons involved. Advisory opinion discussions and deliberations are confidential unless, the requester and anyone else named in the request who is covered by the ethics code waives confidentiality. The committee vote shall be a public record. [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. 14. AS 24.60.176(b) is amended to read:

AS 24.60.176(b) In this section, "appointing authority" means

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

(9) the legislature for the victims' advocate.

Renumber sections accordingly.

Page 3, line 27:

Sec. 17. AS 24.60.250(c) is amended to read:

AS 24.60.250(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 the office of victims' rights**, the Alaska Legislative Council shall be notified.

Renumber sections accordingly.

25-GH1059C
Wayne
2/14/07

CS
HB 109

CS FOR HOUSE BILL NO. 109()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to campaign financing and ethics in state and municipal government;
2 relating to lobbying; relating to employment and disclosures by certain public officers
3 and employees who leave state service; and providing for an effective date."

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

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

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

12 * Sec. 2. AS 24.45.041(b) is amended to read:

13 (b) The registration form prescribed by the commission must include
14 (1) the lobbyist's full name and complete permanent residence and

1 business address and telephone number, as well as any temporary residential and
2 business address and telephone number in the state capital during a legislative session;

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

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

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

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

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

19 (7) the identification of a [LEGISLATOR,] legislator employee [,] or
20 public official to whom the lobbyist is married or who is the domestic partner of the
21 lobbyist; in this paragraph, "domestic partner" has the meaning given in
22 AS 39.50.200(a).

23 * Sec. 3. AS 24.00.020(a) is amended to read:

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

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

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

1 * Sec. 4. 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 the communication is

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

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

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

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

31 (4) require a legislative employee to perform services for the private

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

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

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

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

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

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

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

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

30 * Sec. 5. AS 24.60.030(f) is amended to read:

31 (f) A legislative employee may not serve in a position that requires

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

15 * **Sec. 6.** AS 24.60.050(c) is amended to read:

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

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

9 * Sec. 7. AS 24.60.070(c) is amended to read:

10 (c) When making a disclosure under (a) of this section concerning a
11 relationship with a lobbyist to whom the [LEGISLATOR OR] legislative employee is
12 married or who is the [LEGISLATOR'S OR] legislative employee's domestic partner,
13 the [LEGISLATOR OR] legislative employee shall also disclose the name and address
14 of each employer of the lobbyist and the total monetary value received by the lobbyist
15 from the lobbyist's employer. The [LEGISLATOR OR] legislative employee shall
16 report changes in the employer of the spouse or domestic partner within 48 hours after
17 the change. In this subsection, "employer of the lobbyist" means the person from
18 whom the lobbyist received amounts or things of value for engaging in lobbying on
19 behalf of the person.

20 * Sec. 8. AS 24.60.080(c) is amended to read:

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

23 (1) hospitality, other than hospitality described in (4) of this
24 subsection,

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

28 (B) at a social event or meal;

29 (2) discounts that are available

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

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

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

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

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

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

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

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

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

(10) tickets from a lobbyist for a charity event at any time, including during a legislative session, except that tickets to or gifts received at a charity event under this paragraph are subject to the calendar year limit on the value of gifts received by a legislator or legislative employee in (a) of this section; in this paragraph, "charity event" means an event the proceeds of which go to a charitable organization

pg 57
Drafting
Manda

1 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council
2 has approved in advance; the tickets may entitle the bearer to admission to the event,
3 to entertainment, to food or beverages, or to other gifts or services involved in the
4 charity event; or

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

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

8 **Sec. 24.60.100. Representation.** A legislator or legislative employee who
9 represents another person for compensation before an agency, board, or commission of
10 the state shall disclose the name of the person represented, the subject matter of the
11 representation, and the body before which the representation is to take place to the
12 committee. The disclosure shall be made by the deadline [DEADLINES] set out in
13 AS 24.60.105. The committee shall maintain a public record of a disclosure under this
14 section and forward the disclosure to the respective house for inclusion in the journal.
15 A legislator or legislative employee may not represent another person for
16 compensation before an agency, committee, or other entity of the legislative branch.

17 * **Sec. 10.** AS 24.60.105 is amended to read:

18 **Sec. 24.60.105. Deadline [DEADLINES] for filing disclosures.** (a) When a
19 legislator or legislative employee is required to file a disclosure under this chapter and
20 a date by which the disclosure must be filed is not otherwise set by statute, the
21 deadline for filing disclosure shall be 30 days [DEADLINES SET OUT IN THIS
22 SECTION SHALL APPLY. FOR DISCLOSURE OF A MATTER OR AN
23 INTEREST THAT BEGAN OR WAS ACQUIRED DURING THE INTERIM
24 BETWEEN REGULAR LEGISLATIVE SESSIONS, WHETHER OR NOT THE
25 REGULAR SESSION IS EXTENDED OR THERE IS A SPECIAL SESSION, OR
26 DURING THE LAST 30 DAYS OF A REGULAR SESSION, THE LEGISLATOR
27 OR LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE MATTER BY MARCH
28 15. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR
29 WAS ACQUIRED DURING A REGULAR LEGISLATIVE SESSION, BUT NOT
30 DURING THE LAST 30 DAYS OF THE REGULAR SESSION, THE
31 DISCLOSURE MUST BE MADE WITHIN 30 DAYS] after the commencement of

Deferred but

Matter added in from page.

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the matter, interest, or representation.

(b) Disclosures under the following sta
[DEADLINES] set out in this section:

(1) service on the board of an _____ation as set out in AS 24.60.030(f);

(2) an interest in a state contract or lease under AS 24.60.040 and the renegotiation of the terms of a state contract or lease that materially affect the obligations of either party;

(3) participation in a state program or receipt of a state loan under AS 24.60.050 and the renegotiation of the terms of the program or loan if the renegotiation materially affects the obligations of either party;

(4) formation or maintenance of a close economic association under AS 24.60.070;

(5) representation of a client under AS 24.60.100.

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

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

* Sec. 12. AS 24.60.110(n) is amended to read:

(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

1 legislative member of the committee or a subcommittee is disqualified under (h) of
2 this section from serving on the committee or the subcommittee concerning a
3 proceeding under AS 24.60.170 or if the regular member is unable to attend, the
4 chair of the committee or a subcommittee shall designate the regular member's
5 alternate to serve in place of the regular member in the proceeding unless the alternate
6 also disqualified from serving. The designation shall be treated as confidential to the
7 same extent that the identity of the subject of a complaint is required to be kept
8 confidential.

9 * Sec. 13. AS 24.60.150(a) is amended to read:

10 (a) The committee shall

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

13 (2) publish advisory opinions annually;

14 (3) publish annual [SEMI-ANNUAL] summaries of decisions [AND
15 ADVISORY OPINIONS] with sufficient deletions in the summaries to prevent
16 disclosing the identity of the persons involved in the decisions [OR OPINIONS] that
17 have remained confidential;

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

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

26 * Sec. 14. AS 24.60.160 is amended to read:

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

1 to do so, the committee may issue an opinion under this section on the request of a
2 person who reasonably expects to become subject to this chapter within the next 45
3 days. The 60-day period for issuing an opinion may be extended by the committee if
4 the person requesting the opinion consents.

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

17 * Sec. 15. AS 24.60.176(b) is amended to read:

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

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

22 (2) the Legislative Budget and Audit Committee for the legislative
23 fiscal analyst and employees of the division of legislative finance, the legislative
24 auditor and employees of the division of legislative audit, and employees of the
25 Legislative Budget and Audit Committee;

26 (3) the appropriate finance committee for employees of the senate or
27 house finance committees;

28 (4) the appropriate rules committee for employees of

29 (A) standing committees of the legislature, other than the
30 finance committees;

31 (B) the senate secretary's office and the office of the chief clerk

1 of the house of representatives; and

2 (C) house records and senate records;

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

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

8 (7) the legislature for the ombudsman;

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

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

12 * Sec. 16. AS 24.60.200 is amended to read:

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

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

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

31 (3) as to each loan or loan guarantee over \$1,000 from a source with a

1 substantial interest in legislative, administrative, or political action, the name and
 2 address of the person making the loan or guarantee, the amount of the loan, the terms
 3 and conditions under which the loan or guarantee was given, the amount outstanding
 4 at the time of filing, and whether or not a written loan agreement exists.

5 * Sec. 17. AS 24.60.210 is amended by adding a new subsection to read:

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

*Reflects
 deferment of
 Gov's House in 109*

12 * Sec. 18. AS 24.60.250(c) is amended to read:

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

19 * Sec. 19. AS 39.50.020 is amended to read:

20 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
 21 official other than the governor or the lieutenant governor shall file a statement giving
 22 income sources and business interests, under oath and on penalty of perjury, within 30
 23 days after taking office as a public official. Candidates for state elective office other
 24 than a candidate who is subject to AS 24.60 shall file the statement with the director of
 25 elections at the time of filing a declaration of candidacy or a nominating petition or
 26 becoming a candidate by any other means. Candidates for elective municipal office
 27 shall file the statement at the time of filing a nominating petition, declaration of
 28 candidacy, or other required filing for the elective municipal office. Refusal or failure
 29 to file within the time prescribed shall require that the candidate's filing fees, if any,
 30 and filing for office be refused or that a previously accepted filing fee be returned and
 31 the candidate's name removed from the filing records. A statement shall also be filed

1 by public officials no later than March 15 in each following year. On or before the
 2 90th day after leaving office, a former public official shall file a statement
 3 covering any period during the official's service in that office for which the public
 4 official has not already filed a statement. Persons who are members of boards or
 5 commissions not named in AS 39.50.200(b) are not required to file financial
 6 statements.

7 (b) A public official or former public official other than an elected or
 8 appointed municipal officer shall file the statement with the Alaska Public Offices
 9 Commission. Candidates for the office of governor and lieutenant governor and, if the
 10 candidate is not subject to AS 24.60, the legislature shall file the statement under
 11 AS 15.25.030 or 15.25.180. Municipal officers, former municipal officers, and
 12 candidates for elective municipal office, shall file with the municipal clerk or other
 13 municipal official designated to receive their filing for office. All statements required
 14 to be filed under this chapter are public records.

15 * Sec. 20. AS 39.50.030(b) is amended to read:

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

18 (1) for [THE SOURCE OF] all income over \$1,000 [~~\$5,000~~] during
 19 the preceding calendar year, including taxable and nontaxable capital gains, and each
 20 gift with a value exceeding \$250, received by the person, the person's spouse or
 21 domestic partner, or the person's dependent child,

22 (A) the source of the income or gift;

23 (B) the recipient of the income or gift;

24 (C) the amount of the income or value of the gift;

25 (D) the number of hours of services performed, if any, to
 26 earn the income or for which the gift was given; and

27 (E) a detailed description of the nature of the services
 28 performed [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT
 29 MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250];

30 (2) the identity, by name and address, of each business in which the
 31 person, the person's spouse or domestic partner, or the person's dependent child has an

1 interest or was a stockholder, owner, officer, director, partner, proprietor, or employee
2 during the preceding calendar year, except that an interest of less than \$1,000 [\$5,000]
3 in the stock of a publicly traded corporation need not be included;

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

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

12 (5) any loan or loan guarantee of more than \$1,000 [\$5,000] made to
13 the person, the person's spouse or domestic partner, or the person's dependent child,
14 and the identity of the maker of the loan or loan guarantor and the identity of each
15 creditor to whom the person, the person's spouse or domestic partner, or the person's
16 dependent child owed more than \$1,000 [\$5,000]; this paragraph requires disclosure of
17 a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the
18 indebtedness incurred, during the preceding calendar year, or if the amount still owing
19 on the loan, loan guarantee, or indebtedness was more than \$1,000 [\$5,000] at any
20 time during the preceding calendar year;

21 (6) a list of all contracts and offers to contract with the state or an
22 instrumentality of the state during the preceding calendar year held, bid, or offered by
23 the person, the person's spouse or domestic partner, or the person's dependent child, a
24 partnership or professional corporation of which the person is a member, or a
25 corporation in which the person or the person's spouse, domestic partner, or dependent
26 child [CHILDREN], or a combination of them, hold a controlling interest; and

27 (7) a list of all mineral, timber, oil, or any other natural resource lease
28 held, or lease offer made, during the preceding calendar year by the person, the
29 person's spouse or domestic partner, or the person's dependent child, a partnership or
30 professional corporation of which the person is a member, or a corporation in which
31 the person or the person's spouse, [OR] domestic partner, or dependent child

1 [CHILDREN], or a combination of them, holds a controlling interest.

2 * Sec. 21. AS 39.50.050(a) is amended to read:

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

15 * Sec. 22. AS 39.52.110 is amended by adding a new subsection to read:

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

18 * Sec. 23. AS 39.52.130(a) is amended to read:

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

29 * Sec. 24. AS 39.52.180(a) is amended to read:

30 (a) A public officer who leaves state service may not, for two years after
31 leaving state service, represent, advise, or assist a person for compensation regarding a

1 matter that was under consideration by the administrative unit served by that public
2 officer, and in which the officer participated personally and substantially through the
3 exercise of official action. For the purposes of this subsection, "matter" includes a
4 case, proceeding, application, contract, [OR] determination, [BUT DOES NOT
5 INCLUDE THE] proposal or consideration of a legislative bill [BILLS], a resolution,
6 a [RESOLUTIONS AND] constitutional amendment [AMENDMENTS], or other
7 legislative measure, [MEASURES;] or [THE] proposal, consideration, or adoption of
8 an administrative regulation [REGULATIONS].

9 * Sec. 25. AS 39.52.180(d) is amended to read:

10 (d) A former governor, lieutenant governor, [OR] head or deputy head of a
11 principal department in the executive branch, or employee of the Office of the
12 Governor in a policy-making position may not engage in activity as a lobbyist under
13 AS 24.45 for a period of one year after leaving service as the governor, lieutenant
14 governor, [OR] department head or deputy head, or employee of the Office of the
15 Governor in a policy-making position, as appropriate. This subsection does not
16 prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a
17 representational lobbyist as defined under regulations of the Alaska Public Offices
18 Commission.

19 * Sec. 26. The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 APPLICABILITY. AS 39.52.180(a), as amended by sec. 24 of this Act, applies to a
22 person who leaves state service on or after the effective date of sec. 24 of this Act.
23 AS 39.52.180(d), as amended by sec. 25 of this Act, applies to a person who leaves service as
24 governor, lieutenant governor, head or deputy head of a principal department in the executive
25 branch, or employee of the Office of the Governor in a policy-making position on or after the
26 effective date of sec. 25 of this Act.

27 * Sec. 27. Sections 1, 17, and 21 of this Act take effect July 1, 2007.

28 * Sec. 28. Except as provided in sec. 27 of this Act, this Act takes effect immediately under
29 AS 01.10.070(c).

ALASKA STATE HOUSE OF REPRESENTATIVES



Session

(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204

Contact:

Interim Address:

3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

REPRESENTATIVE JOHN COGHILL

MEMORANDUM

*Deferred
Tab 1*

Date: February 15, 2007
To: Dan Wayne, Legal Counsel
From: Rynniva Moss, Legislative Aide
Re: Amendment to HB 109

Please prepare an amendment to CSHB 109 as follows:

Page 1, line 1, after "Section 1.":

Insert:

AS 15.13.040(g) is amended to read:

(g) The provisions of (a)(2) [(a)] and (l) of this section do not apply to a delegate to a constitutional convention, a judge seeking electoral confirmation, or a candidate for election to a municipal office under AS 15.13.010, it that delegate, judge or [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 the primary and general elections; and

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

ALASKA STATE HOUSE OF REPRESENTATIVES



Session

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North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: February 15, 2007
To: Dan Wayne, Legal Counsel
From: Rynniva Moss, Legislative Aide
Re: Amendment to HB 109

Deferred
Tab 6

Please prepare an amendment to CSIB 109 as follows:

Page 1, line 12, after "Sec. 2.":

Insert:

AS 24.45.031(a) is amended to read:

- (a) In addition to its other duties under this chapter, the commission shall
- (1) prescribe the forms for registration, reports, statements, notices, and other documents required by this chapter;
 - (2) prepare and publish instructions setting out the methods of accounting, bookkeeping, and preservation of records required to facilitate compliance with and enforcement of this chapter and explaining the duties of persons subject to the provisions of this chapter; the instructions shall be updated periodically;
 - (3) provide assistance to persons in complying with the provisions of this chapter;
 - (4) prepare and publish a biennial report of its activities, findings, and recommendations under this chapter, which shall be made available to the governor, legislature, and to the public by February 1 of each odd-numbered calendar year; the commission shall notify the legislature that the report is available;
 - (5) report suspected violations of this chapter to the attorney general;
 - (6) administer an annually updated training course that promotes adherence to high ethical standards of professional conduct and teaches lobbyists and employers of lobbyists how to comply with laws that regulate lobbyists.

Page 2, line 2,2 after "AS 39.50.200(a)":

Insert:

i
(8) a sworn affirmation by the lobbyist that the lobbyist has completed the training course administered by the commission under AS 24.45.031(a) within the 12-month period preceding the date of registration or registration renewal under this chapter.

Page 11, Delete lines 9 -- 25, and Insert:

* Sec. 13. AS 24.60.150(a) is amended to read:

(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;

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

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

Page 11, line 26:

Insert a new Section 14 to read:

* Sec. 14. AS 24.60 is amended by adding a new section to read:

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

Title 24, Tab 8

(2) as to income in excess of \$1,000 received as compensation for personal services, and as to income, dividends, or any other kind of distribution from a limited liability company as compensation for personal services, the name and address of the source of the income, and a statement describing

- (A) the nature of the services performed, with a description sufficient to make clear to a person of ordinary understanding the work product agreed upon on when the services have been performed, unless those services are required to be kept confidential by law;
- (B) a description of how the income was paid (such as hourly, commission, fixed fee) and the approximate number of hours if services that are performed on an hourly basis;
- (C) the amount of income received from the source if the [SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE 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];

*Members
Missed
the
Attachment
1/22*

*Deferred
Tab 8*

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE Gardner

TO: CS HB 109

1 Page 9, line 7, after the word "Sec. 9."

2 Insert:

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

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

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Gardner
Amend

24.60.
085

A M E N D M E N T

OFFERED IN THE HOUSE
TO: HB 38

BY REPRESENTATIVE GARDNER

1 Page 1, line 1:

2 Delete "legislators and candidates for the legislature"

3 Insert "state and municipal elected officials and candidates for state and
4 municipal elected office"

5

6 Page 1, line 5:

7 Delete "legislative"

8

9 Page 1, line 6:

10 Delete "legislative"

11

12 Page 1, lines 8 - 9:

13 Delete "member of the legislature or a candidate for the legislature"

14 Insert "state or municipal elected official or a candidate for a state or municipal elected
15 office"

16

17 Page 1, lines 10 - 11:

18 Delete "legislator or the candidate to alter the legislator's or candidate's position on a
19 legislative matter"

20 Insert "elected official or candidate to alter the official's or candidate's position on a
21 matter or issue related to the official duties of the statewide or municipal elected office held or
22 sought"

23

Gardner
Amend
11/10/11

1 Page 1, line 12:

2 Delete "member of the legislature or a candidate for the legislature"

3 Insert "state or municipal elected official or a candidate for state or municipal elected
4 office"

5

6 Page 1, line 14:

7 Delete "legislator's or candidate's position on a legislative matter"

8 Insert "official's or candidate's position on a matter or issue related to the official
9 duties of the statewide or municipal elective office held or sought"

10

11 Page 2, line 1:

12 Delete "legislative"

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
GRUENBERG

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~~ ^{state or municipal}
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 ^{candidate to alter the official's or}
12 ~~duties of the statewide or municipal elected office held or sought~~ ^{official}
13 (2) as a ~~member of the legislature or a candidate for the legislature~~,
14 ~~state or municipal) elected official or a candidate for state or municipal elected~~
contribution, to alter the ~~legislator's or candidate's position on a legislative matter~~ ^{office}
~~official's or candidate's position on a matter or issue related to~~
~~the official duties of the statewide or municipal elective office~~
^{held or sought}

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.