

HB

109

2/28/07

VERSION

K

From the HB 109 – K Version

Attached is everything that passed the STA Committee for HB 109. We will compile the information by Title number, then Section number not necessarily by amendment number.

Title 15

- ✓ 1) Amendment #2 by the Governor 15.13.040(m)
- ✓ 2) Amendment 3 to Amendment #2 (K.49)

Title 24

- ✓ 1) Amendment #6 by the Governor 24.45.121(a)
- ✓ 2) New Amendment #9 (K.54). This was amended as follows: Page 1 line 6 – 8 after the word "entity", DELETE "that regularly has a substantial interest in the legislative activities of the legislator or employee"
- ✓ 3) Amendment #10 (K.40)
- ✓ 4) New Amendment #11 (Representative Gardner)
- ✓ 5) New Amendment #13 (Representative Gruenberg) Please note grammatical change in subsection (2) - the crossed out comma after the word "income" – see arrow
- ✓ 6) Amendment #14 (K.17). This was amended. Page 1 Line 10 DELETE the first three words, "or other entity"
- ✓ 7) Amendment #17 (K.45)
- ✓ 8) Amendment #3 by the Governor 24.60.210

Title 39

- ✓ 1) Amendment #4 by the Governor 39.50.050(a)
- ✓ 2) Amendment #22 (K.50)
- ✓ 3) Amendment #23 by the Governor 39.50.200(b)
- ✓ 4) Amendment #24 by the Governor 39.52.110
- ✓ 5) Amendment #35 (Representative Roses) Page 21 Line 21 after "position", ADD "who is required to file a financial disclosure with APOC"
- ✓ 6) Amendment #30 (K.28-A) (Please note the changes to K.28 on lines 8, 10 and 11)

HB 109
SECTIONAL

CSHB 109(STA) Version K
Sectional

Sec. 1. Eliminates the exemption from disclosure for candidates raising less than and spending less than \$5,000, but retains exemption for delegates to a constitutional convention, a judge seeking electoral confirmations, or a municipal candidate.

Sec. 2. Requires candidates for governor and lieutenant governor to file campaign disclosure reports to APOC electronically.

Sec. 3. Requires the APOC Committee to administer annually updated ethics courses to teach lobbyists and employers of lobbyists how to comply with laws regulating lobbyists.

Sec. 4. When lobbyists register with APOC, they must sign a sworn affirmation that they have completed a training course on disclosure laws within the last 12 months.

Sec. 5. Prohibits a spouse or domestic partner of a legislator from lobbying for pay.

Sec. 6. Language clean up to clarify that this subsection applies to Chapter 60, Standards of Conduct.

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

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

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

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

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

Sec. 10. Special discounts are given to legislators and their staff to make the stay during session more affordable. An example is reduced rates at a local athletic club.

This amendment adds the office of victims' rights to the list of legislative employees that do not qualify for the discounts.

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

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

Sec. 13. Cleanup language

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

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

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

Sec. 17. Puts current practice into statute by deleting 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 have been published annually since 1995.

Sec. 18. Makes ethics classes mandatory for legislators, legislative employees, and public members of the committee. Legislators, legislative employees, and public members of the ethics committee would be required to get the training within 10 days of the first day of the first regular session. If service begins after the tenth day, the legislator, legislative employee, or public member of the ethics committee would be required to get ethics training within 30 days of the first day of service.

Sec. 19. Extends the authority to request an advisory opinion to the ethics committee and APOC. It also requires the committee to make deletions to advisory

opinions that prevent the disclosure of the identity of the person requesting the opinion and any other persons named in the opinion. Finally, it clarifies that advisory opinions are confidential unless the person requesting the opinion waives confidentiality.

Sec. 20. This amendment grants authority to the committee to approve the change date of a hearing. Currently, if a complainant exercises his authority to change the date of a public hearing and requests a six-month extension, the committee cannot extend the hearing for more than 90 days. In addition, the committee may need to extend the hearing beyond the 90-day limit because they lacked a quorum.

Sec. 21. Adds to the list of "appointing authority" the victims' advocate for employees of the office of victims' rights and the legislature for the victims' advocate. When the ethics committee determines an employee has violated standards of conduct, the committee forwards its findings of fact to the employee's appointing authority" or supervisor to determine sanctions for the employee.

Sec. 22 Leaves electronic reporting for all reporters other than Governor and Lt. Governor as optional but adds some requirements for APOC to accept non-electronic disclosures. Candidates for governor and lieutenant governor will be required to file electronically.

Sec. 23. Adds language to address who will be notified if the director of the office of victim's rights fails to file an annual financial report. It requires the APOC to notify the Legislative Council if the director of the office of victim's rights fails to file a financial disclosure report with APOC.

Sec. 24. This makes it clear that former public officials have to file a final disclosure statement after leaving his/her position within 90 days of terminating service. Subsection (b) clarifies former public officials and former municipal officers must comply with disclosure requirements.

Sec. 25. Applies to public officials and candidates. This section would require more detail in the financial disclosures reporting of income and interests exceeding \$5,000 in value. The disclosures must describe the source of the income, the amount received, the number of hours spent to earn the income if reimbursed on an hourly basis, and details regarding the services provided. It also clarifies that the official or candidate must report the gift if the cumulative value over the course of a year is more than \$250.

Sec. 26. This section would provide for permissive electronic filing of candidates' and public officials' financial disclosures with APOC, but makes it mandatory to file electronically for candidates filing for the office of governor or lieutenant governor.

Sec. 27. This section allows action on what is defined as significant business interests where the effect of the action is insignificant or conjectural. It attempts to draw

a bright line for a public officer to know when he or she could be crossing the line in making decisions that could result in a financial gain for them or their immediate family.

Sec. 28. This applies to all state employees a presumption that all gifts from a lobbyist to a public officer or members of the officer's immediate family are improper unless the lobbyist is an immediate family member of the gift's recipient.

Sec. 29. This section would make the post-state employment limitation more restrictive by precluding former public officers from working on particular legislation or regulations, if they personally and substantially participated in work on the same legislation or regulations during their state service.

Sec. 30. Sec. 30 extends 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.

Sec. 31. Prohibits for one-year after leaving a position as a former head of a department in the executive branch from serving on a board or other entity that was regulated by that department which the former department head worked.

Sec. 33. Applicability clause provides that new laws enacted in HB 109 would apply to elected officials and public officers who leave office after the effective date of HB 109.

Sec. 34. The sections of HB 109 that change reporting requirements with APOC have an effective date of July 1, 2007.

Sec. 35. The remainder of the bill becomes effective immediately.

GOVERNOR SECTIONAL

GOVERNOR
SECTIONAL

CSHB 109(STA) Version K
Analysis of Governor's Amendments

AS 15.13.040(m): Would amend section 2 to make electronic filing mandatory for all campaign reports except those from candidates for municipal offices, and to allow exceptions when circumstances warrant them. It would delay the effective date for this section until May 1, 2009.

AS 24.45.121(a): Would add new sections to the lobbying statutes to give the APOC authority to enforce against lobbyists some restrictions that appear elsewhere in the bill. The new sections would prohibit lobbyists from offering or making gifts to members of the executive branch that the Executive Branch Ethics Act prohibits the members from accepting, and would prohibit individuals from lobbying when the Ethics Act prohibits them from working as lobbyists.

AS 24:60:200: Would reinsert a section from the governor's original bill to require additional details in the financial disclosures that legislators, legislative directors, and public members of the Select Committee on Legislative Ethics file with the APOC.

AS 24:60:210: Would amend section 22 to make electronic filing mandatory for legislative financial disclosures, and to allow exceptions when circumstances warrant them. It would also delay the effective date for this section until July 1, 2008.

AS 39:50:030(b): Would amend section 25 to make \$1,000 – rather than \$5,000 – the reporting threshold for financial disclosures that “public officials” (i.e., high-level executive branch officials, judicial officers, certain municipal officers, and some others) must file with the APOC, and to require reporting of the approximate number of hours of services performed for the reported income regardless of whether the income was earned by the hour.

AS 39:50:050(a): Would amend section 26 to make electronic filing of financial disclosures mandatory for all public officials except municipal officers, and to allow exceptions when circumstances warrant them. The effective date for this section would remain July 1, 2007.

AS 39:50:200(b): Would add a new section to supplement the list of boards' members that must file annual financial disclosures with the APOC. The Alaska Industrial Development and Export Authority, the Knik Arm Bridge and Toll Authority, the Alaska labor relations agency, the Alaska Mental Health Trust Authority, and the Alaska Railroad Corporation would be added to the existing list in AS 39.50.200(b).

AS 39:52:110: Would replace section 27, which defines an “insignificant” business interest, with a provision from the governor's original bill. The amendment would establish a presumption that stock or other ownership interest in a business is insignificant if the value of the stock or interest is less than \$5,000.

AS 39:52:180: Would amend section 30 to define the “policy-making positions” in the Governor's Office that are restricted from lobbying for one year after leaving state service. The “policy-making positions” restricted from lobbying would be the same “policy-making positions” that must file annual financial disclosures with the APOC.

LEGAL SERVICES

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MEMORANDUM

March 5, 2007

SUBJECT: Comments by Drafter, regarding CSHB109(STA)
(Work Order No. 25-GH1059L)

TO: Representative Bob Lynn
Chair of House State Affairs Committee
Attn: Mike Sica

FROM: Dan Wayne *DCW/lmb*
Legislative Counsel

Attached is the above-referenced bill draft for your review. In particular please note the following:

1. On page 28, line 11, I removed Sec. 2 from the list of sections that would become effective July 1, 2007. In drafting the amendment that eventually was adopted and became Sec. 2, I was permitted to discuss it with your staff, Representative Gruenberg's staff, and David Jones of the Department of Law. In those discussions I think it was generally understood that the effective date of the section, except as specifically noted otherwise in the language of the section itself, would be the same as the general effective date of the bill. Therefore, instead of giving a specific May 1, 2007 effective date for persons campaigning for or against a ballot proposition or initiative, as in the previous draft adopted by the committee (which was later rescinded for other reasons), I was able to accomplish the same thing but in much leaner and simpler language. By removing Sec. 2 from the list of sections that become effective July 1, 2007, the section becomes effective as I believe the committee intended.

2. Regarding the section amending AS 39.52.180(d) (page 26, lines 21 - 30), I modified the language of oral amendment 35 (by Representative Bob Roses) to conform with drafting requirements. I conformed the language of new subsection 39.52.180(e) (page 27, lines 1 - 9) and corresponding applicability sections as well, by adding the amended language.

3. On page 16, line 5, I believe the wrong cite is given for the definition of "caucus". The phrase "(o) of this section" should be deleted and replaced with "AS 24.60.037." I did not change the cite but I recommend doing so as the definition of caucus in the cite adopted by the committee does not sufficiently define the term "caucus" for the purposes of the newly adopted section.

DCW:lmb
07-043.lmb

25-GH1059L
Wayne
3/5/07

CS FOR HOUSE BILL NO. 109(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

**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, including disclosures, in state and
2 municipal government, to lobbying, and to employment and disclosures by certain
3 public officers and employees who leave state or municipal service or leave certain
4 positions in state or municipal government; restricting representation of others by
5 legislators and legislative employees; relating to blind trusts approved by the Alaska
6 Public Offices Commission; and providing for an effective date."

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

8 * Section 1. AS 15.13.040(g) is amended to read:

9 (g) The provisions of (a) and (f) of this section do not apply to a delegate to a
10 constitutional convention, a judge seeking electoral confirmation, or a candidate
11 for election to a municipal office under AS 15.13.010, if that delegate, judge, or
12 [IF A] candidate

13 (1) indicates, on a form prescribed by the commission, an intent not to

1 raise and not to expend more than \$5,000 in seeking election to office, including both
2 the primary and general elections;

3 (2) accepts contributions totaling not more than \$5,000 in seeking
4 election to office, including both the primary and general elections; and

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

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

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

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

14 (A) mayor;

15 (B) planning commissioner;

16 (C) utility board member; or

17 (D) assembly, council, or school board member;

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

20 (3) information submitted before May 1, 2009, by a candidate for the
21 legislature.

22 * **Sec. 3.** AS 24.45.031(a) is amended to read:

23 (a) In addition to its other duties under this chapter, the commission shall

24 (1) prescribe the forms for registration, reports, statements, notices,
25 and other documents required by this chapter;

26 (2) prepare and publish instructions setting out the methods of
27 accounting, bookkeeping, and preservation of records required to facilitate compliance
28 with and enforcement of this chapter and explaining the duties of persons subject to
29 the provisions of this chapter; the instructions shall be updated periodically;

30 (3) provide assistance to persons in complying with the provisions of
31 this chapter;

1 (4) prepare and publish a biennial report of its activities, findings, and
2 recommendations under this chapter, which shall be made available to the governor,
3 legislature, and to the public by February 1 of each odd-numbered calendar year; the
4 commission shall notify the legislature that the report is available;

5 (5) report suspected violations of this chapter to the attorney general;

6 **(6) administer an annually updated training course that promotes**
7 **adherence to high ethical standards of professional conduct and teaches lobbyists**
8 **and employers of lobbyists how to comply with laws that regulate lobbyists.**

9 * Sec. 4. AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

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

1 lobbyist; in this paragraph, "domestic partner" has the meaning given in
2 AS 39.50.200(a);

3 (8) a sworn affirmation by the lobbyist that the lobbyist has
4 completed the training course administered by the commission under
5 AS 24.45.031(a) within the 12-month period preceding the date of registration or
6 registration renewal under this chapter, except this paragraph does not apply to
7 a person who is a representational lobbyist as defined under regulations of the
8 commission.

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

10 (a) A lobbyist may not

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

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

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

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

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

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

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

28 (8) serve as a campaign manager or director, serve as a campaign
29 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a
30 fund-raising event, directly or indirectly collect contributions for, or deliver
31 contributions to, a candidate, or otherwise engage in the fund-raising activity of a

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

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

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

15 * **Sec. 6.** 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 * **Sec. 7.** AS 24.60.020(a) is amended to read:

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

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

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

29 * **Sec. 8.** AS 24.60.030(a) is amended to read:

30 (a) A legislator or legislative employee may not

31 (1) solicit, agree to accept, or accept a benefit other than official

1 compensation for the performance of public duties; this paragraph may not be
2 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
3 solicitation or acceptance of contributions for a charity event, as defined in
4 AS 24.60.080(c)(10), or the acceptance of a lawful gratuity under AS 24.60.080;

5 (2) use public funds, facilities, equipment, services, or another
6 government asset or resource for a nonlegislative purpose, for involvement in or
7 support of or opposition to partisan political activity, or for the private benefit of either
8 the legislator, legislative employee, or another person; 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) the legislative council, notwithstanding AS 24.05.190,
19 from designating a public facility for use by legislators and legislative
20 employees for health or fitness purposes; when the council designates a facility
21 to be used by legislators and legislative employees for health or fitness
22 purposes, it shall adopt guidelines governing access to and use of the facility;
23 the guidelines may establish times in which use of the facility is limited to
24 specific groups;

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

1 this subparagraph if it is the primary space in the capital city reserved for use
2 by the legislator, whether or not it is shared with others;

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

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

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

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

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

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

16 (i) sent during the 30-day period immediately
17 preceding a state election: or

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

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

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

28 (4) require a legislative employee to perform services for the private
29 benefit of the legislator or employee at any time, or allow a legislative employee to
30 perform services for the private benefit of a legislator or employee on government
31 time; it is not a violation of this paragraph if the services were performed in an

1 unusual or infrequent situation and the person's services were reasonably necessary to
2 permit the legislator or legislative employee to perform official duties;

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

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

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

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

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

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

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

27 * Sec. 9, AS 24.60.030(f) is amended to read:

28 (f) A legislative employee may not serve in a position that requires
29 confirmation by the legislature. A legislator or legislative employee who serves
30 [MAY SERVE] on a board of an organization, including a governmental entity, shall
31 disclose [THAT REGULARLY HAS A SUBSTANTIAL INTEREST IN THE

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

12 * Sec. 10. AS 24.60.050(c) is amended to read:

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

1 only the fact that a person has participated in the program and the amount of benefit
2 that the unnamed person received. The committee shall maintain the disclosure of the
3 name of the person as confidential and may only use the disclosure in a proceeding
4 under AS 24.60.170. If the disclosure becomes part of the record of a proceeding
5 under AS 24.60.170, the disclosure may be made public as provided in that section.

6 * Sec. 11. AS 24.60.070(c) is amended to read:

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

17 * Sec. 12. AS 24.60.080(c) is amended to read:

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

20 (1) hospitality, other than hospitality described in (4) of this
21 subsection,

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

25 (B) at a social event or meal;

26 (2) discounts that are available

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

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

31 (3) food or foodstuffs indigenous to the state that are shared generally

1 as a cultural or social norm;

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

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

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

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

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

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

24 (10) tickets from a lobbyist for a charity event at any time, including
25 during a legislative session, except that tickets to or gifts received at a charity event
26 under this paragraph are subject to the calendar year limit on the value of gifts
27 received by a legislator or legislative employee in (a) of this section; in this paragraph,
28 "charity event" means an event the proceeds of which go to a charitable organization
29 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council
30 has approved in advance; the tickets may entitle the bearer to admission to the event,
31 to entertainment, to food or beverages, or to other gifts or services involved in the

1 charity event; or

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

4 * Sec. 13. AS 24.60.080(d) is amended to read:

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

28 * Sec. 14. AS 24.60.080(i) is amended to read:

29 (i) A legislator or legislative employee who knows or reasonably should know
30 that a family member has received a gift because of the family member's connection
31 with the legislator or legislative employee shall disclose for publication under (d) of

1 this section [REPORT] the receipt of the gift by the family member to the committee
2 if the gift would have to be disclosed [REPORTED] under this section if it had been
3 received by the legislator or legislative employee or if receipt of the gift by a legislator
4 or legislative employee would be prohibited under this section.

5 * Sec. 15. AS 24.60.085 is amended by adding a new subsection to read:

6 (c) During the term for which elected or appointed and for one year thereafter,
7 a legislator may not, directly or by authorizing another to act on the legislator's behalf,
8 accept or agree to accept compensation, except from the State of Alaska, for work
9 associated with legislative action, administrative action, or political action.
10 Notwithstanding AS 24.60.990, in this subsection, "administrative action" and
11 "legislative action" have the meanings given in AS 24.45.171.

12 * Sec. 16. AS 24.60.100 is amended to read:

13 **Sec. 24.60.100. Representation.** A legislator or legislative employee may not
14 represent [WHO REPRESENTS] another person for compensation before a
15 municipal, legislative, or executive branch [AN] agency, board, or commission [OF
16 THE STATE SHALL DISCLOSE THE NAME OF THE PERSON REPRESENTED,
17 THE SUBJECT MATTER OF THE REPRESENTATION, AND THE BODY
18 BEFORE WHICH THE REPRESENTATION IS TO TAKE PLACE TO THE
19 COMMITTEE. THE DISCLOSURE SHALL BE MADE BY THE DEADLINES SET
20 OUT IN AS 24.60.105. THE COMMITTEE SHALL MAINTAIN A PUBLIC
21 RECORD OF A DISCLOSURE UNDER THIS SECTION AND FORWARD THE
22 DISCLOSURE TO THE RESPECTIVE HOUSE FOR INCLUSION IN THE
23 JOURNAL. A LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT
24 REPRESENT ANOTHER PERSON FOR COMPENSATION BEFORE AN
25 AGENCY, COMMITTEE, OR OTHER ENTITY OF THE LEGISLATIVE
26 BRANCH].

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

28 **Sec. 24.60.105. Deadline [DEADLINES] for filing disclosures.** (a) When a
29 legislator or legislative employee is required to file a disclosure under this chapter and
30 a date by which the disclosure must be filed is not otherwise set by statute, the
31 deadline for filing disclosure shall be 30 days [DEADLINES SET OUT IN THIS

1 SECTION SHALL APPLY. FOR DISCLOSURE OF A MATTER OR AN
2 INTEREST THAT BEGAN OR WAS ACQUIRED DURING THE INTERIM
3 BETWEEN REGULAR LEGISLATIVE SESSIONS, WHETHER OR NOT THE
4 REGULAR SESSION IS EXTENDED OR THERE IS A SPECIAL SESSION, OR
5 DURING THE LAST 30 DAYS OF A REGULAR SESSION, THE LEGISLATOR
6 OR LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE MATTER BY MARCH
7 15. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR
8 WAS ACQUIRED DURING A REGULAR LEGISLATIVE SESSION, BUT NOT
9 DURING THE LAST 30 DAYS OF THE REGULAR SESSION, THE
10 DISCLOSURE MUST BE MADE WITHIN 30 DAYS] after the commencement of
11 the matter or interest [OR REPRESENTATION].

12 (b) Disclosures under the following statutes are subject to the deadline
13 [DEADLINES] set out in this section:

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

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

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

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

24 (5) REPRESENTATION OF A CLIENT UNDER AS 24.60.100].

25 * Sec. 18. AS 24.60 is amended by adding a new section to article 2 to read:

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

1 * Sec. 19. AS 24.60.130(n) is amended to read:

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

19 * Sec. 20. AS 24.60.130 is amended by adding a new subsection to read:

20 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
21 committee alleges a violation of this chapter by a group of legislators that includes a
22 legislative member of the committee and that member's alternate, the member and
23 alternate member are disqualified from serving on the committee with regard to the
24 complaint. If the two disqualified members of the committee are part of the majority
25 caucus, the presiding officer of the house in which the two disqualified members serve
26 shall appoint from that house an alternate to serve with regard to the complaint. If one
27 of the two disqualified legislative members of the committee is not part of the majority
28 caucus, the leader of the minority caucus with the greatest number of members shall
29 appoint from that house an alternate to serve with regard to the complaint. If a
30 complaint alleges a violation of this chapter that includes all legislative members of
31 the majority caucus of one house, the presiding officer of that house shall appoint from

1 the other house an alternate to serve with regard to the complaint. If the complaint
 2 alleges a violation of this chapter that includes all legislative members of a minority
 3 caucus of one house, the leader of that minority caucus shall appoint from the other
 4 house an alternate to serve with regard to the complaint. In this paragraph, "caucus"
 5 has the meaning given in (c) of this section. — Dan Wilchinsky ref map

6 * Sec. 21. AS 24.60.150(a) is amended to read: — Mike Sandoz

7 (a) The committee shall

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

10 (2) publish semi-annual summaries of decisions and advisory opinions
 11 with sufficient deletions in the summaries to prevent disclosing the identity of the
 12 persons involved in the decisions or opinions that have remained confidential;

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

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

21 * Sec. 22. AS 24.60 is amended by adding a new section to read:

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

30 * Sec. 23. AS 24.60.160 is amended to read:

31 Sec. 24.60.160. Advisory opinions. (a) On the request of the committee, the

1 Alaska Public Offices Commission, a person to whom this chapter applies, or a
2 person who has been newly elected to the legislature, the committee shall issue an
3 advisory opinion within 60 days as to whether the facts and circumstances of a
4 particular case constitute a violation of ethical standards. If it finds that it is advisable
5 to do so, the committee may issue an opinion under this section on the request of a
6 person who reasonably expects to become subject to this chapter within the next 45
7 days. The 60-day period for issuing an opinion may be extended by the committee if
8 the person requesting the opinion consents.

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

21 * Sec. 24. AS 24.60.170(j) is amended to read:

22 (j) If the committee has issued a formal charge under (h) of this section, and if
23 the person charged has not admitted the allegations of the charge, the committee shall
24 schedule a hearing on the charge. The committee may appoint an individual to present
25 the case against the person charged if that individual does not provide other [AND
26 HAS NOT PROVIDED] legal advice to the committee except in the course of
27 presenting cases under this subsection. The hearing shall be scheduled for a date more
28 than 20 and less than 90 days after service of the charge on the person charged, unless
29 the committee schedules [THE PERSON AGREES TO] a later hearing date. If the
30 complainant prevents the hearing from starting before the 90-day deadline passes
31 and a quorum of the committee determines the delay is not supported by a

1 compelling reason or will result in the person charged being deprived of a fair
2 hearing, the committee may dismiss the complaint with prejudice or enter some
3 other order the committee determines is appropriate. At the hearing, the person
4 charged shall have the right to appear personally before the committee, to subpoena
5 witnesses and require the production of books or papers relating to the proceedings, to
6 be represented by counsel, and to cross-examine witnesses. A witness shall testify
7 under oath. The committee is not bound by the rules of evidence, but the committee's
8 findings must be based upon clear and convincing evidence. Testimony taken at the
9 hearing shall be recorded, and evidence shall be maintained.

10 * **Sec. 25.** 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;

1 (7) the legislature for the ombudsman;

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

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

5 * Sec. 26. AS 24.60.200 is amended to read:

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

13 (1) the information that a public official is required to report under
 14 AS 39.50.030, other than

15 (A) income received as compensation for a personal service;

16 (B) a loan or loan guarantee;

17 (C) information about gifts;

18 (2) as to income in excess of \$1,000 received as compensation for
 19 personal services, the name and address of the source of the income, and a statement
 20 describing in detail the nature of the services performed; if the source of income is
 21 known or reasonably should be known to have a substantial interest in legislative,
 22 administrative, or political action and the recipient of the income is a legislator or
 23 legislative director, the amount of the income and the approximate number of
 24 hours of services performed to earn the income [THE AMOUNT OF INCOME
 25 RECEIVED FROM THE SOURCE] shall be disclosed, and additional information
 26 regarding how the income was earned may be disclosed;

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

1 * **Sec. 27.** AS 24.60.210(a) is amended to read:

2 (a) A person required to file a disclosure statement under AS 24.60.200 shall
3 file an annual report with the Alaska Public Offices Commission, covering the
4 previous calendar year, containing the disclosures required by AS 24.60.200, on or
5 before March 15 of each year, except that a person appointed as a legislator under
6 AS 15.40, a public member of the committee, or a legislative director must file
7 within 30 days after the person's appointment.

8 * **Sec. 28.** AS 24.60.210 is amended by adding a new subsection to read:

9 (c) The Alaska Public Offices Commission may request that the reports
10 required under this section be submitted electronically but shall accept any
11 information required under this section that is typed in clear and legible black typeface
12 or hand-printed in dark ink on paper in a format approved by the commission or on
13 forms provided by the commission and that is filed with the commission.

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

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

21 * **Sec. 30.** AS 39.50.020 is amended to read:

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

1 and filing for office be refused or that a previously accepted filing fee be returned and
2 the candidate's name removed from the filing records. A statement shall also be filed
3 by public officials no later than March 15 in each following year. On or before the
4 90th day after leaving office, a former public official shall file a final statement
5 covering any period during the official's service in that office for which the public
6 official has not already filed a statement. Persons who are members of boards or
7 commissions not named in AS 39.50.200(b) are not required to file financial
8 statements.

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

17 * Sec. 31. AS 39.50.030(b) is amended to read:

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

20 (1) for [THE SOURCE OF] all sources of income over \$5,000 during
21 the preceding calendar year, including taxable [AND NONTAXABLE] capital gains,
22 and for all gifts from a single source with a cumulative value exceeding \$250 in a
23 calendar year, received by the person, the person's spouse or domestic partner, or the
24 person's dependent child.

25 (A) each source of the income or gift;

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

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

28 (D) a brief statement describing whether the income was
29 earned by commission, by the job, by the hour, or by some other method;

30 (E) if the income was earned by the hour, the approximate
31 number of hours worked; and

1 corporation in which the person or the person's spouse, domestic partner, or dependent
2 child [CHILDREN], or a combination of them, hold a controlling interest; and

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

9 * Sec. 32. AS 39.50.040 is amended to read:

10 **Sec. 39.50.040. Blind trusts.** (a) A public official may transfer all or a portion
11 of the official's assets to a blind trust for the duration of service in public office. The
12 original assets placed in the blind trust shall be listed by the official in a [THE]
13 statement [REQUIRED TO BE] filed under this section, together with a description
14 of the actual or potential conflicts of interest, or appearance of conflict, that the
15 official seeks to avoid by the use of the trust. A copy of the [CHAPTER, THE]
16 instrument creating the blind trust must be included with the statement.

17 (b) For a blind trust to qualify under this section, the following conditions
18 must be met:

19 (1) the trust may not contain investments or assets in which the
20 ownership right or interest is required to be recorded in a public office other
21 than with the Alaska Public Offices Commission, or contain assets with
22 permanency that makes transfer by the trustee improbable or impractical,
23 including businesses, real estate, security interests in personal property, and
24 mortgages [ASSETS TRANSFERRED TO THE TRUST SHALL BE
25 MARKETABLE];

26 (2) the trustee shall be a bank or other institutional fiduciary;

27 (3) the trustee shall have full authority to manage the trust, including
28 the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

29 (4) the trust instrument shall contain a clear statement that its
30 purpose is to remove from the trustor control and knowledge of investment of
31 trust assets so that conflicts between the trustor's responsibilities and duties as a

1 public official and the trustor's personal or financial interests will be eliminated
2 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
3 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
4 DURATION OF THE TRUST];

5 (5) the trustee shall be directed not to disclose to the trustor any
6 information about the identity and nature of any of the assets in the trust, and the
7 trustee shall be required to report any known breach of this confidentiality or the
8 termination of the trust to the commission [OFFICE WHERE THE TRUSTOR IS
9 REQUIRED TO FILE STATEMENTS UNDER THIS CHAPTER]; [AND]

10 (6) the trust shall be irrevocable and shall be terminated only upon
11 the death of the trustor, upon termination of the trustor's status as a public
12 official, or upon order of the commission;

13 (7) the trustee shall be required to

14 (A) prepare and file the trustor's personal income tax
15 returns, withholding from distribution of the trust's net income amounts
16 sufficient to pay the trustor's tax; and to participate in the audit of the
17 trustor's returns during the period of the trust, with authority to
18 compromise the trustor's tax liability; or

19 (B) submit to the trustor, for income tax purposes, a
20 certification of income paid without identifying the assets producing the
21 income;

22 (8) the trustee shall be directed to avoid knowingly making any
23 investment in a corporation, business, or venture over which the trustor is likely
24 to take action by virtue of the trustor's official position;

25 (9) the trustor may not retain control over the trustee, and the
26 trustor is not permitted to make any recommendations or suggestions as to the
27 trust property;

28 (10) the trust instrument agreement must provide that the trustee
29 will give the attorney general or personnel board access to any records or
30 information related to the trust that is necessary when investigating or hearing
31 an accusation alleging a violation of AS 39.52;

1 (11) the trustee shall report to the commission the beginning and
2 ending value of the trust and, if the commission requests, the trustee shall
3 prepare under seal a detailed description of transactions and holdings of the
4 trust; the document prepared by the trustee under seal is not public information
5 unless an accusation under AS 39.52 relevant to the blind trust is filed by the
6 attorney general or the personnel board, and

7 (12) the trust may not become effective until the trust instrument
8 is submitted and approved by the commission [REPEALED].

9 * Sec. 33. AS 39.50.050(a) is amended to read:

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

27 * Sec 34. AS 39.52.110 is amended by adding a new subsection to read:

28 (d) Stock or other ownership interest in a business is presumed insignificant if
29 its value is less than \$5,000.

30 * Sec. 35. AS 39.52.130(a) is amended to read:

31 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a

1 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
2 employment, promise, or in any other form, that is a benefit to the officer's personal or
3 financial interests, under circumstances in which it could reasonably be inferred that
4 the gift is intended to influence the performance of official duties, actions, or
5 judgment. A gift from a person required to register as a lobbyist under
6 AS 24.45.041 to a public officer or a public officer's immediate family member is
7 presumed to be intended to influence the performance of official duties, actions,
8 or judgment unless the giver is an immediate family member of the person
9 receiving the gift.

10 * Sec. 36. AS 39.52.180(a) is amended to read:

11 (a) A public officer who leaves state service may not, for two years after
12 leaving state service, represent, advise, or assist a person for compensation regarding a
13 matter that was under consideration by the administrative unit served by that public
14 officer, and in which the officer participated personally and substantially through the
15 exercise of official action. For the purposes of this subsection, "matter" includes a
16 case, proceeding, application, contract, [OR] determination, [BUT DOES NOT
17 INCLUDE THE] proposal or consideration of a legislative bill [BILLS], a resolution,
18 a [RESOLUTIONS AND] constitutional amendment [AMENDMENTS], or other
19 legislative measure, [MEASURES:] or [THE] proposal, consideration, or adoption of
20 an administrative regulation [REGULATIONS].

21 * Sec. 37. AS 39.52.180(d) is amended to read:

22 (d) A former governor, lieutenant governor, [OR] head or deputy head of a
23 principal department in the executive branch, or employee of the Office of the
24 Governor who is required to file a statement under AS 39.50.020 may not engage
25 in activity as a lobbyist under AS 24.45 for a period of one year after leaving service
26 as the governor, lieutenant governor, [OR] department head or deputy head, or
27 employee of the Office of the Governor who is required to file a statement under
28 AS 39.50.020, as appropriate. This subsection does not prohibit service as a volunteer
29 lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined
30 under regulations of the Alaska Public Offices Commission.

31 * Sec. 38. AS 39.52.180 is amended by adding a new subsection to read:

1 (e) A former head of a principal department in the executive branch may not.
2 for a period of one year after leaving service as the head of that department, serve on
3 the governing board of a company, organization, or other entity that was regulated by
4 that department or with which the former department head worked as part of an
5 official duty as the department head. A former employee of the Office of the Governor
6 who is required to file a statement under AS 39.50.020 may not, for a period of one
7 year after leaving employment in that office, serve on the governing board of a
8 company, organization, or other entity with which the former employee worked as part
9 of an official duty for the Office of the Governor.

10 * **Sec. 39.** AS 39.50.200(b) is amended by adding new paragraphs to read:

11 (59) Alaska Industrial Development and Export Authority (AS 44.88);

12 (60) the board of directors of the Knik Arm Bridge and Toll Authority
13 (AS 19.75.031 and 19.75.041);

14 (61) Alaska labor relations agency (AS 23.05.360 - 23.05.390);

15 (62) the Board of Trustees of the Alaska Mental Health Trust
16 Authority (AS 47.30.016);

17 (63) the board of directors of the Alaska Railroad Corporation
18 (AS 42.40.020 - 42.40.060).

19 * **Sec. 40.** AS 39.52 is amended by adding a new section to read:

20 **Sec. 39.52.225. Disclosures in connection with executive clemency.** Before
21 granting executive clemency to an applicant for executive clemency, the governor
22 shall disclose in writing to the attorney general whether granting the clemency would
23 benefit a personal or financial interest of the governor. The attorney general shall
24 publish a written determination whether granting executive clemency to the applicant
25 would violate AS 39.52.110 - 39.52.190. The written determination of the attorney
26 general is not confidential, but information set out in that determination identifying a
27 person, other than the applicant for clemency, who is a victim or witness in a criminal
28 matter may not be made public.

29 * **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **APPLICABILITY.** (a) AS 39.52.180(a), as amended by sec. 36 of this Act, applies to

1 a person who leaves state service on or after the effective date of sec. 36 of this Act.

2 (b) AS 39.52.180(d), as amended by sec. 37 of this Act, applies to a person who
3 leaves service as governor, lieutenant governor, head or deputy head of a principal department
4 in the executive branch, or employee of the Office of the Governor who is required to file a
5 statement under AS 39.50.020 on or after the effective date of sec. 37 of this Act.

6 (c) AS 39.52.180(e), as added by sec. 38 of this Act, applies to a department head or
7 employee of the Office of the Governor who is required to file a statement under
8 AS 39.50.020 who leaves employment as a department head or employee of the Office of the
9 Governor who is required to file a statement under AS 39.50.020 on or after the effective date
10 of sec. 38 of this Act.

11 * **Sec. 42.** Sections 28 and 33 of this Act take effect July 1, 2007.

12 * **Sec. 43.** Except as provided in sec. 42 of this Act, this Act takes effect immediately under
13 AS 01.10.070(c).

HB 109 (Version K) Final Checklist (as of 3/3/07)

Amendment 1 (A.4)	Title 11	Failed
Amendment 2 (Gov.)	Title 15	Passed as Amended
Amend 1 to Amendment 2	Title 15	Failed
Amend 2 to Amendment 2 (K.42)	Title 15	Passed
Amend 3 to Amendment 2 (K.49)	Title 15	Passed
Amendment 3 (Gov.)	Title 24	Passed
Amend 1 to Amendment 3	Title 24	Failed
Amendment 4 (Gov.)	Title 39	Passed
Amendment 5 (K.6)	Title 15	Withdrawn, for Judiciary
Amendment 6 (Gov.)	Title 24	Passed
Amendment 7	Title 24	Withdrawn
Amendment 8 (K.14)	Title 24	Withdrawn
Amendment 9 (K.41)	Title 24	Tabled
New Amendment 9 (K.54)	Title 24	Passed as Amended
Amend 1 to Amendment 9	Title 24	Passed
Amendment 10 (K.40)	Title 24	Passed
Amendment 11	Title 24	Tabled
New Amendment 11	Title 24	Passed
Amendment 12 (Gov.)	Title 39	Failed
Amendment 13 (Gov.)	Title 24	Passed as Amended
Amend 1 to Amendment 13	Title 24	Withdrawn
Amend 2 to Amendment 13	Title 24	Failed
Amend 3 to Amendment 13	Title 24	Passed
New Amendment 13	Title 24	Passed
Amendment 14 (K.17)	Title 24	Passed as Amended
Amend 3 to Amendment 14	Title 24	Passed
Amendment 15 (K.20)	Title 24	Withdrawn
Amendment 16	Title 24	Not Offered
Amendment 17 (K.45)	Title 24	Passed
Amendment 18 (K.19)	Title 24	Withdrawn
Amendment 19	Title 24	Withdrawn
Amendment 20 (K.22)	Title 39	Not Offered
Amendment 21 (E.3)	Title 39	Not Offered
Amendment 22 (K.50)	Title 39	Passed
Amendment 23 (Gov.)	Title 39	Passed
Amendment 24 (Gov.)	Title 39	Passed
Amendment 25 (K.18)	Title 39	Not Offered
Amendment 26 (K.35)	Title 39	Not Offered
Amendment 27 (Gov.)	Title 39	Withdrawn
Amendment 28	Title 39	Not Offered
Amendment 29 (K.28)	Title 39	Not Offered
Amendment 30 (K.28-A)	Title 39	Passed
Amendment 31 (K.27)	Title 39	Not Offered
Amendment 32 (K.36)	Title 39	Not Offered
Amendment 33 (K.30)	Title 39	Withdrawn
Amendment 34	Title 39	Withdrawn
Amendment 35	Title 39	Passed

From the HB 109 – K Version

Attached is everything that passed the STA Committee for HB 109. We will compile the information by Title number, then Section number not necessarily by amendment number.

Title 15

- 1) Amendment #2 by the Governor 15.13.040(m)
- 2) Amendment 3 to Amendment #2 (K.49)

Title 24

- 1) Amendment #6 by the Governor 24.45.121(a)
- 2) New Amendment #9 (K.54). This was amended as follows: Page 1 line 6 - 8 after the word "entity", DELETE "that regularly has a substantial interest in the legislative activities of the legislator or employee"
- 3) Amendment #10 (K.40)
- 4) New Amendment #11 (Representative Gardner)
- 5) New Amendment #13 (Representative Gruenberg) Please note grammatical change in subsection (2) - the crossed out comma after the word "income" – see arrow
- 6) Amendment #14 (K.17). This was amended. Page 1 Line 10 DELETE the first three words, "or other entity"
- 7) Amendment #17 (K.45)
- 8) Amendment #3 by the Governor 24.60.210

Title 39

- 1) Amendment #4 by the Governor 39.50.050(a)
- 2) Amendment #22 (K.50)
- 3) Amendment #23 by the Governor 39.50.200(b)
- 4) Amendment #24 by the Governor 39.52.110
- 5) Amendment #35 (Representative Roses) Page 21 Line 21 after "position", ADD "who is required to file a financial disclosure with APOC"
- 6) Amendment #30 (K.28-A) (Please note the changes to K.28 on lines 8, 10 and 11)

Amendment Passed as Amended

1 AS 15.13.040(m) Governor's Amendment # 2 Electronic Campaign Filing - Title 15

2
3 OFFERED IN THE HOUSE BY THE GOVERNOR
4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 2, line 5, following "commission":

7 Delete "may request"

8 Insert "shall require"

9
10 Page 2, line 6, following "chapter":

11 Insert ", unless it is information required of a candidate for election to municipal
12 elective office,"

13
14 Page 2, line 6, following "but":

15 Delete "shall"

16 Insert "may, when circumstances warrant an exception or when the information is
17 required of a candidate for election to municipal elective office,"

18
19 Page 2, line 9, following "with the commission.", through line 15

20 Delete all material and insert:

21 "Candidates for election to municipal elective office must submit information
22 required under this chapter electronically or in the typed or hand-printed form described in
23 this subsection. In this subsection, 'municipal elective office' means the office of an

Passed as Amended

1 elected borough or city mayor, elected member of a city or borough planning commission,
2 elected utility board member, or elected member of a borough assembly, city council, or
3 school board.”

4
5 Page 22, following line 18:

6 Insert a new bill section to read:

7 **** Sec. 33. Section 2 of this Act takes effect May 1, 2009.****

8

9 Renumber the following bill sections accordingly.

10

11 Page 22, line 19, following “Sections”

12 Delete “2”

Cleaner Version - Title 15 Fix

25-GH1059\K.49
Wayne
2/28/07

Amendment 3 to Gov Amend 2

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 109(), Draft Version "K"

1 Page 2, lines 4 - 15:

2 Delete all material and insert:

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

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

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

10 (A) mayor;

11 (B) planning commissioner;

12 (C) utility board member; or

13 (D) assembly, council, or school board member;

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

16 (3) information submitted before May 1, 2009, by a candidate
17 for the legislature."

18

19 Page 22, line 19:

20 Delete "Sections 2, 22, and 26"

21 Insert "Sections 22 and 26"

Amendment Passed

Amend # 6

1 ⁴⁵
AS 24.35.121(a) Governor's Amendment (Parallel Positions for Lobbyists - Title 24)

2

3

OFFERED IN THE HOUSE

BY THE GOVERNOR

4

STATE AFFAIRS COMMITTEE

5

TO: CSIB 109() (25-GH1059\K; 2/21/97)

6

Page 4, following line 2:

7

Insert new bill sections to read:

8

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

9

(a) A lobbyist may not

10

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

11

AS 24.45.041;

12

(2) do anything with the intent of placing a public official under personal

13

obligation to the lobbyist or to the lobbyist's employer;

14

(3) intentionally deceive or attempt to deceive any public official with

15

regard to any material fact pertinent to pending or proposed legislative or

16

administrative action,

17

(4) cause or influence the introduction of a legislative measure solely for

18

the purpose of thereafter being employed to secure its passage or its defeat;

19

(5) cause a communication to be sent to a public official in the name of

20

any fictitious person or in the name of any real person, except with the consent of

21

that person;

22

(6) accept or agree to accept any payment in any way contingent upon the

23

defeat, enactment, or outcome of any proposed legislative or administrative action;

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

4 (8) serve as a campaign manager or director, serve as a campaign
5 treasurer or deputy campaign treasurer on a finance or fund-raising committee,
6 host a fund-raising event, directly or indirectly collect contributions for, or deliver
7 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
8 legislative campaign or campaign for governor or lieutenant governor if the
9 lobbyist has registered, or is required to register, as a lobbyist under this chapter,
10 during the calendar year; this paragraph does not apply to a representational
11 lobbyist as defined in the regulations of the Alaska Public Offices Commission,
12 and does not prohibit a lobbyist from making personal contributions to a candidate
13 as authorized by AS 15.13 or personally advocating on behalf of a candidate;

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

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

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

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

6
7 Renumber the following bill sections accordingly.

New Amend #9
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 109(), Draft Version "K"

1 Page 7, following line 14:

2 Insert a new bill section to read:

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

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

19

20 Renumber the following bill sections accordingly.

21

22 Page 22, line 9:

23 Delete "sec. 29"

1 Insert "sec. 30"

2

3 Page 22, line 10:

4 Delete "sec. 29"

5 Insert "sec. 30"

6

7 Page 22, line 11:

8 Delete "sec. 30"

9 Insert "sec. 31"

10

11 Page 22, line 14:

12 Delete "sec. 30"

13 Insert "sec. 31"

14

15 Page 22, line 15:

16 Delete "sec. 31"

17 Insert "sec. 32"

18

19 Page 22, line 18:

20 Delete "sec. 31"

21 Insert "sec. 32"

22

23 Page 22, line 19:

24 Delete "22, and 26"

25 Insert "23, and 27"

26

27 Page 22, line 20:

28 Delete "sec. 33"

29 Insert "sec. 34"

24.60.130 (Voice-Ethics)

25-GH1059\K.40

Wayne

2/23/07

Amendment Passed

AMENDMENT #10

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSFB 109(). Draft Version "K"

Codified subject

1 Page 13, following line 9:

2 Insert a new bill section to read:

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

4 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
 5 committee alleges a violation of this chapter by a group of legislators that includes a
 6 legislative member of the committee and that member's alternate, the member and
 7 alternate member are disqualified from serving on the committee with regard to the
 8 complaint. If the two disqualified members of the committee are part of the majority
 9 caucus, the presiding officer of the house in which the two disqualified members serve
 10 shall appoint from that house an alternate to serve with regard to the complaint. If one
 11 of the two disqualified legislative members of the committee is not part of the majority
 12 caucus, the leader of the minority caucus with the greatest number of members shall
 13 appoint from that house an alternate to serve with regard to the complaint. If a
 14 complaint alleges a violation of this chapter that includes all legislative members of
 15 the majority caucus of one house, the presiding officer of that house shall appoint from
 16 the other house an alternate to serve with regard to the complaint. If the complaint
 17 alleges a violation of this chapter that includes all legislative members of a minority
 18 caucus of one house, the leader of that minority caucus shall appoint from the other
 19 house an alternate to serve with regard to the complaint. In this paragraph, "caucus"
 20 has the meaning given in AS ~~24.60.037~~ ^{24.60.130(o)}.

22 Renumber the following bill sections accordingly.

23

1 Page 22, line 9:

2 Delete "sec. 29"

3 Insert "sec. 30"

4

5 Page 22, line 10:

6 Delete "sec. 29"

7 Insert "sec. 30"

8

9 Page 22, line 11:

10 Delete "sec. 30"

11 Insert "sec. 31"

12

13 Page 22, line 14:

14 Delete "sec. 30"

15 Insert "sec. 31"

16

17 Page 22, line 15:

18 Delete "sec. 31"

19 Insert "sec. 32"

20

21 Page 22, line 18:

22 Delete "sec. 31"

23 Insert "sec. 32"

24

25 Page 22, line 19:

26 Delete "22, and 26"

27 Insert "23, and 27"

28

29 Page 22, line 20:

30 Delete "sec. 33"

31 Insert "sec. 34"

24.60.130(a)

(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.

AMENDMENT

*New
Amendment # 11
Greenberg
[Signature]*

OFFERED IN THE HOUSE

BY REPRESENTATIVE Gardner

TO: CS HB 109

posed

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

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 all other persons)~~ 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 associate 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.

9
10
11
12
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17
18

NEW
AMENDMENT #13

OFFERED IN THE HOUSE

TO: CSHB 109 (), Draft Version "K"

BY REPRESENTATIVE GRUENBERG

Amendment #__ .

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 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:

(1) the information that a public official is required to report under AS 39.50.030, other than income received as compensation for personal services, loans or loan guarantees, and information about gifts;

(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 in detail the nature of the services performed; if the source of income is known 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 the income and the approximate number of hours of services performed to earn that income. [THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE] shall be disclosed, and a statement explaining how the income was earned may be included;

(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 or not a written loan agreement exists.

24.60.100

25-GH1059K.17
Cook/Wayne
2/21/07

Amendment should have been Offered

AMENDMENT

14

*Don
Winn
Hans
Merrill*

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government;":

2 Insert "restricting representation of others by legislators and legislative
3 employees;"

4
5 Page 11, lines 9 - 17:

*Amend 1 to Amend 14
- strike "a other entity"*

6 Delete all material and insert:

7 "Sec. 24.60.100. Representation. A legislator or legislative employee may
8 not represent [WHO REPRESENTS] another person for compensation before a
9 municipal, legislative, or executive branch [AN] agency, board, [OR] commission,
10 ~~or other entity~~ [OF THE STATE SHALL DISCLOSE THE NAME OF THE
11 PERSON REPRESENTED, THE SUBJECT MATTER OF THE
12 REPRESENTATION, AND THE BODY BEFORE WHICH THE
13 REPRESENTATION IS TO TAKE PLACE TO THE COMMITTEE. THE
14 DISCLOSURE SHALL BE MADE BY THE DEADLINES SET OUT IN
15 AS 24.60.105. THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF A
16 DISCLOSURE UNDER THIS SECTION AND FORWARD THE DISCLOSURE TO
17 THE RESPECTIVE HOUSE FOR INCLUSION IN THE JOURNAL. A
18 LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT REPRESENT
19 ANOTHER PERSON FOR COMPENSATION BEFORE AN AGENCY,
20 COMMITTEE, OR OTHER ENTITY OF THE LEGISLATIVE BRANCH]."

21

22 Page 12, line 2:

23 Delete "matter, interest, or representation"

1 Insert "matter or interest [OR REPRESENTATION]"

2

3 Page 12, lines 14 - 15:

4 Delete all material.

5 Insert "AS 24.60.070 [;

6 (5) REPRESENTATION OF A CLIENT UNDER AS 24.60.100]."

115 answer Miller

25-GH1059\K.45
Wayne
2/26/07

Amendment 17 Fix

A M E N D M E N T

Public Testimony
Chair

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 16, following line 8:

2 Insert a new bill section to read:

3 **** Sec. 22. AS 24.60.210(a) is amended to read:**

4 (a) A person required to file a disclosure statement under AS 24.60.200 shall
5 file an annual report with the Alaska Public Offices Commission, covering the
6 previous calendar year, containing the disclosures required by AS 24.60.200, on or
7 before March 15 of each year, except that a person appointed as a legislator under
8 AS 15.40, a public member of the committee, or a legislative director must file
9 within 30 days after the person's appointment."

10

11 Renumber the following bill sections accordingly.

12

13 Page 22, line 9:

14 Delete "sec. 29"

15 Insert "sec. 30"

16

17 Page 22, line 10:

18 Delete "sec. 29"

19 Insert "sec. 30"

20

21 Page 22, line 11:

22 Delete "sec. 30"

23 Insert "sec. 31"

1

2 Page 22, line 14:

3 Delete "sec. 30"

4 Insert "sec. 31"

5

6 Page 22, line 15:

7 Delete "sec. 31"

8 Insert "sec. 32"

9

10 Page 22, line 18:

11 Delete "sec. 31"

12 Insert "sec. 32"

13

14 Page 22, line 19:

15 Delete "Sections 2, 22, and 26"

16 Insert "Sections 2, 23, and 27"

17

18 Page 22, line 20:

19 Delete "sec. 33"

20 Insert "sec. 34"

Amendment Passed

1 AS 24.60.210 Governor's Amendment ^{#3} (Electronic Legislative Filing - Title 24)

2
3 OFFERED IN THE HOUSE

BY THE GOVERNOR

Passed

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059K; 2/21/07)

6 Page 16, line 10, following "Commission":

7 Delete "may request"

8 Insert "shall require"

*Bob's amendment
is attached
forlet*

9
10 Page 16, line 11, following "but":

11 Delete "shall"

12 Insert "may, when circumstances warrant an exception,"

13
14 Page 22, following line 18:

15 Insert a new bill section to read:

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

17
18 Renumber the following bill sections accordingly.

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

21 Delete "22"

Amendment Passed

1 AS 39.50.050(a) Governor's Amendment #4 (Electronic Public Official Filing - Title 39)

2 *passed*

3 OFFERED IN THE HOUSE

BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 19, line 16, following "commission":

7 Delete "may request"

8 Insert "shall require"

9
10 Page 19, line 17, following "chapter":

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

12
13 Page 19, line 17, following "but":

14 Delete "shall"

15 Insert "may, when circumstances warrant an exception,"

16
17 Page 19, following line 20:

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

20
21 Page 19, lines 21 -- 27:

22 Delete all material.

**Revised Version of
Amendment # 22 (K.43)**

25-GH1059\K.50
Cook/Wayne
3/2/07

AMENDMENT

posb

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government:"

2 Insert "relating to blind trusts approved by the Alaska Public Offices
3 Commission;"

4

5 Page 19, following line 9:

6 Insert a new bill section to read:

7 "* Sec. 26. AS 39.50.040 is amended to read:

8 **Sec. 39.50.040. Blind trusts.** (a) A public official may transfer all or a portion
9 of the official's assets to a blind trust for the duration of service in public office. The
10 original assets placed in the blind trust shall be listed by the official in a a [THE]
11 statement [REQUIRED TO BE] filed under this section, together with a description
12 of the actual or potential conflicts of interest, or appearance of conflict, that the
13 official seeks to avoid by the use of the trust. A copy of the [CHAPTER. THE]
14 instrument creating the blind trust must be included with the statement.

15 (b) For a blind trust to qualify under this section, the following conditions
16 must be met:

17 (1) the trust may not contain investments or assets in which the
18 ownership right or interest is required to be recorded in a public office other
19 than with the Alaska Public Offices Commission, or contain assets with
20 permanency that makes transfer by the trustee improbable or impractical,
21 including businesses, real estate, security interests in personal property, and
22 mortgages [ASSETS TRANSFERRED TO THE TRUST SHALL BE
23 MARKETABLE];

1 (2) the trustee shall be a bank or other institutional fiduciary;

2 (3) the trustee shall have full authority to manage the trust, including
3 the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

4 (4) the trust instrument shall contain a clear statement that its
5 purpose is to remove from the trustor control and knowledge of investment of
6 trust assets so that conflicts between the trustor's responsibilities and duties as a
7 public official and the trustor's personal or financial interests will be eliminated
8 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
9 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
10 DURATION OF THE TRUST];

11 (5) the trustee shall be directed not to disclose to the trustor any
12 information about the identity and nature of any of the assets in the trust, and the
13 trustee shall be required to report any known breach of this confidentiality or the
14 termination of the trust to the commission [OFFICE WHERE THE TRUSTOR IS
15 REQUIRED TO FILE STATEMENTS UNDER THIS CHAPTER]; [AND]

16 (6) the trust shall be irrevocable and shall be terminated only upon
17 the death of the trustor, upon termination of the trustor's status as a public
18 official, or upon order of the commission;

19 (7) the trustee shall be required to

20 (A) prepare and file the trustor's personal income tax
21 returns, withholding from distribution of the trust's net income amounts
22 sufficient to pay the trustor's tax; and to participate in the audit of the
23 trustor's returns during the period of the trust, with authority to
24 compromise the trustor's tax liability; or

25 (B) submit to the trustor, for income tax purposes, a
26 certification of income paid without identifying the assets producing the
27 income;

28 (8) the trustee shall be directed to avoid knowingly making any
29 investment in a corporation, business, or venture over which the trustor is likely
30 to take action by virtue of the trustor's official position;

31 (9) the trustor may not retain control over the trustee, and the

1 trustor is not permitted to make any recommendations or suggestions as to the
2 trust property;

3 (10) the trust instrument agreement must provide that the trustee
4 will give the attorney general or personnel board access to any records or
5 information related to the trust that is necessary when investigating or hearing
6 an accusation alleging a violation of AS 39.52;

7 (11) the trustee shall report to the commission the beginning and
8 ending value of the trust and, if the commission requests, the trustee shall
9 prepare under seal a detailed description of transactions and holdings of the
10 trust; the document prepared by the trustee under seal is not public information
11 unless an accusation under AS 39.52 relevant to the blind trust is filed by the
12 attorney general or the personnel board, and

13 (12) the trust may not become effective until the trust instrument
14 is submitted and approved by the commission [REPEALED]."

15
16 Renumber the following bill sections accordingly.

17
18 Page 22, line 9:

19 Delete "sec. 29"

20 Insert "sec. 30"

21
22 Page 22, line 10:

23 Delete "sec. 29"

24 Insert "sec. 30"

25
26 Page 22, line 11:

27 Delete "sec. 30"

28 Insert "sec. 31"

29
30 Page 22, line 14:

31 Delete "sec. 30"

- 1 Insert "sec. 31"
- 2
- 3 Page 22, line 15:
- 4 Delete "sec. 31"
- 5 Insert "sec. 32"
- 6
- 7 Page 22, line 18:
- 8 Delete "sec. 31"
- 9 Insert "sec. 32"
- 10
- 11 Page 22, line 19:
- 12 Delete "and 26"
- 13 Insert "26, and 27"
- 14
- 15 Page 22, line 20:
- 16 Delete "sec. 33"
- 17 Insert "sec. 34"

#23 passed

AS 39.50.200(b) Governor's Amendment (Beards - Title 39)

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OFFERED IN THE HOUSE BY THE GOVERNOR

STATE AFFAIRS COMMITTEE

TO: CSHB 109() (25-GH1059\K; 2/21/07)

Page 19, following line 27:

Insert a new bill section to read:

** Sec. 27. AS 39.50.200(b) is amended by adding new paragraphs to read:

(59) Alaska Industrial Development and Export Authority (AS 44.88);

(60) the board of directors of the Knik Arm Bridge and Toll Authority

(AS 19.75.031 and 19.75.041);

(61) Alaska labor relations agency (AS 23.05.360 - 23.05.390);

(62) the Board of Trustees of the Alaska Mental Health Trust Authority

(AS 47.30.016);

(63) the board of directors of the Alaska Railroad Corporation

(AS 42.40.020 - 42.40.060)."

Renumber the following bill sections accordingly.

#24

AS 39.52.110 Governor's Amendment (Insignificant Business Interest - Title 39)

Also same to 39.52.110(d) from pg 9 of Master ✓

OFFERED IN THE HOUSE BY THE GOVERNOR
STATE AFFAIRS COMMITTEE

TO: CSHB 109() (25-GH1059K; 2/21/07)

Page 19, following line 27:

Insert a new bill section to read:

** Sec. 27. 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."

Page 19, line 28, through page 20, line 26:

Delete all material.

AMENDMENT 35

OFFERED IN THE HOUSE
TO: HB 109 (STA)

BY REPRESENTATIVE ROSES

1 Page 21, Line 2i

2 After the word, "position," Add, "who is required to file a financial disclosure with
3 APOC"

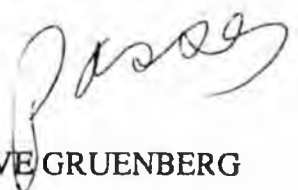
4

39.52.225

25-GH1059\K.23-A
Wayne
2/21/07

AMENDMENT

#30



OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 109(), Draft Version "K"

1 Page 22, following line 6:

2 Insert a new bill section to read:

3 **** Sec. 32.** AS 39.52 is amended by adding a new section to read:

4 **Sec. 39.52.225. Disclosures in connection with executive clemency.** Before
5 granting executive clemency to an applicant for executive clemency, the governor
6 shall disclose in writing to the attorney general whether granting the clemency would
7 benefit a personal or financial interest of the governor. The attorney general shall
8 publish ~~and make public~~ a written determination whether granting executive clemency
9 to the applicant would violate AS 39.52.110 - 39.52.190. The written determination of
10 the attorney general ~~(under this section)~~ is not confidential, but information set out in
11 that determination identifying ^{person other than the applicant for clemency who is a} a victim or witness in a criminal matter may not be
12 made public."
13

14 Renumber the following bill sections accordingly.

15

16 Page 22, line 20:

17 Delete "33"

18 Insert "34"

HB 109 (Version K) Checklist

Amendment 1 (A.4)	Title 11	Failed
✓ Amendment 2 (Gov.)	Title 15	Passed as Amended but needs a Fix
Amend 1 to Amendment 2	Title 15	Failed
Amend 2 to Amendment 2 (K.42)	Title 15	Passed—
✓ Amend 3 to Amendment 2 (K.47)	Title 15	Anticipated Fix <i>passed</i>
✓ Amendment 3 (Gov.)	Title 24	Passed
Amend 1 to Amendment 3	Title 24	Failed
✓ Amendment 4 (Gov.)	Title 39	Passed
✓ Amendment 5 (K.6)	Title 15	Withdrawn, for Judiciary
✓ Amendment 6 (Gov.)	Title 24	Passed
— Amendment 7	Title 24	Withdrawn
— Amendment 8 (K.14)	Title 24	Withdrawn
✓ Amendment 9 (K.41)	Title 24	Tabled
✓ Amendment 10 (K.40)	Title 24	Passed
✓ Amendment 11 <i>New amendment #11 passed</i>	Title 24	Tabled
— Amendment 12 (Gov.)	Title 39	Failed
✓ Amendment 13 (Gov.)	Title 24	Passed as Amended, see Jones memo
{ Amend 1 to Amendment 13	Title 24	Withdrawn
{ Amend 2 to Amendment 13	Title 24	Failed
{ Amend 3 to Amendment 13	Title 24	Passed
✓ Amendment 14 (K.17)	Title 24	Passed as Amended
Amend 1 to Amendment 14	Title 24	Passed
— Amendment 15 (K.20)	Title 24	Withdrawn
— Amendment 16	Title 24	Not Offered
✓ Amendment 17 (K.45)	Title 24	Passed, but needs a Fix <i>passed</i>
— Amendment 18 (K.19)	Title 24	Withdrawn
— Amendment 19	Title 24	Withdrawn
— Amendment 20 (K.22)	Title 39	Not Offered
✓ Amendment 21 (E.3)	Title 39	Pending Action
✓ Amendment 22 (K.43) <i>50</i>	Title 39	Pending Action
✓ Amendment 23 (Gov.)	Title 39	Pending Action
✓ Amendment 24 (Gov.)	Title 39	Pending Action
✓ Amendment 25 (K.18)	Title 39	Pending Action
✓ Amendment 26 (K.35)	Title 39	Pending Action
✓ Amendment 27 (Gov.)	Title 39	Pending Action <i>withdrawn</i>
Amendment 28	Title 39	Waiting for Rep. Gruenberg
— Amendment 29 (K.28) <i>NO</i>	Title 39	Pending Action
✓ Amendment 30 (K.28-A)	Title 39	Pending Action
✓ Amendment 31 (K.27) <i>NO</i>	Title 39	Pending Action
✓ Amendment 32 (K.36) <i>NO</i>	Title 39	Pending Action
✓ Amendment 33 (K.30)	Title 39	Pending Action
✓ Amendment 34	Title 39	Pending Action

3/1/07

HOUSE RECORDS
THIS BILL IS
IN THE
COMMITTEE

HB 109 (Version K) Checklist

Amendment 1 (A.4)	Title 11	Failed
Amendment 2 (Gov.)	Title 15	Passed as Amended
Amend 1 to Amendment 2	Title 15	Failed
Amend 2 to Amendment 2 (K.42)	Title 15	Passed, but needs a Fix
Amend 3 to Amendment 2 (K.47)	Title 15	Anticipated Fix
Amendment 3 (Gov.)	Title 24	Passed
Amend 1 to Amendment 3	Title 24	Failed
Amendment 4 (Gov.)	Title 39	Passed
Amendment 5 (K.6)	Title 15	Withdrawn, for Judiciary
Amendment 6 (Gov.)	Title 24	Passed
Amendment 7	Title 24	Withdrawn
Amendment 8 (K.14)	Title 24	Withdrawn
Amendment 9 (K.41)	Title 24	Tabled
Amendment 10 (K.40)	Title 24	Passed
Amendment 11	Title 24	Tabled
Amendment 12 (Gov.)	Title 39	On the Table <i>Final</i>
Amendment 13 (Gov.)	Title 24	On the Table <i>Final</i>
Amendment 14 (K.17)	Title 24	Pending Action* <i>Final</i>
Amendment 15 (K.20)	Title 24	Pending Action <i>Final</i>
Amendment 16	Title 24	May not be Needed <i>Final</i>
Amendment 17	Title 24	Pending Action <i>Final</i>
Amendment 18 (K.19)	Title 24	Pending Action
Amendment 19	Title 24	Pending Action
Amendment 20 (K.22)	Title 39	Pending Action
Amendment 21 (E.3)	Title 39	Withdrawn, for Judiciary
Amendment 22 (K.4),	Title 39	Pending Action
Amendment 23 (Gov.)	Title 39	Pending Action
Amendment 24 (Gov.)	Title 39	Pending Action
Amendment 25 (K.18)	Title 39	Pending Action
Amendment 26 (K.35)	Title 39	Pending Action
Amendment 27 (Gov.)	Title 39	Pending Action
Amendment 28	Title 39	Waiting for Rep. Gruenberg
Amendment 29 (K.28)	Title 39	Pending Action
Amendment 30 (K.28-A)	Title 39	Pending Action
Amendment 31 (K.27)	Title 39	Pending Action
Amendment 32 (K.36)	Title 39	Pending Action
Amendment 33 (K.30)	Title 39	Pending Action

*This amendment was missed at the 2/27 meeting

3/1/07

members
don't have

also give members updated Fair Sectional & Amendments
AMENDMENTS TO HB 109 DEFERRED BY THE ETHICS SUBCOMMITTEE

AS 11.56.135 Improper legislative campaign contributions Title 11 Gara

Tab 1

K.8

* 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.

AS 24.60.030(a)(2)(L)

Title 24

Ethics/Harris

Tab 5

K.14

....this paragraph does not prohibit

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

AS 24.60.030(f) # 9

Title 24 Ethics/Harris

Tab 7

K.41

Part of 0529\A

(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 on whose board the person serves. The committee shall maintain a public record of the disclosure and forward the disclosure to the appropriate house for inclusion in the journal. This subsection does not require a legislator or legislative employee who is appointed to a board by the presiding officer to make a disclosure of the appointment to the committee if the appointment has been published in the appropriate legislative journal during the calendar year.

AS 24.60.080 (c)(10)

Title 24

Ethics/Harris

Tab 10 - B

K.14

AS 24.60.080(c)(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 with tax-free status under 26 U.S.C. 501(c)(3) and that the Select Committee on Legislative Ethics [ALASKA LEGISLATIVE COUNCIL] has approved in advance; the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services involved in the charity event; or

(a) A legislator or legislative employee may not

AS 24.60.080 (i)

Not offered

Title 24

Harris/French

Tab 12 - A

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

K.15

(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.

AS 24.60.085

Title 24

Stevens

Tab 13

K.16

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

(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.

AS 24.60.085

Title 24

Lynn

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

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

AS 24.60.100

Title 24

Harris

Tab 14

K.17

ation. A legislator or legislative employee may not ent another person for compensation before a executive branch [AN] agency, board, or commission THE NAME OF THE PERSON REPRESENTED.

AS 24.60.080 (h)

Not offered

Title 24

Harris/French

Tab 12 - A

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

K.15

(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.

AS 24.60.085

Title 24

Stevens

Tab 13

K.16

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

(e) 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.

AS 24.60.085

Title 24

Lynn

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

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

AS 24.60.100

Title 24

Harris

Tab 14

K.17

AS 24.60.100 Representation. A legislator or legislative employee may not [WHO REPRESENTS] represent another person for compensation before a municipality or a legislative or executive branch [AN] agency, board, or commission of the state [SHALL DISCLOSE THE NAME OF THE PERSON REPRESENTED].

THE SUBJECT MATTER OF THE REPRESENTATION, AND THE BODY BEFORE WHICH THE REPRESENTATION IS TO TAKE PLACE 524.60.105 . THE COMMITTEE SHALL MAINTAIN A P DISCLOSURE UNDER THIS SECTION AND FORWARD THE RESPECTIVE HOUSE FOR INCLUSION IN THE JOURNAL OR LEGISLATIVE EMPLOYEE MAY NOT REPRESENT A COMPENSATION BEFORE AN AGENCY, COMMITTEE, OR THE LEGISLATIVE BRANCH].

Passed 2/7/2002 by voice vote (10-0) (Amendment #10) 3-8-02 (Amendment #10) - 10-0 (Amendment #10) - 10-0 (Amendment #10) - 10-0 (Amendment #10) - 10-0 (Amendment #10)

AS 24.60.200 Reporting dividend income 5 versions Title 24

Tab 23

K.20

Lynn, Gardner HB 27, Governor, French

(2) as to income in excess of \$1,000 received as compensation for personal services, and as to a dividend received 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 specific services performed, unless those services require the issuance of a state or federal professional license;

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

(C) the amount of income received from the source if the [; IF THE SOURCE OF INCOME IS KNOWN 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];

This

AS 24.60.210 Title 24 Governor

Tab 24

K.19

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. On or before the 90th day after ending service as a legislator or legislative director, a

24.60.210 Cognate
Deferred Sections

THE SUBJECT MATTER OF THE REPRESENTATION, AND THE BODY BEFORE WHICH THE REPRESENTATION IS TO TAKE PLACE TO THE COMMITTEE. 524.60.105 . THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF A DISCLOSURE UNDER THIS SECTION AND FORWARD THE DISCLOSURE TO THE RESPECTIVE HOUSE FOR INCLUSION IN THE JOURNAL. A LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT REPRESENT ANOTHER PERSON FOR COMPENSATION BEFORE AN AGENCY, COMMITTEE, OR OTHER ENTITY OF THE LEGISLATIVE BRANCH].

*Passed 2/25/02 by Joyce [unclear] #10
2/25/02 [unclear] #10
This [unclear] #10*

AS 24.60.200 Reporting dividend income 5 versions Title 24

Tab 23

K.20

Lynn, Gardner HB 27, Governor, French

(2) as to income in excess of \$1,000 received as compensation for personal services, and as to a dividend received 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 specific services performed, unless those services require the issuance of a state or federal professional license;

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

(C) the amount of income received from the source if the [; IF THE SOURCE OF INCOME IS KNOWN 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];

This

AS 24.60.210

Title 24

Governor

Tab 24

K.19

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. On or before the 90th day after ending service as a legislator or legislative director, a

24.60.210 cognate
Deferred Sections

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.

(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. 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.

AS 24.60.990(a) Title 24 Gardner

Tab 27

K.20

AS 24.60.990(a) is amended by adding a new paragraph to read:

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

UNCODIFIED Title 24 Lynn/Harris

Tab 28

K.21

The uncodified law of the State of Alaska is amended by adding a new section to read:

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.

(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.

39.50.030(b) Gov Amendment p. 18
Same as amendments

AS 39.50.030 Financial Disclosure

Title 39

Gruenberg Amendment

Gov's Amendment

Sec. 6. AS 39.50.030(b)(2-7) is amended to read:

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

(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 calendar year, except that an interest of less than \$1,000 [\$5,000] in the stock of a publicly traded corporation need not be included;

(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;

(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 \$1,000 [\$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;

(5) any loan or loan guarantee of more than \$1,000 [\$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 \$1,000 [\$5,000]; this paragraph requires disclosure of a loan, loan 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 \$1,000 [\$5,000] at any time during the preceding calendar year;

(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

(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 controlling interest.

Green print is already in HB 109 Version "K"

Insert:

"(2) if the public officer's personal or financial interest is held in a blind trust and, in a matter substantially related to the personal and financial interest, the public officer delegates to another public officer every official duty and does not influence or attempt to influence decision-making or policy; or"

Page 22, following line 21:

Insert a new bill section:

Sec. 39.52.955. Blind trusts. (a) To Qualify as a blind trust for purposes of AS 39.52.110(b)(2), a trust must meet the requirements of AS 39.50.040, and

- (1) may not include as asset or investment that
 - (A) is of a permanency that makes transfer by the trustee improbable or impractical;
 - (B) is a security interest, a business, or real estate; or
 - (C) requires the public officer's ownership right or interest to be recorded in a public office; and
- (2) the trustee of the blind trust shall, for income purposes,
 - (A) prepare and file the public officer's personal income tax returns, withholding from distribution of the trust's income amounts sufficient to pay the public officer's tax and, for the duration of the trust shall have authority to act on behalf of the public officer and to compromise the trustor's tax liability, in the event of an audit of the trustor's personal tax returns.
 - (B) Submit to the public officer a certification of income paid without identifying the assets producing the income."

AS 39.52.110(b)

Title 39

Coghill

K.18

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

{ 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) }

Owens 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]

AS 39.52.110(d) *Scope of Code*

Title 39

Cog-Am

AS 39.52.110(b) is amended as follows:

K.35

(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;]

Insert:

(i) owns, or has options to buy, stock or any other equity interest in the business that, when combined, have a fair market value of \$5,000 or more;

AS 39.52.110(d) *Scope of Code*

Title 39

Governor

Tab 9 - A

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.

Tam Cook said this amendment will work with AS 39.52.110 as it is now but will be redundant if adopted with the language changes made in AS 39.52.110(b).

AS 39.52.180 (a) (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) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

Gruenberg Amendment

AS 39.52.180(a) Title 39

AS 39.52.180(a) Restrictions on Employment after leaving state service.

4/12
10/14
10/15
11/12

(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"

in **Gruenberg Amendment Coming** 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.

AS 39.52.225 Disclosures in connection with executive clemency. Title 39

Tab 13

Lynn

K.28

Before granting executive clemency to a person, the governor shall disclose in writing to the attorney general if granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall make a written determination whether granting executive clemency to the person would violate AS 39.52.110 - 39.52.190.

AS 39.52.225 Executive clemency. Title 39

Gruenberg Amendment

K.27 A

Before granting executive clemency to a person, the governor shall disclose in writing to the attorney general if granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall make a written determination whether granting executive clemency to the person would violate AS 39.52.110 - 39.52.190. The attorney general's written determination is not confidential and shall be immediately made available to the public.

New AS 39.52.910(d).

Nothing in this Act shall supersede the provisions of AS 39.90.020, nor preclude individuals from being in an employment relationship with an immediate family member where neither family member is a supervisor who has authority to act or to effectively recommend action in the interest of the public employer in one of the following supervisory functions, if the exercise of that authority is not merely routine but requires the exercise of independent judgment:

- (a) employing, including hiring, transferring, laying off, or recalling;
- (b) discipline, including suspension, discharge, demotion, or issuance of written warnings; or
- (c) grievance adjudication, including responding to a first level grievance under a collective bargaining agreement."

Gruenberg Amendment

AS 39.52.960 Definitions

Title 39

French/Gruenberg

K.30

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

Revised Version of
Amendment # 22 (K.43)

25-GH1059\K.50
Cook/Wayne
3/2/07

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government ":

2 Insert "relating to blind trusts approved by the Alaska Public Offices
3 Commission;"

4

5 Page 19, following line 9:

6 Insert a new bill section to read:

7 ** Sec. 26. AS 39.50.040 is amended to read:

8 **Sec. 39.50.040. Blind trusts.** (a) A public official may transfer all or a portion
9 of the official's assets to a blind trust for the duration of service in public office. The
10 original assets placed in the blind trust shall be listed by the official in a [THE]
11 statement [REQUIRED TO BE] filed under this section, together with a description
12 of the actual or potential conflicts of interest, or appearance of conflict, that the
13 official seeks to avoid by the use of the trust. A copy of the [CHAPTER. THE]
14 instrument creating the blind trust must be included with the statement.

15 (b) For a blind trust to qualify under this section, the following conditions
16 must be met:

17 (1) the trust may not contain investments or assets in which the
18 ownership right or interest is required to be recorded in a public office other
19 than with the Alaska Public Offices Commission, or contain assets with
20 permanency that makes transfer by the trustee improbable or impractical,
21 including businesses, real estate, security interests in personal property, and
22 mortgages [ASSETS TRANSFERRED TO THE TRUST SHALL BE
23 MARKETABLE];

1 (2) the trustee shall be a bank or other institutional fiduciary;

2 (3) the trustee shall have full authority to manage the trust, including
3 the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

4 (4) the trust instrument shall contain a clear statement that its
5 purpose is to remove from the trustor control and knowledge of investment of
6 trust assets so that conflicts between the trustor's responsibilities and duties as a
7 public official and the trustor's personal or financial interests will be eliminated
8 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
9 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
10 DURATION OF THE TRUST];

11 (5) the trustee shall be directed not to disclose to the trustor any
12 information about the identity and nature of any of the assets in the trust, and the
13 trustee shall be required to report any known breach of this confidentiality or the
14 termination of the trust to the commission [OFFICE WHERE THE TRUSTOR IS
15 REQUIRED TO FILE STATEMENTS UNDER THIS CHAPTER]; [AND]

16 (6) the trust shall be irrevocable and shall be terminated only upon
17 the death of the trustor, upon termination of the trustor's status as a public
18 official, or upon order of the commission;

19 (7) the trustee shall be required to

20 (A) prepare and file the trustor's personal income tax
21 returns, withholding from distribution of the trust's net income amounts
22 sufficient to pay the trustor's tax; and to participate in the audit of the
23 trustor's returns during the period of the trust, with authority to
24 compromise the trustor's tax liability; or

25 (B) submit to the trustor, for income tax purposes, a
26 certification of income paid without identifying the assets producing the
27 income;

28 (8) the trustee shall be directed to avoid knowingly making any
29 investment in a corporation, business, or venture over which the trustor is likely
30 to take action by virtue of the trustor's official position;

31 (9) the trustor may not retain control over the trustee, and the

1 trustor is not permitted to make any recommendations or suggestions as to the
2 trust property;

3 (10) the trust instrument agreement must provide that the trustee
4 will give the attorney general or personnel board access to any records or
5 information related to the trust that is necessary when investigating or hearing
6 an accusation alleging a violation of AS 39.52;

7 (11) the trustee shall report to the commission the beginning and
8 ending value of the trust and, if the commission requests, the trustee shall
9 prepare under seal a detailed description of transactions and holdings of the
10 trust; the document prepared by the trustee under seal is not public information
11 unless an accusation under AS 39.52 relevant to the blind trust is filed by the
12 attorney general or the personnel board, and

13 (12) the trust may not become effective until the trust instrument
14 is submitted and approved by the commission [REPEALED]."

15

16 Renumber the following bill sections accordingly.

17

18 Page 22, line 9:

19 Delete "sec. 29"

20 Insert "sec. 30"

21

22 Page 22, line 10:

23 Delete "sec. 29"

24 Insert "sec. 30"

25

26 Page 22, line 11:

27 Delete "sec. 30"

28 Insert "sec. 31"

29

30 Page 22, line 14:

31 Delete "sec. 30"

- 1 Insert "sec. 31"
- 2
- 3 Page 22, line 15:
- 4 Delete "sec. 31"
- 5 Insert "sec. 32"
- 6
- 7 Page 22, line 18:
- 8 Delete "sec. 31"
- 9 Insert "sec. 32"
- 10
- 11 Page 22, line 19:
- 12 Delete "and 26"
- 13 Insert "26, and 27"
- 14
- 15 Page 22, line 20:
- 16 Delete "sec. 33"
- 17 Insert "sec. 34"

Nancy Manly

From: Michael Sica
Sent: Thursday, March 01, 2007 3:05 PM
To: Nancy Manly
Subject: FW: HB 109 * Amendment 13

Attachments: draft amendment CSHB 109 -- details in legislative disclosures.doc



draft amendment
CSHB 109 -- de...

-----Original Message-----

From: Dave Jones [mailto:Dave_Jones@law.state.ak.us]
Sent: Thursday, March 01, 2007 2:02 PM
To: Michael Sica
Subject: HB 109 * Amendment 13

Mike,

I'm trying to figure out the effect of the House State Affairs Committee's adoption of the amendment to amendment 13, which addresses legislative financial disclosures.

Amendment 13 (attached) would require additional details in legislative disclosures, deleting language that limits disclosure of the amount of income to situations in which the source has a substantial interest in legislative, administrative, or political action. If I understood correctly, the committee amended the amendment to restore the deleted language. Consequently, as the committee amended the provision, AS 24.60.200(2) would provide as follows:

(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, the amount of the income, the number of hours of services performed to earn that income, and a statement describing in detail the nature of the services performed; IF THE SOURCE OF INCOME IS KNOWN 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 A LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED.

Because the first part of the provision requires reporting of income amounts, while the second part requires reporting of income amounts only in certain circumstances, it's unclear what the effect is. One possible interpretation would be that public members of the Select Committee would have to report the amount of all income exceeding \$1,000, but legislators and legislative directors would have to report the amount only if the source has a substantial interest in legislative, administrative, or political action.

Eliminating "the amount of the income" on lines 19 and 20 of page 1 of the amendment (in bold, above) would seem to eliminate the ambiguity and achieve what I believe the committee intended. However, the intent of the governor's amendment was to require reporting of the amount received in all legislative disclosures.

1 AMENDMENT

2
3 OFFERED IN THE HOUSE

BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 16, following line 8:

7 Insert a new bill section to read:

8 **** Sec. 22.** AS 24.60.200 is amended to read:

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

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

18 (2) as to income in excess of \$1,000 received as compensation for
19 personal services, the name and address of the source of the income, **the amount of**
20 **the income, the number of hours of services performed to earn that income,** and a
21 statement describing **in detail** the nature of the services performed; [IF THE SOURCE
22 OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE
23 A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR

1 POLITICAL ACTION AND THE RECIPIENT OF THE INCOME IS A
2 LEGISLATOR OR A LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME
3 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED;]

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

9

10 Renumber the following bill sections accordingly.

Alaska State Legislature



Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative Bob Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
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Juneau, AK 99801-1182

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Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

Date: Feb. 28, 2007

To: House State Affairs Committee Members
Fr: Representative Bob Lynn
Re: House Bill 109

The following binder for HB 109 (Version K) Disclosure and Ethics now has all amendments listed by number, and will make things easier to follow. We also want to improve the process for House Records in keeping track of the amendments for this Ethics omnibus bill.

As you may recall, we adjourned the last meeting with Amendments 12 and 13 (by the Governor) on the table. After dealing with those amendments and related issues, I would like to go back to address two amendments in earlier sections:

In Title 15, Dave Jones wants us to amend Amendment 2 to the Governor's Amendment 2 (K.42). He will explain.

In Title 24, we need to offer an Amendment (K.17), which was not offered during the last meeting. It is now labeled, "Amendment 14."

Thank you for your patience and cooperation in helping to pass this important legislation.

25-GH1059AK
Wayne
2/21/07

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 to lobbying, and to employment, service on governing boards, and disclosures by certain
3 public officers and employees who leave state service or leave certain positions in state
4 government; and providing for an effective date."

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

6 * Section 1. AS 15.13.040(g) is amended to read:

7 (g) The provisions of (a) and (d) of this section do not apply to a delegate to a
8 constitutional convention, a judge seeking electoral confirmation, or a candidate
9 for election to a municipal office under AS 15.13.010, if that delegate, judge, or
10 [[B A] candidate

11 (1) indicates, on a form prescribed by the commission, an intent not to
12 raise and not to expend more than \$5,000 in seeking election to office, including both
13 the primary and general elections;

14 (2) accepts contributions totaling not more than \$5,000 in seeking

1 election to office, including both the primary and general elections; and

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

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

5 (m) The commission may request that the information required under this
6 chapter be submitted electronically but shall accept any information required under
7 this chapter that is typed in clear and legible black typeface or hand-printed in dark ink
8 on paper in a format approved by the commission or on forms provided by the
9 commission and that is filed with the commission. However, a candidate for
10 governor or lieutenant governor shall submit the information required under this
11 chapter electronically, but the commission may, when extraordinary
12 circumstances warrant an exception, accept any information required from these
13 candidates under this chapter that is typed in clear and legible black typeface or
14 hand-printed in dark ink on paper in a format approved by the commission or on
15 forms provided by the commission and that is filed with the commission.

16 * Sec. 3. AS 24.45.031(a) is amended to read:

17 (a) In addition to its other duties under this chapter, the commission shall

18 (1) prescribe the forms for registration, reports, statements, notices,
19 and other documents required by this chapter;

20 (2) prepare and publish instructions setting out the methods of
21 accounting, bookkeeping, and preservation of records required to facilitate compliance
22 with and enforcement of this chapter and explaining the duties of persons subject to
23 the provisions of this chapter; the instructions shall be updated periodically;

24 (3) provide assistance to persons in complying with the provisions of
25 this chapter;

26 (4) prepare and publish a biennial report of its activities, findings, and
27 recommendations under this chapter, which shall be made available to the governor,
28 legislature, and to the public by February 1 of each odd-numbered calendar year; the
29 commission shall notify the legislature that the report is available;

30 (5) report suspected violations of this chapter to the attorney general;

31 (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.

* Sec. 4. 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 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);

(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, except this paragraph does not apply to

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a person who is a representational lobbyist as defined under regulations of the commission.

* Sec. 5. AS 24.45.121 is amended by adding a new subsection to read:

(d) The spouse or domestic partner of a legislator may not engage in an activity as a lobbyist. This subsection does not prohibit the spouse or domestic partner from acting as a volunteer lobbyist under AS 24.45.161 or a representational lobbyist as defined under regulations of the commission

* Sec. 6. AS 24.60.020(a) 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. 7. AS 24.60.030(a) is amended to read:

(a) A legislator or legislative employee may not

(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;

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

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

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

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

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

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

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

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

30 (J) a legislator or legislative employee from soliciting,
31 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable

1 organization in a state facility;

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

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

6 (ii) [EXCEPT] a communication expressly advocating
7 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 * Sec. 8. 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. 9. 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. 10. 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

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. 11. AS 24.60.080(d) is amended to read:

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

31 * Sec. 12. AS 24.60.080(i) is amended to read:

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 disclose for publication under (d) of
4 this section [REPORT] the receipt of the gift by the family member to the committee
5 if the gift would have to be disclosed [REPORTED] under this section if it had been
6 received by the legislator or legislative employee or if receipt of the gift by a legislator
7 or legislative employee would be prohibited under this section.

8 * Sec. 13. AS 24.60.100 is amended to read:

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

18 * Sec. 14. AS 24.60.105 is amended to read:

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

1 DISCLOSURE MUST BE MADE WITHIN 30 DAYS] after the commencement of
2 the matter, interest, or representation.

3 (b) Disclosures under the following statutes are subject to the deadline
4 [DEADLINES] set out in this section:

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

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

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

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

15 (5) representation of a client under AS 24.60.100.

16 * Sec. 15. AS 24.60 is amended by adding a new section to article 2 to read:

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

23 * Sec. 16. AS 24.60.130(n) is amended to read:

24 (n) When appointing members of the legislature to serve on the committee, the
25 speaker of the house or the president of the senate, as appropriate, shall appoint an
26 alternate member for each regular member. An alternate must have the same
27 qualifications as the regular member for whom the alternate stands as alternate and is
28 subject to confirmation as required for the regular member. If a regular legislative
29 member of the committee or a subcommittee is unable to attend a meeting, the
30 chair of the committee or a subcommittee shall designate the regular member's
31 alternate to serve in place of the regular member at the meeting and the

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

10 * Sec. 17. AS 24.60.150(a) is amended to read:

11 (a) The committee shall

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

14 (2) publish semi-annual summaries of decisions and advisory opinions
15 with sufficient deletions in the summaries to prevent disclosing the identity of the
16 persons involved in the decisions or opinions that have remained confidential;

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

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

25 * Sec. 18. AS 24.60 is amended by adding a new section to read:

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

1 of service. The committee may grant a person additional time to complete the course
2 required by this section.

3 * Sec. 19. AS 24.60.160 is amended to read:

4 Sec. 24.60.160. Advisory opinions. (a) On the request of the committee, the
5 Alaska Public Offices Commission, a person to whom this chapter applies, or a
6 person who has been newly elected to the legislature, the committee shall issue an
7 advisory opinion within 60 days as to whether the facts and circumstances of a
8 particular case constitute a violation of ethical standards. If it finds that it is advisable
9 to do so, the committee may issue an opinion under this section on the request of a
10 person who reasonably expects to become subject to this chapter within the next 45
11 days. The 60-day period for issuing an opinion may be extended by the committee if
12 the person requesting the opinion consents.

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

25 * Sec. 20. AS 24.60.170(j) is amended to read:

26 (j) If the committee has issued a formal charge under (h) of this section, and if
27 the person charged has not admitted the allegations of the charge, the committee shall
28 schedule a hearing on the charge. The committee may appoint an individual to present
29 the case against the person charged if that individual does not provide other [AND
30 HAS NOT PROVIDED] legal advice to the committee except in the course of
31 presenting cases under this subsection. The hearing shall be scheduled for a date more

1 than 20 and less than 90 days after service of the charge on the person charged, unless
2 the committee schedules [THE PERSON AGREES TO] a later hearing date. If the
3 complainant prevents the hearing from starting before the 90-d. deadline passes
4 and a quorum of the committee determines the delay is not supported by a
5 compelling reason or will result in the person charged being deprived of a fair
6 hearing, the committee may dismiss the complaint with prejudice or enter some
7 other order the committee determines is appropriate. At the hearing, the person
8 charged shall have the right to appear personally before the committee, to subpoena
9 witnesses and require the production of books or papers relating to the proceedings, to
10 be represented by counsel, and to cross-examine witnesses. A witness shall testify
11 under oath. The committee is not bound by the rules of evidence, but the committee's
12 findings must be based upon clear and convincing evidence. Testimony taken at the
13 hearing shall be recorded, and evidence shall be maintained.

14 * Sec. 21. AS 24.60.176(b) is amended to read:

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

16 (1) the legislative council for employees of the Legislative Affairs
17 Agency and of the legislative council and for legislative employees not otherwise
18 covered under this subsection;

19 (2) the Legislative Budget and Audit Committee for the legislative
20 fiscal analyst and employees of the division of legislative finance, the legislative
21 auditor and employees of the division of legislative audit, and employees of the
22 Legislative Budget and Audit Committee;

23 (3) the appropriate finance committee for employees of the senate or
24 house finance committees;

25 (4) the appropriate rules committee for employees of

26 (A) standing committees of the legislature, other than the
27 finance committees;

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

30 (C) house records and senate records;

31 (5) the legislator who made the hiring decision for employees of

1 individual legislators; however, the legislator may request the appropriate rules
2 committee to act in the legislator's stead;

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

5 (7) the legislature for the ombudsman;

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

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

9 * Sec. 22. AS 24.60.210 is amended by adding a new subsection to read:

10 (c) The Alaska Public Offices Commission may request that the reports
11 required under this section be submitted electronically but shall accept any
12 information required under this section that is typed in clear and legible black typeface
13 or hand-printed in dark ink on paper in a format approved by the commission or on
14 forms provided by the commission and that is filed with the commission.

15 * Sec. 23. AS 24.60.250(e) is amended to read:

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

22 * Sec. 24. AS 39.50.020 is amended to read:

23 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
24 official other than the governor or the lieutenant governor shall file a statement giving
25 income sources and business interests, under oath, and on penalty of perjury, within 30
26 days after taking office as a public official. Candidates for state elective office other
27 than a candidate who is subject to AS 24.60 shall file the statement with the director of
28 elections at the time of filing a declaration of candidacy or a nominating petition or
29 becoming a candidate by any other means. Candidates for elective municipal office
30 shall file the statement at the time of filing a nominating petition, declaration of
31 candidacy, or other required filing for the elective municipal office. Refusal or failure

1 to file within the time prescribed shall require that the candidate's filing fees, if any,
2 and filing for office be refused or that a previously accepted filing fee be returned and
3 the candidate's name removed from the filing records. A statement shall also be filed
4 by public officials no later than March 15 in each following year. On or before the
5 90th day after leaving office a former public official shall file a final statement
6 covering any period during the official's service in that office for which the public
7 official has not already filed a statement. Persons who are members of boards or
8 commissions not named in AS 39.50.200(b) are not required to file financial
9 statements.

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

18 * Sec. 25. AS 39.50.030(b) is amended to read:

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

21 (1) for [THE SOURCE OF] all sources of income over \$5,000 during
22 the preceding calendar year, including taxable [AND NONTAXABLE] capital gains,
23 and for all gifts from a single source with a cumulative value exceeding \$250 in a
24 calendar year, received by the person, the person's spouse or domestic partner, or the
25 person's dependent child,

26 (A) each source of the income or gift;

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

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

29 (D) a brief statement describing whether the income was
30 earned by commission, by the job, by the hour, or by some other method;

31 (E) if the income was earned by the hour, the approximate

1 number of hours worked; and

2 (F) unless required by law to be kept confidential, a
3 description sufficient to make clear to a person of ordinary understanding
4 the nature of each service performed and the date the service was
5 performed [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT
6 MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250];

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

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

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

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

29 (6) a list of all contracts and offers to contract with the state or an
30 instrumentality of the state during the preceding calendar year held, bid, or offered by
31 the person, the person's spouse or domestic partner, or the person's dependent child, a

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

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

10 * Sec. 26. AS 39.50.050(a) is amended to read:

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

28 * Sec. 27. AS 39.52.110(b) is repealed and reenacted to read:

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

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

3 (2) if the public officer's

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

7 (B) personal interest is insignificant; or

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

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

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

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

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

21 (v) is an officer of the business;

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

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

26 (viii) is an employee of the business.

27 * Sec. 28. 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. 29. 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 a legislative bill [BILLS], a resolution,
 15 a [RESOLUTIONS AND] constitutional amendment [AMENDMENTS], or other
 16 legislative measure [MEASURES;] or [THE] proposal, consideration, or adoption of
 17 an administrative regulation [REGULATIONS].

18 * Sec. 30. 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 *who is required to file a financial disclosure with the*
 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. 31. AS 39.52.180 is amended by adding a new subsection to read:

29 (e) A former head of a principal department in the executive branch may not,
 30 for a period of one year after leaving service as the head of that department, serve on
 31 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 in a policy-making position may not, for a period of one year after leaving
4 employment in that office, serve on the governing board of a company, organization,
5 or other entity with which the former employee worked as part of an official duty for
6 the Office of the Governor.

7 * Sec. 32. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 APPLICABILITY. (a) AS 39.52.180(a), as amended by ~~sec. 29~~ of this Act, applies to
10 a person who leaves state service on or after the effective date of ~~sec. 29~~ of this Act.

11 (b) AS 39.52.180(d), as amended by sec. 30 of this Act, applies to a person who
12 leaves service as governor, lieutenant governor, head or deputy head of a principal department
13 in the executive branch, or employee of the Office of the Governor in a policy-making
14 position on or after the effective date of sec. 30 of this Act.

15 (c) AS 39.52.180(e), as added by sec. 31 of this Act, applies to a department head or
16 employee of the Office of the Governor in a policy-making position who leaves employment
17 as a department head or employee of the Office of the Governor in a policy-making position
18 on or after the effective date of sec. 31 of this Act.

19 * Sec. 33. Sections 2, 22, and 25 of this Act take effect July 1, 2007.

20 * Sec. 34. Except as provided in sec. 33 of this Act, this Act takes effect immediately under
21 AS 01.10.070(c).

TITLE II
AMENDMENTS

TITLE II
AMENDMENTS

Not Offered

25-GH1059\K.8
Wayne
2/21/07

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 1, following "relating":

2 Insert "to legislators and candidates for the legislature,"

3

4 Page 1, following line 5:

5 Insert a new bill section to read:

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

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

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

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

17 (b) Improper legislative campaign contribution and agreement is a class B
18 felony."

19

20 Renumber the following bill sections accordingly.

21

22 Page 22, following line 18:

23 Insert a new subsection to read:

1 "(d) AS 11.56.135, as added by sec. 1 of this Act, applies to offenses occurring on or
2 after the effective date of sec. 1 of this Act."

3

4 Renumber the following bill sections accordingly.

5

6 Page 22, line 9:

7 Delete "sec. 29"

8 Insert "sec. 30"

9

10 Page 22, line 10:

11 Delete "sec. 29"

12 Insert "sec. 30"

13

14 Page 22, line 11:

15 Delete "sec. 30"

16 Insert "sec. 31"

17

18 Page 22, line 14:

19 Delete "sec. 30"

20 Insert "sec. 31"

21

22 Page 22, line 15:

23 Delete "sec. 31"

24 Insert "sec. 32"

25

26 Page 22, line 18:

27 Delete "sec. 31"

28 Insert "sec. 32"

29

30 Page 22, line 19:

31 Delete "Sections 2, 22, and 26"

1 Insert "Sections 3, 23, and 27"

2

3 Page 22, line 20:

4 Delete "sec. 33"

5 Insert "sec. 34"

Amendment Failed

25-LS8001A.4

Wayne

2/9/07

Amendment #1

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 109 (K version)

By GRUENBERG

1 Page _____, line _____:

2 Insert ~~"relating to state and municipal elected officials and candidates for state~~
3 ~~and municipal elective office; relating to certain campaign contributions made in~~
4 ~~exchange for certain agreements;~~

5
6 Page 1, line 5 following:

7 Insert a new bill section to read:

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

9 **Sec. 11.56.135. Improper campaign contribution and agreement.** (a) A
10 person commits the crime of improper campaign contribution and agreement if the
11 person

12 (1) explicitly agrees to make a campaign contribution to a state or
13 municipal elected official or a candidate for a state or municipal elective office, and
14 makes that contribution, in exchange for an agreement by the elected official or
15 candidate to alter the official's or candidate's position on a matter or issue related to
16 the official duties of the statewide or municipal elective office held or sought; or

17 (2) as a state or municipal elected official or a candidate for state or
18 municipal elective office, accepts a campaign contribution and explicitly agrees, in
19 exchange for that contribution, to alter the official's or candidate's position on a matter
20 or issue related to the official duties of the statewide or municipal elective office held
21 or sought.

22 (b) Improper campaign contribution and agreement is a class B felony."
23

Remember the following sections accordingly

1 Page 22 ^{following} line 6:

2 Insert a new bill section to read:

3 ³³
4 ~~** Sec. 2.~~ The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 APPLICABILITY. Section 1 of this Act applies to offenses occurring on or after the
effective date of sec. 1 of this Act."

Renumber following sections accordingly

TITLE 15 AMENDMENTS

TITLE 15
AMENDMENTS

Amendment Passed as Amended

1 AS 15.13.040(m) Governor's Amendment #2 Electronic Campaign Filing - Title 15

2
3 OFFERED IN THE HOUSE

BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 2, line 5, following "commission":

7 Delete "may request"

8 Insert "shall require"

9
10 Page 2, line 6, following "chapter":

11 Insert ", unless it is information required of a candidate for election to municipal
12 elective office,"

13
14 Page 2, line 6, following "but":

15 Delete "shall"

16 Insert "may, when circumstances warrant an exception or when the information is
17 required of a candidate for election to municipal elective office,"

18
19 Page 2, line 9, following "with the commission.", through line 15

20 Delete all material and insert:

21 "Candidates for election to municipal elective office must submit information
22 required under this chapter electronically or in the typed or hand-printed form described in
23 this subsection. In this subsection, 'municipal elective office' means the office of an

Passed as Amended

2/21/07
1/21/07
1/21/07

1 elected borough or city mayor, elected member of a city or borough planning commission,
2 elected utility board member, or elected member of a borough assembly, city council, or
3 school board.”

4
5 Page 22, following line 18:

6 Insert a new bill section to read:

7 “* Sec. 33. Section 2 of this Act takes effect May 1, 2009.”

8

9 Remember the following bill sections accordingly.

10

11 Page 22, line 19, following “Sections”

12 Delete “2”

Amend #1 to amend #2

AS 15.13.040(m) AMENDMENT to Governor's Amendment (Title 15)

OFFERED IN THE HOUSE
TO: HB 109 (STA)

BY REPRESENTATIVE BOB LYNN

1 Page 2, Line 7, following "effect":

2 Delete "May 1, 2009"

3 Insert "July 1, 2007"

4

Amendment Failed

*Greenberg Objects - Substantial
hardship candidates in Rural area
or illiterate.*

*Coghlin Objects - Wants to see the
system prove itself*

*This amend. Failed
6 to 1*

15.13.078(c)

25-GH1059K.6
Wayne
2/21/07

**Amendment withdrawn, will
be worked on in Judiciary**

AMENDMENT # 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOHNSON

TO: CSHB 109(), Draft Version "K"

1 Page 2, following line 15:

2 Insert new bill sections to read:

3 **** Sec. 3.** 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)(1) **for expenditures** and until the date of the election for which the
7 report is filed, a candidate may not give or loan to the candidate's campaign the
8 candidate's money or other thing of value of the candidate in an amount that exceeds
9 \$5,000.

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

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

20 (1) 30 days before the election; however, this report is not required if
21 the deadline for filing a nominating petition or declaration of candidacy is within 30
22 days of the election;

23 (2) one week before the election;

- 1 (3) 105 days after a special election; and
 2 (4) February 15 for expenditures made [AND CONTRIBUTIONS
 3 RECEIVED] that were not reported previously, including, if applicable, all amounts
 4 expended from a public office expense term account established under
 5 AS 15.13.116(a)(8) and all amounts expended from a municipal office account under
 6 AS 15.13.116(a)(9), or when expenditures were not made [OR CONTRIBUTIONS
 7 WERE NOT RECEIVED] during the previous year.

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

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

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

17 (e) A group formed to sponsor an initiative, a referendum or a recall shall
 18 report 30 days after its first filing with the lieutenant governor. Thereafter each group
 19 shall report all contributions received within 72 hours after receipt and shall
 20 report within 10 days after the end of each calendar quarter on the
 21 [CONTRIBUTIONS RECEIVED AND] expenditures made during the preceding
 22 calendar quarter until reports are due under (a) of this section."
 23

24 Renumber the following bill sections accordingly.

25
 26 Page 22, line 9:

27 Delete "29"

28 Insert "33"

29
 30 Page 22, line 10:

31 Delete "29"

- 1 Insert "33"
- 2
- 3 Page 22, line 11:
- 4 Delete "30"
- 5 Insert "34"
- 6
- 7 Page 22, line 14:
- 8 Delete "30"
- 9 Insert "34"
- 10
- 11 Page 22, line 15:
- 12 Delete "31"
- 13 Insert "35"
- 14
- 15 Page 22, line 18:
- 16 Delete "31"
- 17 Insert "35"
- 18
- 19 Page 22, line 19:
- 20 Delete "22, and 26"
- 21 Insert "26, and 30"
- 22
- 23 Page 22, line 20:
- 24 Delete "33"
- 25 Insert "37"

TITLE 24
AMENDMENTS

TITLE 24
AMENDMENTS

Amendment Passed

Amend # 6

⁴⁵
AS 24.45.121(a) Governor's Amendment (Parallel Positions for Lobbyists - Title 24)

1
2
3 OFFERED IN THE HOUSE BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 4, following line 2:

7 Insert new bill sections to read:

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

9 (a) A lobbyist may not

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

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

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

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

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

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

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

4 (8) serve as a campaign manager or director, serve as a campaign
5 treasurer or deputy campaign treasurer on a finance or fund-raising committee,
6 host a fund-raising event, directly or indirectly collect contributions for, or deliver
7 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
8 legislative campaign or campaign for governor or lieutenant governor if the
9 lobbyist has registered, or is required to register, as a lobbyist under this chapter,
10 during the calendar year; this paragraph does not apply to a representational
11 lobbyist as defined in the regulations of the Alaska Public Offices Commission,
12 and does not prohibit a lobbyist from making personal contributions to a candidate
13 as authorized by AS 15.13 or personally advocating on behalf of a candidate;

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

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

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

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

6
7 Renumber the following bill sections accordingly.

Amend # 17

Amendment Withdrawn

Amendment - Representative Lynn

In Section 5. AS 24.45.121

Page 4 Line 4

delete: spouse or domestic partner
replace with immediate family members

Page 4 Line 5

delete: spouse or domestic partner
replace with immediate family members

This is in
the Bill HB 109

24.45.121
supersedes 790

Definition of "immediate family members" found in Title 24.60.990

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;

24.60.030(a)(2)(L)
24.60.080(c)(10)

Amend # 8

Krumberg
25-GH1059 K.14
Cook/Wayne
2/21/07

With.
**Amendment
Withdrawn**

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

- 1 Page 6, line 11:
- 2 Delete "Alaska Legislative Council"
- 3 Insert "committee [ALASKA LEGISLATIVE COUNCIL];
- 4
- 5 Page 10, line 1:
- 6 Delete "Alaska Legislative Council"
- 7 Insert "committee [ALASKA LEGISLATIVE COUNCIL]"

Cant separate

Amend # 8

Coghill objects

Krumberg

11 original project

letter of intent

returning to court

15 improve communication

Passed
2/2
Amended

25-GH1059K.54
Wayne
3/2/07

25-GH1059K.54
Wayne
3/2/07

New Amend #9

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 109(), Draft Version "K"

1 Page 7, following line 14:

2 Insert a new bill section to read:

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

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

19

20 Renumber the following bill sections accordingly.

21

22 Page 22, line 9:

23 Delete "sec. 29"

1 Insert "sec. 30"

2

3 Page 22, line 10:

4 Delete "sec. 29"

5 Insert "sec. 30"

6

7 Page 22, line 11:

8 Delete "sec. 30"

9 Insert "sec. 31"

10

11 Page 22, line 14:

12 Delete "sec. 30"

13 Insert "sec. 31"

14

15 Page 22, line 15:

16 Delete "sec. 31"

17 Insert "sec. 32"

18

19 Page 22, line 18:

20 Delete "sec. 31"

21 Insert "sec. 32"

22

23 Page 22, line 19:

24 Delete "22, and 26"

25 Insert "23, and 27"

26

27 Page 22, line 20:

28 Delete "sec. 33"

29 Insert "sec. 34"

24.60.030(F)

25-GH1059(K.41)
Wayne
2/22/07

AMENDMENT #9

Amendment Tabled

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 7, following line 14:

2 Insert a new bill section to read:

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

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

19
20 Renumber the following bill sections accordingly.

21
22 Page 22, line 9:

23 Delete "sec. 29"

*Passed Bruenberg offers
Amend # 1 of Amend # 7
to retain Capitalized Language*

*Amend # 2
None words shall disclose*

- 1 Insert "sec. 30"
- 2
- 3 Page 22, line 10:
- 4 Delete "sec. 29"
- 5 Insert "sec. 30"
- 6
- 7 Page 22, line 11:
- 8 Delete "sec. 30"
- 9 Insert "sec. 31"
- 10
- 11 Page 22, line 14:
- 12 Delete "sec. 30"
- 13 Insert "sec. 31"
- 14
- 15 Page 22, line 15:
- 16 Delete "sec. 31"
- 17 Insert "sec. 32"
- 18
- 19 Page 22, line 18:
- 20 Delete "sec. 31"
- 21 Insert "sec. 32"
- 22
- 23 Page 22, line 19:
- 24 Delete "22, and 26"
- 25 Insert "23, and 27"
- 26
- 27 Page 22, line 20:
- 28 Delete "sec. 33"
- 29 Insert "sec. 34"

24.60.080(e)

Amendment

Gruenberg

25-GH1059K.15
Cook/Wayne
2/21/07

Technical Amendment

Amendment Not Offered

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 10, following line 30:

2 Insert a new bill section to read:

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

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

10 Renumber the following bill sections accordingly.

11

12 Page 22, line 9:

13 Delete "sec. 29"

14 Insert "sec. 30"

15

16 Page 22, line 10:

17 Delete "sec. 29"

18 Insert "sec. 30"

19

20 Page 22, line 11:

21 Delete "sec. 30"

22 Insert "sec. 31"

23

- 1 Page 22, line 14:
- 2 Delete "sec. 30"
- 3 Insert "sec. 31"
- 4
- 5 Page 22, line 15:
- 6 Delete "sec. 31"
- 7 Insert "sec. 32"
- 8
- 9 Page 22, line 18:
- 10 Delete "sec. 31"
- 11 Insert "sec. 32"
- 12
- 13 Page 22, line 19:
- 14 Delete "22, and 26"
- 15 Insert "23, and 27"
- 16
- 17 Page 22, line 20:
- 18 Delete "sec. 33"
- 19 Insert "sec. 34"

24.60.085 (Stevens)

25-GH1059K.16
Cook/Wayne
2/21/07

Amendment Not Offered

AMENDMENT

Not Here

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 11, following line 7:

2 Insert a new bill section to read:

3 **** Sec. 13.** AS 24.60.085 is amended by adding a new subsection to read:

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

8 Page 22, line 9:

9 Delete "sec. 29"

10 Insert "sec. 30"

11

12 Page 22, line 10:

13 Delete "sec. 29"

14 Insert "sec. 30"

15

16 Page 22, line 11:

17 Delete "sec. 30"

18 Insert "sec. 31"

19

20 Page 22, line 14:

21 Delete "sec. 30"

22 Insert "sec. 31"

23

~~Bob 24.60.085
isn't here.
(K.16)
Title 24 Tab 13~~

- 1 Page 22, line 15:
- 2 Delete "sec. 31"
- 3 Insert "sec. 32"
- 4
- 5 Page 22, line 18:
- 6 Delete "sec. 31"
- 7 Insert "sec. 32"
- 8
- 9 Page 22, line 19:
- 10 Delete "22, and 26"
- 11 Insert "23, and 27"
- 12
- 13 Page 22, line 20:
- 14 Delete "sec. 33"
- 15 Insert "sec. 34"

24.60.130 (VOICE-ETHICS)

25-GH1059K.40
Wayne
2/23/07

Amendment Passed

AMENDMENT #10

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 109(), Draft Version "K"

Legisl. Object

1 Page 13, following line 9:

2 Insert a new bill section to read:

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

4 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
5 committee alleges a violation of this chapter by a group of legislators that includes a
6 legislative member of the committee and that member's alternate, the member and
7 alternate member are disqualified from serving on the committee with regard to the
8 complaint. If the two disqualified members of the committee are part of the majority
9 caucus, the presiding officer of the house in which the two disqualified members serve
10 shall appoint from that house an alternate to serve with regard to the complaint. If one
11 of the two disqualified legislative members of the committee is not part of the majority
12 caucus, the leader of the minority caucus with the greatest number of members shall
13 appoint from that house an alternate to serve with regard to the complaint. If a
14 complaint alleges a violation of this chapter that includes all legislative members of
15 the majority caucus of one house, the presiding officer of that house shall appoint from
16 the other house an alternate to serve with regard to the complaint. If the complaint
17 alleges a violation of this chapter that includes all legislative members of a minority
18 caucus of one house, the leader of that minority caucus shall appoint from the other
19 house an alternate to serve with regard to the complaint. In this paragraph, "caucus"
20 has the meaning given in AS ~~24.60.037.~~ ^{24.60.130 (o)}

22 Renumber the following bill sections accordingly.

23

1 Page 22, line 9:

2 Delete "sec. 29"

3 Insert "sec. 30"

4

5 Page 22, line 10:

6 Delete "sec. 29"

7 Insert "sec. 30"

8

9 Page 22, line 11:

10 Delete "sec. 30"

11 Insert "sec. 31"

12

13 Page 22, line 14:

14 Delete "sec. 30"

15 Insert "sec. 31"

16

17 Page 22, line 15:

18 Delete "sec. 31"

19 Insert "sec. 32"

20

21 Page 22, line 18:

22 Delete "sec. 31"

23 Insert "sec. 32"

24

25 Page 22, line 19:

26 Delete "22, and 26"

27 Insert "23, and 27"

28

29 Page 22, line 20:

30 Delete "sec. 33"

31 Insert "sec. 34"

24.60.130(a)

(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.

AMENDMENT

New
Amendment # 11
Greenberg
~~Page~~

OFFERED IN THE HOUSE

BY REPRESENTATIVE Gardner

TO: CS HB 109

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

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 while serving in that office)~~ 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.

9
10
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18

Amendment Tabled

AMENDMENT #11

OFFERED IN THE HOUSE

BY REPRESENTATIVE Gardner

TO: CS HB 109

*Greenberg
ask that
we table
this amendment*

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

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.

9

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*Received
10/10/11
11
3:00 PM*

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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Date: Feb. 22, 2007

To: Nancy Manly

Fr: Mike Sica

Re: Title 24.60.200 covered by 39.50.030

*Back-up
to Amendments
* 12 & 13*

The governor's amendment on 24.60.200 regarding legislative disclosures may eventually be tied to executive branch disclosures covered in Sec. 25 AS 39.50.030(b) on page 17 of the CS for HB 109 (Version K) as well as the governor's amendment on 39.50.030(b), which reduces the reporting threshold from \$5,000 to \$1,000.

Rep. Lynn may want to make an exception to the hearing procedure of going title by title, from the lowest to the highest section numbers, to help clarify a Title 24 amendment by the governor that is dependent upon Title 39.

In this case, you may want to take up the Title 24 amendment by the governor (AS 24.60.200) when the committee reviews the related section in Title 39 in the CS for HB 109 as well as the possible amendment to that section by the governor.

Amendments 12 & 13 related

Amend #12

in table

1 AS 39.50.030(b) Governor's Amendment (Details in Public Official Filing - Title 39)

2

3 OFFERED IN THE HOUSE BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059K; 2/21/07)

6 Page 17, line 21:

7 Delete "\$5,000"

8 Insert "\$1,000"

9

10 Page 17, line 31:

11 Delete "if the income was earned by the hour,"

12

13 Page 18, line 10:

14 Delete "\$5,000"

15 Insert "\$1,000"

16

17 Page 18, line 17:

18 Delete "\$5,000"

19 Insert "\$1,000"

20

21 Page 18, line 20:

22 Delete "\$5,000"

23 Insert "\$1,000"

1

2

Page 18, line 24:

3

Delete "\$5,000"

4

Insert "\$1,000"

5

6

Page 18, line 27:

7

Delete "\$5,000"

8

Insert "\$1,000"

AMENDMENT # 1 to Amend # 13

OFFERED IN THE HOUSE

TO: CSHB 109 (), Draft Version "K"

BY REPRESENTATIVE GRUENBERG

Amendment # 1 to Amendment 13.

Page 1, line 16 through page 2, line 9.

Delete all material and insert information from page 17, line 21 through page 19, line 9 of the Draft Version "K" of CSHB 109 and \$1,000 in each place where \$5,000 appears.

New
AMENDMENT #13

Offered
2-2-83
Passed

OFFERED IN THE HOUSE

TO: CSHB 109 (), Draft Version "K"

BY REPRESENTATIVE GRUENBERG

Amendment #__ .

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 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:

(1) the information that a public official is required to report under AS 39.50.030, other than **income received as compensation for personal services, loans or loan guarantees, and** information about gifts;

(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 **in detail** the nature of the services performed; if the source of income is known 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 the income and the approximate number of hours of services performed to earn that income, [THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE]** shall be disclosed, **and a statement explaining how the income was earned may be included;**

(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 or not a written loan agreement exists.

Amend #13

1 AS 24.60.200 Governor's Amendment (Details in Legislative Disclosures - Title 24)

2
3 OFFERED IN THE HOUSE BY THE GOVERNOR
4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059)K; 2/21/07

6 Page 16, following line 8:

7 Insert a new bill section to read:

8 **** Sec. 22.** AS 24.60.200 is amended to read:

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

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

18 (2) as to income in excess of \$1,000 received as compensation for
19 personal services, the name and address of the source of the income, the amount of
20 the income, the number of hours of services performed to earn that income, and a
21 statement describing in detail the nature of the services performed; [IF THE SOURCE
22 OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE
23 A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR

COPIED BY [unclear] 2/21/07

[unclear]

1 POLITICAL ACTION AND THE RECIPIENT OF THE INCOME IS A
2 LEGISLATOR OR A LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME
3 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED;]

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

9
10 Renumber the following bill sections accordingly.

15.13.040 (m)

Amendment Passed

25-GH1059\K.42
Wayne
2/26/07

Per Legal, this Amendment needs a fix

AMENDMENT 2 to Amendment 2

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 109(), Draft Version "K"

1 Page 2, lines 4 - 15:

2 Delete all material and insert:

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

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

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

10 (A) mayor;

11 (B) planning commissioner;

12 (C) utility board member; or

13 (D) assembly, council, or school board member;

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

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

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

23 (B) an issue described in the definition of "proposition" under

1 AS 15.13.065(c);

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

5 Page 22, line 19:

6 Delete "Sections 2, 22, and 26"

7 Insert "Sections 22 and 26"

Amendment 3 to Gov Amend 2

25-GH1059\K.49

Wayne
2/28/07

Clearer version

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 109(), Draft Version "K"

1 Page 2, lines 4 - 15:

2 Delete all material and insert:

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

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

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

10 (A) mayor;

11 (B) planning commissioner;

12 (C) utility board member; or

13 (D) assembly, council, or school board member;

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

16 (3) information submitted before May 1, 2009, by a candidate
17 for the legislature."

18

19 Page 22, line 19:

20 Delete "Sections 2, 22, and 26"

21 Insert "Sections 22 and 26"

24.60.100

25-GH1059\K.17
Cook/Wayne
2/21/07

Amendment should have been Offered

AMENDMENT

14

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government;":

2 Insert "restricting representation of others by legislators and legislative
3 employees;"

4

5 Page 11, lines 9 - 17:

6 Delete all material and insert:

7 "Sec. 24.60.100. Representation. A legislator or legislative employee may
8 not represent [WHO REPRESENTS] another person for compensation before a
9 municipal, legislative, or executive branch [AN] agency, board, [OR] commission,
10 or other entity [OF THE STATE SHALL DISCLOSE THE NAME OF THE
11 PERSON REPRESENTED, THE SUBJECT MATTER OF THE
12 REPRESENTATION, AND THE BODY BEFORE WHICH THE
13 REPRESENTATION IS TO TAKE PLACE TO THE COMMITTEE. THE
14 DISCLOSURE SHALL BE MADE BY THE DEADLINES SET OUT IN
15 AS 24.60.105. THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF A
16 DISCLOSURE UNDER THIS SECTION AND FORWARD THE DISCLOSURE TO
17 THE RESPECTIVE HOUSE FOR INCLUSION IN THE JOURNAL. A
18 LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT REPRESENT
19 ANOTHER PERSON FOR COMPENSATION BEFORE AN AGENCY,
20 COMMITTEE, OR OTHER ENTITY OF THE LEGISLATIVE BRANCH]."

21

22 Page 12, line 2:

23 Delete "matter, interest, or representation"

1 Insert "matter or interest [OR REPRESENTATION]"

2

3 Page 12, lines 14 - 15:

4 Delete all material.

5 Insert "AS 24.60.070 [;

6 (5) REPRESENTATION OF A CLIENT UNDER AS 24.60.100]."

24.60.200 and
24.60.790 (e) } K.20
its in 2 places

25-GH1059\K.20
Cook/Wayne
2/21/07

AMENDMENT #15

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government;":

2 Insert "relating to disclosure of information about certain income received as
3 compensation for personal services by legislators, public members of the Select
4 Committee on Legislative Ethics, and legislative directors;"

6 Page 16, following line 8:

7 Insert a new bill section to read:

8 **** Sec. 22. AS 24.60.200 is amended to read:**

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

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

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

22 (A) the nature of the services performed, with sufficient
23 description to make clear to a person of ordinary understanding the

1 specific services performed, unless those services require the issuance of a
 2 state or federal professional license; for purposes of this subparagraph,
 3 "professional license" means a license required for a profession regulated
 4 by the federal government or by a state;

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

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

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

19 Renumber the following bill sections accordingly.

20
 21 Page 22, line 9:

22 Delete "sec. 29"

23 Insert "sec. 30"

24
 25 Page 22, line 10:

26 Delete "sec. 29"

27 Insert "sec. 30"

28
 29 Page 22, line 11:

30 Delete "sec. 30"

31 Insert "sec. 31"

1

2 Page 22, line 14:

3 Delete "sec. 30"

4 Insert "sec. 31"

5

6 Page 22, line 15:

7 Delete "sec. 31"

8 Insert "sec. 32"

9

10 Page 22, line 18:

11 Delete "sec. 31"

12 Insert "sec. 32"

13

14 Page 22, line 19:

15 Delete "22, and 26"

16 Insert "23, and 27"

17

18 Page 22, line 20:

19 Delete "sec. 33"

20 Insert "sec. 34"

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.

(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. 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.

Amendment #16

AS 24.60.990(a)

Title 24

Gardner

Tab 27

K.20

AS 24.60.990(a) is amended by adding a new paragraph to read:

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

UNCODIFIED

Title 24

Lynn/Harris

Tab 28

K.21

The uncodified law of the State of Alaska is amended by adding a new section to read:

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.

(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.

Amendment 17 Fix

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

Passed

1 Page 16, following line 8:

2 Insert a new bill section to read:

3 **"* Sec. 22.** AS 24.60.210(a) is amended to read:

4 (a) A person required to file a disclosure statement under AS 24.60.200 shall
5 file an annual report with the Alaska Public Offices Commission, covering the
6 previous calendar year, containing the disclosures required by AS 24.60.200, on or
7 before March 15 of each year, except that a person appointed as a legislator under
8 AS 15.40, a public member of the committee, or a legislative director must file
9 within 30 days after the person's appointment."

10

11 Renumber the following bill sections accordingly.

12

13 Page 22, line 9:

14 Delete "sec. 29"

15 Insert "sec. 30"

16

17 Page 22, line 10:

18 Delete "sec. 29"

19 Insert "sec. 30"

20

21 Page 22, line 11:

22 Delete "sec. 30"

23 Insert "sec. 31"

1

2 Page 22, line 14:

3 Delete "sec. 30"

4 Insert "sec. 31"

5

6 Page 22, line 15:

7 Delete "sec. 31"

8 Insert "sec. 32"

9

10 Page 22, line 18:

11 Delete "sec. 31"

12 Insert "sec. 32"

13

14 Page 22, line 19:

15 Delete "Sections 2, 22, and 26"

16 Insert "Sections 2, 23, and 27"

17

18 Page 22, line 20:

19 Delete "sec. 33"

20 Insert "sec. 34"

24.60.210(a) Just brought in this e.n.

AMENDMENT

17

Passed

OFFERED IN THE HOUSE

BY REPRESENTATIVE Coghill

TO: CSHB 109 "K" Version

1 Page 16, line 9.

2 Insert:

3 AS 24.60.210(a) is amended to read:

4 (a) A person required to file a disclosure statement under AS 24.60.200
5 shall file an annual report with the Alaska Public Offices Commission, covering
6 the previous calendar year, containing the disclosures required by AS 24.60.200,
7 on or before March 15 of each year, except that a legislator appointed under
8 AS 15.40.320- 15.40.320, a public member of the committee, and a legislative
9 director must file within 30 days after the person's initial appointment.

10

24.60.210

May not be Needed

25-GH1059\K.19
Cook/Wayne
2/21/07

AMENDMENT 18

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government;":

2 Insert "relating to disclosures by legislators, public members of the Select
3 Committee on Legislative Ethics, and legislative directors;"

4
5 Page 16, following line 8:

6 Insert a new bill section to read:

7 **** Sec. 22. AS 24.60.210 is amended to read:**

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

17 (b) Notwithstanding (a) of this section, a public member and a public member
18 nominee of the committee shall file an annual report with the Alaska Public Offices
19 Commission, covering the previous calendar year, containing the disclosures required
20 by AS 24.60.200, on or before the second Monday in January of each year. On or
21 before the 90th day after ending service on the committee, a former public
22 member of the committee shall file with the Alaska Public Offices Commission a
23 report containing the disclosures required by AS 24.60.200, covering any period

1 of that service for which the public member has not already filed a report."

2

3 Renumber the following bill sections accordingly.

4

5 Page 22, line 9:

6 Delete "sec. 29"

7 Insert "sec. 30"

8

9 Page 22, line 10:

10 Delete "sec. 29"

11 Insert "sec. 30"

12

13 Page 22, line 11:

14 Delete "sec. 30"

15 Insert "sec. 31"

16

17 Page 22, line 14:

18 Delete "sec. 30"

19 Insert "sec. 31"

20

21 Page 22, line 15:

22 Delete "sec. 31"

23 Insert "sec. 32"

24

25 Page 22, line 18:

26 Delete "sec. 31"

27 Insert "sec. 32"

28

29 Page 22, line 19:

30 Delete "22, and 26"

31 Insert "23, and 27"

1

2 Page 22, line 20:

3 Delete "sec. 33"

4 Insert "sec. 34"

Amendment Passed

AS 24.60.210 Governor's Amendment ^{#3} (Electronic Legislative Filing - Title 24)

OFFERED IN THE HOUSE

BY THE GOVERNOR

Passed

STATE AFFAIRS COMMITTEE

TO: CSHB 100() (25-GH1059K; 2/21/07)

Page 16, line 10, following "Commission":

Delete "may request"

Insert "shall require"

*Bob's amend
is attached
filed*

Page 16, line 11, following "but":

Delete "shall"

Insert "may, when circumstances warrant an exception,"

Page 22, following line 18:

Insert a new bill section to read:

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

Renumber the following bill sections accordingly.

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

Delete "22"

Amendment Failed

AS 24.60.210 AMENDMENT to Governor's Amendment (Title 24)

OFFERED IN THE HOUSE
TO: CSHB 109 (STA)

BY REPRESENTATIVE BOB LYNN

1
2
3

Agree to the Governor's amendment but amend the effective date to July 1, 2007.

amend # 1 to amend # 3

*Coghill objects
Johnson maintains*

Failed

6-1

Uncodified

25-GH1059\K.21
Wayne
2/22/07

AMENDMENT 19

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 22, following line 18:

2 Insert new subsections to read:

3 "(d) AS 24.60.020(a), as amended by sec. 6 of this Act, and AS 24.60.115, as
4 amended by sec. 15 of this Act, apply to a person who becomes a former legislator on
5 or after the effective date of this Act and to a former legislator who was a member of
6 the legislature between April 9, 2006, and the effective date of this Act.

7 (e) A former legislator who was a member of the legislature between April 9,
8 2006, and the effective date of this Act shall make the disclosure required by
9 AS 24.60.115, added by sec. 15 of this Act, within 30 days after the effective date of
10 secs. 6 and 15 of this Act."

TITLE 39
AMENDMENTS

Duplicate of Amend 12
See Amend 12 in Title 24 section

1 AS 39.50.030(b) Governor's Amendment (Details in Public Official Filing - Title 39)

2
3 OFFERED IN THE HOUSE

BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 17, line 21:

7 Delete "\$5,000"

8 Insert "\$1,000"

9
10 Page 17, line 31:

11 Delete "if the income was earned by the hour,"

12
13 Page 18, line 10:

14 Delete "\$5,000"

15 Insert "\$1,000"

16
17 Page 18, line 17:

18 Delete "\$5,000"

19 Insert "\$1,000"

20
21 Page 18, line 20:

22 Delete "\$5,000"

23 Insert "\$1,000"

*This is the one
that related
to the Title 24
Amendment.*

1

2 Page 18, line 24:

3 Delete "\$5,000"

4 Insert "\$1,000"

5

6 Page 18, line 27:

7 Delete "\$5,000"

8 Insert "\$1,000"

AMENDMENT 20

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government;":

2 Insert "relating to blind trusts of certain public officials;"

3

4 Page 19, following line 9:

5 Insert a new bill section to read:

6 "* Sec. 26. AS 39.50.040(b) is amended to read:

7 (b) For a blind trust to qualify under this section, the following conditions
8 must be met:

9 (1) the trust may not contain investments or assets in which the
10 trustor's ownership right or interest is required to be recorded in a public office
11 or contain assets with permanency that makes transfer by the trustee improbable
12 or impractical, including businesses, real estate, security interests in personal
13 property, and mortgages [ASSETS TRANSFERRED TO THE TRUST SHALL BE
14 MARKETABLE];

15 (2) the trustee shall be a bank or other institutional fiduciary;

16 (3) the trustee shall have full authority to manage the trust, including
17 the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

18 (4) information regarding the identity and the nature of its assets shall
19 be confidential from the trustor for the duration of the trust;

20 (5) the trustee shall be required to report any known breach of
21 confidentiality or the termination of the trust to the office where the trustor is required
22 to file statements under this chapter; [AND]

23 (6) the trustee shall

1 (A) prepare and file the trustor's personal income tax
2 returns, withholding from distribution of the trust's net income amounts
3 sufficient to pay the trustor's tax, and participate in the audit of the
4 trustor's returns during the period of the trust, with authority to
5 compromise the trustor's tax liability; or

6 (B) submit to the trustor, for income tax purposes, a
7 certification of income paid without identifying the assets producing the
8 income; and

9 (7) the trustee shall be prohibited from investing the trust
10 property in corporations or businesses that the trustee knows do a significant
11 amount of business with the state, and from knowingly making any investment in
12 a corporation, business, or venture over which the trustor has regulatory or
13 supervisory authority by virtue of the trustor's official position."

14
15 Renumber the following bill sections accordingly.

16
17 Page 22, line 9:

18 Delete "sec. 29"

19 Insert "sec. 30"

20
21 Page 22, line 10:

22 Delete "sec. 29"

23 Insert "sec. 30"

24
25 Page 22, line 11:

26 Delete "sec. 30"

27 Insert "sec. 31"

28
29 Page 22, line 14:

30 Delete "sec. 30"

31 Insert "sec. 31"

~~Max wants
to change
this
amendment~~

1

2 Page 22, line 15:

3 Delete "sec. 31"

4 Insert "sec. 32"

5

6 Page 22, line 18:

7 Delete "sec. 31"

8 Insert "sec. 32"

9

10 Page 22, line 19:

11 Delete "and 26"

12 Insert "26, and 27"

13

14 Page 22, line 20:

15 Delete "sec. 33"

16 Insert "sec. 34"

39.50.040 Blind Trusts
Amendment for wrong version (E)

25-GH1059E.3
Wayne
2/20/07

AMENDMENT 21

OFFERED IN THE HOUSE

BY REPRESENTATIVE COGHILL

TO: CSHB 109(), Draft Version "E"

**Amendment withdrawn, will
be worked on in Judiciary**

Page 20, line 27:

Delete "or"

Page 20, following line 27:

Insert a new paragraph to read:

"(2) if the public officer's personal or financial interest is held in a blind trust and, in a matter substantially related to the personal or financial interest, the public officer delegates to another public officer every official duty and does not influence or attempt to influence decision-making or policy; or"

Renumber the following paragraph accordingly.

Page 22, following line 21:

Insert a new bill section to read:

"* Sec. 33. AS 39.52 is amended by adding a new section to read:

Sec. 39.52.955. Blind trusts. (a) To qualify as a blind trust for purposes of AS 39.52.110(b)(2), a trust must meet the requirements of AS 39.50.040, and

(1) may not include an asset or investment that

(A) is of a permanency that makes transfer by the trustee improbable or impractical;

(B) is a security interest, a business, or real estate; or

(C) requires the public officer's ownership right or interest to be recorded in a public office; and

(2) the trustee of the blind trust shall, for income purposes,

(A) prepare and file the public officer's personal income tax returns, withholding from distribution of the trust's net income amounts sufficient to pay the public officer's tax and, for the duration of the trust, shall have authority to act on behalf of the public officer and to compromise the trustor's tax liability, in the event of an audit of the trustor's personal tax returns; or

(B) submit to the public officer a certification of income paid without identifying the assets producing the income."

Renumber the following bill sections accordingly.

Page 22, line 31:

Delete "sec. 34"

Insert "sec. 35"

39.50.040

25-GH1059AK.43
Cook/Wayne
2/26/07

AMENDMENT

22

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government;":

2 Insert "relating to blind trusts approved by the Alaska Public Offices
3 Commission;"

4
5 Page 19, following line 9:

6 Insert a new bill section to read:

7 **** Sec. 26. AS 39.50.040 is amended to read:**

8 **Sec. 39.50.040. Blind trusts.** (a) A public official may transfer all or a portion
9 of the official's assets to a blind trust for the duration of service in public office. The
10 original assets placed in the blind trust shall be listed by the official in the statement
11 required to be filed under this chapter, together with a statement describing the
12 actual or potential conflicts of interest, or appearance of conflict, that the official
13 seeks to avoid by the use of the trust. A copy of the [THE] instrument creating the
14 blind trust must be included with the statement.

15 (b) For a blind trust to qualify under this section, the following conditions
16 must be met:

17 (1) the trust may not contain investments or assets in which the
18 trustor's ownership right or interest is required to be recorded in a public office
19 or contain assets with permanency that makes transfer by the trustee improbable
20 or impractical, including businesses, real estate, security interests in personal
21 property, and mortgages [ASSETS TRANSFERRED TO THE TRUST SHALL BE
22 MARKETABLE];

23 (2) the trustee shall be a bank or other institutional fiduciary;

25-GH1059\K.43

1 (3) the trustee shall have full authority to manage the trust, including
2 the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

3 (4) the trust instrument shall contain a clear statement that its
4 purpose is to remove from the trustor control and knowledge of investment of
5 trust assets so that conflicts between the trustor's responsibilities and duties as a
6 public official and the trustor's personal or financial interests will be eliminated
7 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
8 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
9 DURATION OF THE TRUST];

10 (5) the trustee shall be directed not to disclose to the trustor any
11 information about any of the assets in the trust, and the trustee shall be required to
12 report any known breach of this confidentiality or the termination of the trust to the
13 commission [OFFICE WHERE THE TRUSTOR IS REQUIRED TO FILE
14 STATEMENTS UNDER THIS CHAPTER]; [AND]

15 (6) the trust shall be irrevocable and shall be terminated only upon
16 the death of the trustor, upon termination of the trustor's status as a public
17 official, or upon order of the commission;

18 (7) the trustee shall be required to

19 (A) prepare and file the trustor's personal income tax
20 returns, withholding from distribution of the trust's net income amounts
21 sufficient to pay the trustor's tax; and to participate in the audit of the
22 trustor's returns during the period of the trust, with authority to
23 compromise the trustor's tax liability; or

24 (B) submit to the trustor, for income tax purposes, a
25 certification of income paid without identifying the assets producing the
26 income;

27 (8) the trustee shall be prohibited from knowingly making any
28 investment in a corporation, business, or venture over which the trustor has
29 regulatory or supervisory authority by virtue of the trustor's official position;

30 (9) the trustor may not retain control over the trustee, and the
31 trustor is not permitted to make any recommendations or suggestions as to the

25-GH1059\K.43

1 trust property;

2 (10) the trust instrument agreement must provide that the trustee
3 will give the appropriate enforcement agency access to any records or
4 information related to the trust that is necessary when investigating an allegation
5 under AS 39.50 or AS 39.52;

6 (11) the trustee shall report to the commission the beginning and
7 ending value of the trust and, if the commission requests, the trustee shall
8 prepare under seal a detailed description of transactions and holdings of the
9 trust; the document prepared by the trustee under seal is not public information
10 unless an accusation under AS 39.50 or AS 39.52 relevant to the blind trust is
11 filed by the appropriate enforcement agency;

12 (12) the trust may not become effective until the trust instrument
13 is submitted and approved by the commission [REPEALED]."

14
15 Renumber the following bill sections accordingly.

16
17 Page 22, line 9:
18 Delete "sec. 29"
19 Insert "sec. 30"

20
21 Page 22, line 10:
22 Delete "sec. 29"
23 Insert "sec. 30"

24
25 Page 22, line 11:
26 Delete "sec. 30"
27 Insert "sec. 31"

28
29 Page 22, line 14:
30 Delete "sec. 30"
31 Insert "sec. 31"

25-GH1059AK.43

- 1
- 2 Page 22, line 15:
- 3 Delete "sec. 31"
- 4 Insert "sec. 32"
- 5
- 6 Page 22, line 18:
- 7 Delete "sec. 31"
- 8 Insert "sec. 32"
- 9
- 10 Page 22, line 19:
- 11 Delete "and 26"
- 12 Insert "26, and 27"
- 13
- 14 Page 22, line 20:
- 15 Delete "sec. 33"
- 16 Insert "sec. 34"

Amendment Passed

1 AS 39.50.050(a) Governor's Amendment ^{#4} (Electronic Public Official Filing - Title 39)

passed

2
3 OFFERED IN THE HOUSE BY THE GOVERNOR
4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 19, line 16, following "commission":

7 Delete "may request"

8 Insert "shall require"

9
10 Page 19, line 17, following "chapter":

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

12
13 Page 19, line 17, following "but":

14 Delete "shall"

15 Insert "may, when circumstances warrant an exception,"

16
17 Page 19, following line 20:

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

20
21 Page 19, lines 21 - 27:

22 Delete all material.

1
2
3 OFFERED IN THE HOUSE BY THE GOVERNOR
4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 19, following line 27:

7 Insert a new bill section to read:

8 *** Sec. 27. AS 39.50.200(b) is amended by adding new paragraphs to read:

9 (59) Alaska Industrial Development and Export Authority (AS 44.88);

10 (60) the board of directors of the Knik Arm Bridge and Toll Authority
11 (AS 19.75.031 and 19.75.041);

12 (61) Alaska labor relations agency (AS 23.05.360 - 23.05.390);

13 (62) the Board of Trustees of the Alaska Mental Health Trust Authority
14 (AS 47.30.016);

15 (63) the board of directors of the Alaska Railroad Corporation
16 (AS 42.40.020 - 42.40.060)."

17
18 Renumber the following bill sections accordingly.

Bill Moved
Jointly Object

passed

#24

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AS 39.52.110 Governor's Amendment (Insignificant Business Interest - Title 39)

Also same to 39.52.110(d) from pg 9 of Master ✓

OFFERED IN THE HOUSE BY THE GOVERNOR

STATE AFFAIRS COMMITTEE

TO: CSHB 109() (25-GH1059\K; 2/21/07)

Page 19, following line 27:

Insert a new bill section to read:

** Sec. 27. 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."

Page 19, line 28, through page 20, line 26:

Delete all material.

#24 Stamp
insert

[Faint, illegible handwritten notes and stamps]

39.52.110(b)

25-GH1059\K.18
Cook/Wayne
2/22/07

AMENDMENT #25

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 20, lines 11 - 18:

2 Delete all material and insert:

3 "(i) has, with regard to the business, an ownership
4 interest with a fair market value of more than \$5,000 or an option, the
5 fair market value of which is more than \$5,000, to buy an equity
6 interest;"

7
8 Renumber the following sub-subparagraphs accordingly.

39,52,110(d)

25-GH1059K.35
Kane
2/22/07

AMENDMENT #26

OFFERED IN THE HOUSE

REPRESENTATIVE COGHILL

TO: CSHB 109(), Draft Version "K"

1 Page 20, lines 11 - 18:

2 Delete all material and insert:

3 "(i) owns, or has options to buy, stock or any other equity interest in the business that,
4 when combined, have a fair market value of \$5,000 or more;"

5

6 Renumber the following sub-subparagraphs accordingly.

~~This is Coghill's
amendment.
Is K 35 complete?
It doesn't include
my name list.
Gov has remained on
this but that might be
this~~

#27

AS 39.52.180 Governor's Amendment (Policy Making Position - Title 39)

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OFFERED IN THE HOUSE BY THE GOVERNOR
STATE AFFAIRS COMMITTEE

TO: CSHB 109() (25-GH1059'K; 2/21/07)

Page 21, line 27, following "Commission.":

Insert

"In this subsection, 'policy-making position' has the same meaning as 'policy-making position' in AS 39.50.200(a)(1)."

[Faint handwritten notes and a curved line are visible in the lower right quadrant of the page.]

28

39.52.180 (a)

Gruenberg
Amendment

Waiting for Rep Gruenberg
Amendment

11/15/52

39.52,225

25-C 11059\K.28
Wayne
2/21/07

AMENDMENT #29

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government;":

2 Insert "relating to executive clemency;"

3

4 Page 22, following line 6:

5 Insert a new bill section to read:

6 **** Sec. 32.** 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 an applicant for executive clemency, the governor
9 shall disclose in writing to the attorney general whether granting the clemency would
10 benefit a personal or financial interest of the governor. The attorney general shall
11 publish and make public a written determination whether granting executive clemency
12 to the applicant would violate AS 39.52.110 - 39.52.190. The written determination of
13 the attorney general under this section is not confidential, but information set out in
14 that determination identifying a person, other than the applicant, who is a victim or
15 witness in a criminal matter may not be made public."

16

17 Renumber the following bill sections accordingly.

18

19 Page 22, line 20:

20 Delete "sec. 33"

21 Insert "sec. 34"

39.52.225

25-GH1059K.23-A
Wayne
2/21/07

AMENDMENT #30

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 109(), Draft Version "K"

1 Page 22, following line 6:

2 Insert a new bill section to read:

3 **** Sec. 32.** AS 39.52 is amended by adding a new section to read:

4 **Sec. 39.52.225. Disclosures in connection with executive clemency.** Before
5 granting executive clemency to an applicant for executive clemency, the governor
6 shall disclose in writing to the attorney general whether granting the clemency would
7 benefit a personal or financial interest of the governor. The attorney general shall
8 publish ~~and make public~~ a written determination whether granting executive clemency
9 to the applicant would violate AS 39.52.110 - 39.52.190. The written determination of
10 the attorney general ~~(under this section)~~ is not confidential, but information set out in
11 that determination identifying ^{person other than the applicant for clemency who is a} a victim or witness in a criminal matter may not be
12 made public."
13

14 Renumber the following bill sections accordingly.

15

16 Page 22, line 20:

17 Delete "33"

18 Insert "34"

AMENDMENT

#31

*1
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17*
Which amendment
25-GH1059K.27

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government;":

2 Insert "relating to executive clemency;"

3

4 Page 22, following line 6:

5 Insert a new bill section to read:

6 **"* Sec. 32.** 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 22, line 20:

16 Delete "sec. 33"

17 Insert "sec. 34"

39.52.910 Nepotism

25-GH1059\K.36
Wayne
2/22/07

AMENDMENT #32

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

Handwritten notes:
No,
3/10/07

1 Page 22, following line 6:

2 Insert a new bill section to read:

3 **** Sec. 32.** AS 39.52.910 is amended by adding a new subsection to read:

4 (d) Nothing in this chapter

5 (1) supersedes AS 39.90.020; or

6 (2) precludes a person from being in an employment relationship with
7 a member of the person's immediate family if the perso.

8 (A) does not supervise the immediate family member; or

9 (B) supervises the immediate family member out exercise of
10 the supervision is only routine; under this subparagraph, supervision is routine
11 only if, as to a decision that requires the person's exercise of independent
12 judgment, the person may not act or recommend the family member's

13 (i) appointment to employment, including hiring,
14 transferring, laying off, and recalling;

15 (ii) discipline, including suspension, discharge,
16 demotion, and issuance of written warnings; or

17 (iii) grievance adjudication, including responding to a
18 first level grievance under a collective bargaining agreement."

19

20 Renumber the following bill sections accordingly.

21

22 Page 22, line 20:

23 Delete "sec. 33"

1

Insert "sec. 34"

*Not
used*

39.52.960 definition

25-GH1059\K.30
Wayne
2/22/07

AMENDMENT #33

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 22, following line 6:

2 Insert a new bill section to read:

3 "* Sec. 32. AS 39.52.960(14) is amended to read:

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

9

10 Renumber the following bill sections accordingly.

11

12 Page 22, line 20:

13 Delete "sec. 33"

14 Insert "sec. 34"

AS 39.50.040 original language**Sec. 26. AS 39.50.040**

(a) A public official may transfer all or a portion of the official's assets to a blind trust for the duration of service in public office. The original assets placed in the blind trust shall be listed by the official in the statement required to be filed under this chapter. The instrument creating the blind trust must be included with the statement.

(b) For a trust to qualify under this section,

(1) assets transferred to the trust shall be marketable;

(2) the trustee shall be a bank or other institutional fiduciary;

(3) the trustee shall have full authority to manage the trust, including the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

(4) information regarding the identity and the nature of its assets shall be confidential from the trustor for the duration of the trust;

(5) the trustee shall be required to report any known breach of confidentiality or the termination of the trust to the office where the trustor is required to file statements under this chapter; and

(6) [Repealed, Sec. 26 ch 25 SLA 1975].

AMENDMENT #22 - Seaton

Sec. 26. AS 39.50.040. is amended to read:

Sec. 39.50.040. Blind trusts.

(a) A public official may transfer all or a portion of the official's assets to a blind trust for the duration of service in public office. The original assets placed in the blind trust shall be listed by the official in the statement required to be filed under this chapter, together with a statement describing the actual or potential conflicts of interest, or appearance of conflict, that the official seeks to avoid by the use of the trust. A copy of the instrument creating the blind trust must be included with the statement.

(b) For a blind trust to qualify under this section, the following conditions must be met:

(1) the trust may not contain investments or assets in which the trustor's ownership right or interest is required to be recorded in a public office or contain assets with permanency that makes transfer by the trustee improbable or impractical, including businesses, real estate, security interests in personal property, and mortgages;

(2) the trustee shall be a bank or other institutional fiduciary;

(3) the trustee shall have full authority to manage the trust, including the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

(4) the trust instrument shall contain a clear statement that its purpose is to remove from the trustor control and knowledge of investment of trust assets so that conflicts between the trustor's responsibilities and duties as a public official and the trustor's personal or financial interests will be eliminated;

(5) the trustee shall be directed not to disclose to the trustor any information about any of the assets in the trust, and the trustee shall be required to report any known breach of this confidentiality or the termination of the trust to the commission ;

(6) the trust shall be irrevocable and shall be terminated only upon the death of the trustor, upon termination of the trustor's status as a public official, or upon order of the commission;

(7) the trustee shall be required to

(A) prepare and file the trustor's personal income tax returns, withholding from distribution of the trust's net income amounts sufficient to pay the trustor's tax; and to participate in the audit of the trustor's returns during the period of the trust, with authority to compromise the trustor's tax liability; or

(B) submit to the trustor, for income tax purposes, a certification of income paid without identifying the assets producing the income;

(8) the trustee shall be prohibited from knowingly making any investment in corporation, business, or venture over which the trustor has regulatory or supervisory authority by virtue of the trustor's official position;

(9) the trustor may not retain control over the trustee, and the trustor is not permitted to make any recommendation or suggestions as to the trust property;

(10) the trust instrument agreement must provide that the trustee will give the appropriate enforcement agency access to any records or information related to the trust that is necessary when investigating an allegation under AS 39.50 or AS 39.52;

(11) the trustee shall report to the commission the beginning and ending value of the trust and, if the commission requests, the trustee shall prepare under seal a detailed description of transactions and holdings of the trust; the document prepared by the trustee under the seal is not public information unless an accusation under AS 39.50 or AS 39.52 relevant to the blind trust is filed by the appropriate enforcement agency;

(12) the trust may not become effective until the trust instrument is submitted and approved by the commission."

AMENDMENT #21 - Coghill

Sec. 27. AS 39.52.110(b) is amended to read:

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

(2) if the public officer's personal or financial interest is held in a blind trust and, in a matter substantially related to the personal or financial interest, the public officer delegates to another public officer every official duty and does not influence or attempt to influence decision-making or policy; or"

Sec. 33. AS 39.52 is amended by adding a new subsection to read:

Sec. 39.52.955. Blind trusts.

(a) To qualify as a blind trust for purposes of AS 39.52.110(b)(2), a trust must meet the requirements of AS 39.50.040, and

(1) may not include an asset or investment that

(A) is of a permanency that makes transfer by the trustee improbable or impractical;

(B) is a security interest, a business, or real estate; or

(C) requires the public officer's ownership right or interest to be recorded in a public office; and

(2) the trustee of the blind trust shall, for income purposes,

(A) prepare and file the public officer's personal income tax returns, withholding from distribution of the trust's net income amounts sufficient to pay the public officer's tax and, for the duration of the trust, shall have authority to act on behalf of the public officer and to compromise the trustor's tax liability, in the event of an audit of the trustor's personal tax returns; or

(B) submit to the public officer a certification of income paid without identifying the assets producing the income."

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
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Date: March 3, 2007

To: Rep. Bob Lynn
Fr: Mike Sica
Re: Possible plan for today, Saturday, March 3, 2007

As I mentioned in the earlier memo of March 2, 2007, we should allow Joyce Anderson to testify as soon as possible on Title 24 Legislative Ethics measures. They could include the following:

Tabled Amendment 9 (K.41) dealing with boards, which was recommended by the Ethics Committee and Joyce Anderson.

Joyce can speak to this.

Max Gruenberg apparently has drafted an amendment to deal with this.

Passed Amendment 10 (K.40), which Rep. Gruenberg claims has a problem because of the definition of caucus under AS 24.60.130 (o). Joyce doesn't think there's a problem.

Joyce, Max, Norm, Mike and you will meet Saturday at 9:30 a.m. before the meeting to determine if there is indeed a problem that needs to be fixed.

Tabled Amendment 11 by Rep. Gardner covers restrictions on "outside compensation" for legislators. We need to remove "and for one year thereafter," and deal with other issues with this measure.

Rep. Gardner is willing to speak on this Amendment.

Rep. Gruenberg apparently has language to correct some problems.

Joyce could speak on this as well.

If this Amendment still needs a lot of work and could result in it be voted down in State Affairs, I believe Rep. Gardner would rather have Rep. Gruenberg withdraw the Amendment to be worked and brought up in the Judiciary Committee.

Passed as Amended Amendment 13 by the Governor may have a problem, as explained in the memo by Department of Law attorney Dave Jones.

Mr. Jones can explain his concern.

Rep. Gruenberg may amendment ready to fix this possible problem.

We can now thank Joyce Anderson for getting stuck in Juneau and excuse her to try to get back to Anchorage as soon as possible and enjoy what's left of her weekend.

Now on to Blind Trusts.

Amendment 20 (K.22) will not be offered because it's an earlier version of **Amendment 22** by **Rep. Paul Seaton**. As a result it was also excluded from the side-by-side-by-side comparison that includes the **Current Law**, **Amendment 22** by Rep. Seaton and **Amendment 21** by Rep. John Coghill.

Rep. Seaton, who may have a **new and improved Amendment** ready for the meeting, can speak on this issue.

Amendment 22 (K.43) by Rep. Seaton. Not sure if he needs to say anything more.

Amendment 21 (E.3) by Rep. Coghill. Not sure if he'll want to speak on this.

Amendment 23 by the Governor can be explained by Dave Jones. This should be an easy one.

Amendments 24, 25 and 26 address the same section of code and are related.

Amendment 24 by the Governor can be explained by Dave Jones. This appears to be identical wording that's included in SB 19. (Rep. Gruenberg may be concerned that the "one percent" language is omitted from this Amendment.)

Amendment 25 (K.18) deletes language in CSHB 109 (Version K) and replaces it with this (i) section.

Rep. Coghill, as subcommittee chairman, may be able to speak to this.

Amendment 26 (K.35) by Rep. Coghill, which he can explain.

Amendment 27 by the Governor can be explained by Dave Jones.

Amendment 28 by Rep. Gruenberg will Not Be Offered.

Amendments 29 (K.28), 30 (K28-A) and 31 (K.27) address the same issue, executive clemency disclosure. Rep. Gruenberg prefers Amendment 30, so Amendments 29 and 31 will Not Be Offered.

Amendment 30 (K28-A) by Rep. Gruenberg, who can explain it. Of course, Bob, this is your issue so you can also speak to it.

Amendment 32 (K.36) on Executive Branch Nepotism will Not Be Offered. It appears the Administration and Labor Officials are working to solve this issue by regulation. If not, this Amendment could come up in the Judiciary Committee.

Amendment 33 (K.30) creates a definition for "public action." Defer to Rep. Coghill, I think.

Amendment 34 by Rep. Gruenberg adds "limited liability company" to the list of entities under "source of income" as defined in 39.50.200 (a)(10). Rep. Gruenberg could speak to this.

Almost there! We just have to go back address a few possible fixes

Amendment 2 by the Governor in Title 15. You need to bring it back on the table.

Amendment 3 to Amendment 2 (K.49)

Dave Jones can explain.

Amendment 17 by Rep. Coghill is a really simple fix. You just need to drop a few numbers after AS 15.40 on line 8.

I think that's it. Now you just have to pass the omnibus bill. Good luck!