

HB

109

3/3/07

& MISC.

LEGAL SERVICES

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MEMORANDUM

March 5, 2007

SUBJECT: Comments by Drafter, regarding CSHB109(STA)
(Work Order No. 25-GH1059\L)

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for or against a ballot proposition or initiative, as in the previous draft adopted by the committee (which was later rescinded for other reasons), I was able to accomplish the same thing but in much leaner and simpler language.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 (l) 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 (l) 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 (a) 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 nonlegislative
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 (o) of this section.

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

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 discussions 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 (F) unless required by law to be kept confidential, a
2 description sufficient to make clear to a person of ordinary understandi
3 ng
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
 partnership or professional corporation of which the person is a member, or a

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 those 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 9.50.020 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).

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: March 2, 2007

To: House State Affairs Committee Members
Fr: Mike Sica, staff for Rep. Bob Lynn
Re: Additional Information

Joyce Anderson would like to testify early on Title 24 Legislative Ethics measures, such as Tabled Amendments 9 and 11 (if they are going to come up today), so she can catch her flight to Anchorage. So Rep. Lynn would like to first address these Amendments, if necessary, before the Blind Trust Amendments.

Also, attached to this memo are several documents, some of which you may already have:

A revised Checklist regarding the Amendments for HB 109 (Version K).

A copy of the definitions from AS 24.45.171 and AS 24.60.990 referred to in Amendment 11.

A side-by-side comparison on Blind Trust measures, including the current law, Amendment 22 by Rep. Seaton and Amendment 21 by Rep. Coghill. Amendment 20 was excluded because it was an earlier version of Amendment 22.

New Amendment 34, which attempts to address the "limited liability company" issue.

A copy of the relevant section of the definition from AS 39.50.200 referred to in Amendment 34.

An Amendment 17 fix.

A memo from Department of Law attorney Dave Jones regarding a possible problem with Amendment 13. Mr. Jones should be present to explain his concern.

A cleaner version of the Title 15 fix.

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
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	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	Title 24	Passed, but needs a Fix
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)	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
Amendment 34	Title 39	Pending Action

Sec. 24.45.171. Definitions.

In this chapter

(1) "administrative action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by any state agency of any rule or regulation, or any other quasi-legislative or quasi-judicial action or proceeding whether or not governed by AS 44.62 (Administrative Procedure Act); "administrative action" does not include

(A) a proceeding or an action to determine the rights or duties of a person under existing statutes, regulations, or policies;

(B) the issuance, amendment, or revocation of a permit, license, or entitlement for use under existing statutes, regulations, or policies by the agency authorized to issue, amend, or revoke the permit, license, or entitlement for use;

(C) the enforcement of compliance with existing law or the imposition of sanctions for a violation of existing law;

(D) procurement activity, including the purchase or sale of property, goods, or services by the agency or the award of a grant contract;

(E) the issuance of, or ensuring compliance with, an opinion or activity related to a collective bargaining agreement including negotiating or enforcing the agreement;

(2) "agency" means a state department, division, commission, board, office, bureau, institution, corporation, authority, organization, committee, council or board in the executive branch, or independent of the executive branch, of state government;

(3) "commission" means the Alaska Public Offices Commission;

(4) "communicate directly" means to speak with a legislator, legislative employee, or public official;

(A) by telephone;

(B) by two-way electronic communication; or

(C) in person;

(5) "gift"

(A) means any payment to the extent that consideration of equal or greater value is not received;

(B) includes but is not limited to

(i) a loan, loan guarantee, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except when full and adequate consideration is received;

(ii) the purchase of tickets for travel or for entertainment events; and

(iii) the granting of discounts or rebates for goods or services not extended to the public generally;

(C) does not include

(i) informational or promotional materials, including but not limited to books, reports, pamphlets, calendars, or periodicals; however, payments for travel or reimbursement for expenses may not be considered "informational material";

(ii) food and beverages consumed in places of public accommodation;

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

(7) "individual" means a natural person;

(8) "influencing legislative or administrative action" means to communicate directly for the purpose of introducing, promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative or administrative action;

(9) "legislative action" means the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, defeat, or rejection of any bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the legislature, or by a standing, interim, or special committee of the legislature, or by a member or employee of the legislature acting in an official capacity; it includes, but is not limited to, the action of the governor in approving or vetoing a bill or the action of the legislature in considering, overriding, or sustaining that veto and the action of the legislature in considering, confirming, or rejecting an executive appointment of the governor;

(10) "lobbyist" means a person who

(A) is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislation or administrative action for more than 10 hours in any 30-day period in one calendar year; or

(B) represents oneself as engaging in the influencing of legislative or administrative action as a business, occupation, or profession;

(11) "payment" means the disbursement, distribution, transfer, loan, advance, deposit, gift, or other rendering or tendering of money, property, goods, or services or anything else of value;

(12) "payment to influence legislative or administrative action" means any of the following:

(A) a direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;

(B) a payment in support of or assistance to a lobbyist or the lobbyist's activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;

(C) a payment that directly benefits a public official or a member of the immediate family of that official;

(D) a payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with a public official;

(E) a payment for or in connection with soliciting or urging other persons to enter into direct communication with a public official;

(F) a payment or reimbursement for expenses in the categories set out in AS 24.45.051 (2);

(13) "person", in addition to the terms set out in AS 01.10.060 includes a labor union; and

(14) "public official" or "public officer" means a public official as defined in AS 39.50.200 (a), a member of the legislature, or a legislative director as defined in AS 24.60.990 (a); however, it does not include a judicial officer or an elected or appointed municipal officer.

Sec. 24.60.990. Definitions.

(a) In this chapter

(1) "administrative action" means conduct related to the development, drafting, consideration, enactment, defeat, application, or interpretation of a rule, regulation, policy, or other action in a regulatory proceeding or a proceeding involving a license, permit, franchise, or entitlement for use;

(2) "anything of value," "benefit," or "thing of value" includes all matters, whether tangible or intangible, that could reasonably be considered to be a material advantage, of material worth, use, or service to the person to whom it is conferred; the terms are intended to be interpreted broadly and encompass all matters that the recipient might find sufficiently desirable to do something in exchange for; "anything of value," "benefit," or "thing of value" does not include

(A) an item listed in AS 24.60.080 (c);

(B) campaign contributions, pledges, political endorsements, support in a political campaign, or a promise of endorsement or support;

(C) contributions to a cause or organization, including a charity, made in response to a direct solicitation from a legislator or a person acting at the legislator's direction; or

(D) grants under AS 37.05.316 to named recipients;

(3) "committee" means the Select Committee on Legislative Ethics and includes, when appropriate, the senate or house subcommittee;

(4) "compensation" means remuneration for personal services rendered, including salary, fees, commissions, bonuses, and similar payments, but does not include reimbursement for actual expenses incurred by a person;

(5) "domestic partner" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage.

(6) "immediate family" means

(A) the spouse or domestic partner of the person; or

(B) a parent, child, including a stepchild and an adoptive child, and sibling of a person if the parent, child, or sibling resides with the person.

is financially dependent on the person, or shares a substantial financial interest with the person;

(7) "income" means assets that are received, regardless of whether they are earned or unearned; inheritances and other gifts are not income;

(8) "knowingly" has the meaning given in AS 11.81.900;

(9) "legislative action" means conduct relating to the development, drafting, consideration, sponsorship, enactment or defeat, support or opposition to or of a law, amendment, resolution, report, nomination, or other matter affected by legislative action or inaction;

(10) "legislative director" means the director of the legislative finance division, the legislative auditor, the director of the legislative research agency, the ombudsman, the victims' advocate, the executive director of the Legislative Affairs Agency, and the directors of the divisions within the Legislative Affairs Agency;

(11) "legislative employee" means a person, other than a legislator, who is compensated by the legislative branch in return for regular or substantial personal services, regardless of the person's pay level or technical status as a full-time or part-time employee, independent contractor, or consultant; it includes public members and staff of the committee; it does not include individuals who perform functions that are incidental to legislative functions, including security, messenger, maintenance, and print shop employees, and other employees designated by the committee;

(12) "lobbyist" means a person who is required to register under AS 24.45.041 and is described under AS 24.45.171, but does not include a volunteer lobbyist described in AS 24.45.161 (a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission;

(13) "political action" means conduct in which public officials, including legislators or legislative employees, use their official position or political contacts to exercise influence on state and local government employees or entities; it includes but is not limited to endorsing and pledging support or actively supporting a legislative matter, a nominee, or a candidate for public office;

(14) "registered lobbyist" means a person who is required to register under AS 24.45.041;

(15) "representation" means action taken on behalf of another, whether for compensation or not, including but not limited to telephone calls and meetings and appearances at proceedings or meetings;

(16) "state office" includes the office of governor, lieutenant governor, member of the legislature, or similar state office.

(b) A person has a substantial interest in legislative, administrative, or political action if the person (1) is not a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action; (2) is a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action in a way that is greater than the effect on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region; (3) has or seeks contracts in excess of \$10,000 annually for goods or services with the legislature or with an agency of the state; or (4) is a lobbyist. For the purpose of this subsection, the state, the federal government, and an agency, corporation, or other entity of or owned by the state or federal government do not have a substantial interest in legislative, administrative, or political action.

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

K, 50

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 a 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."

AMENDMENT #34

OFFERED IN THE HOUSE

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

BY REPRESENTATIVE GRUENBERG

Amendment #__

AS 39.50.200 (a)(10) is amended to read:

Insert after professional corporation, limited liability company.

Sec. 39.50.200. Definitions.

(a) In this chapter,

(1) "assistant to the governor or the lieutenant governor" includes any executive, legislative, special, administrative, or press assistant to the governor or lieutenant governor, and any person similarly employed in a policy-making position;

(2) "child" includes a biological child, an adoptive child, and a stepchild;

(3) "commission" means the Alaska Public Offices Commission created under AS 15.13.020 (a);

(4) "domestic partner" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage;

(5) "instrumentality of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including the University of Alaska;

(6) "judicial officer" means a person appointed as a justice to the supreme court or as a judge to the court of appeals, superior court, district court, or magistrate court;

(7) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(8) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality;

(9) "public official" means

(A) a judicial officer;

(B) the governor or the lieutenant governor;

(C) a person hired or appointed in a department in the executive branch as

(i) the head or deputy head of the department;

- (ii) the director or deputy director of a division;
- (iii) a special assistant to the head of the department;
- (iv) a person serving as the legislative liaison for the department;
- (D) an assistant to the governor or the lieutenant governor;
- (E) the chair or a member of a state commission or board;
- (F) state investment officers and the state comptroller in the Department of Revenue;
- (G) the chief procurement officer appointed under AS 36.30.010 ;
- (H) the executive director of the Alaska Workforce Investment Board;
- (I) each appointed or elected municipal officer; and
- (J) the members of the board of trustees, the executive director, and the investment officers of the Alaska Permanent Fund Corporation;

(10) "source of income" means the entity for which service is performed or that is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; but if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or domestic partner, or the person's dependent children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation, but, if the entity that is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

(b) In this chapter "state commission or board" means the

- (1) *[Repealed, Sec. 30 ch 81 SLA 2000]*.
- (2) Alaska State Council on the Arts (AS 44.27.040);
- (3) Alcoholic Beverage Control Board (AS 04.06.010);
- (4) State Assessment Review Board (AS 43.56.040);
- (5) *[Repealed, Sec. 1 ch 54 SLA 1981]*

Amendment 17 Fix

A M E N D M E N T

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"

Michael Sica

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

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



draft amendment
CSHB 109 -- de...

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 (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.

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"

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.17)	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
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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. 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-GH1059\K
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 (f) 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 [IF 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 candidat 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

1 adherence to high ethical standards of professional conduct and teaches lobbyists
2 and employers of lobbyists how to comply with laws that regulate lobbyists.

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

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

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

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

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

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

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

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

24 (7) the identification of a [LEGISLATOR,] legislative employee [,] or
25 public official to whom the lobbyist is married or who is the domestic partner of the
26 lobbyist; in this paragraph, "domestic partner" has the meaning given in
27 AS 39.50.200(a);

28 (8) a sworn affirmation by the lobbyist that the lobbyist has
29 completed the training course administered by the commission under
30 AS 24.45.031(a) within the 12-month period preceding the date of registration or
31 registration renewal under this chapter, except this paragraph does not apply to

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

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

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

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

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

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

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

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

18 (a) A legislator or legislative employee may not

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

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

28 (A) limited use of state property and resources for personal
29 purposes if the use does not interfere with the performance of public duties and
30 either the cost or value related to the use is nominal or the legislator or
31 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 designates 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

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

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

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

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

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

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

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

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

27 (10) tickets from a lobbyist for a charity event at any time, including
28 during a legislative session, except that tickets to or gifts received at a charity event
29 under this paragraph are subject to the calendar year limit on the value of gifts
30 received by a legislator or legislative employee in (a) of this section; in this paragraph,
31 "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 legistato-
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 7 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-day 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(c) is amended to read:

16 (c) 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 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 9.52.180(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 may not engage in activity as a lobbyist under
22 AS 24.45 for a period of one year after leaving service as the governor, lieutenant
23 governor, [OR] department head or deputy head, or employee of the Office of the
24 Governor in a policy-making position, as appropriate. This subsection does not
25 prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a
26 representational lobbyist as defined under regulations of the Alaska Public Offices
27 Commission.

28 * Sec. 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 26 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).

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 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.

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.

Not Offered

25-GH1059K.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-LS8001VA.4
Wayne
2/9/07

Amendment #1

AMENDMENT

OFFERED IN THE HOUSE
TO: CS HB 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, ^{following} line 5:

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

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

Renumber following sections accordingly

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”

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

Gruenberg Objects - Substantial
hardship candidates in Rural area
or illiterate.

Coghier Objects - wants to see the
system's provisions

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 day 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"

Amendment Passed

Amend # 6

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

OFFERED IN THE HOUSE

BY THE GOVERNOR

STATE AFFAIRS COMMITTEE

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

Page 4, following line 2:

Insert new bill sections to read:

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

(a) A lobbyist may not

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

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

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

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

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

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

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 17.30 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 # 7

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*

*24.45.11
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(2)(2)(L)
24.60.080(c)(10)

Amend # 8

Bruenberg
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 "Alas'a 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]"

Can't separate

Amend # 8

Coghill objects

Bruenberg

conceptual plan

utterly intent

requiring by law

to improve communities

24.60.030(R)

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) 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."

*Passed Bruenberg offers
Amend # 101 Amend # 7
to retain capitalized language*

shall disclose

19 Renumber the following bill sections accordingly.

20 Page 22, line 9:

21 Delete "sec. 29"

*Amend # 2 Amend # 7
More 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
Offered*

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's 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 (Joyce-Ethics)

25-GH1059^K.40
Wayne
2/23/07

Amendment Passed

AMENDMENT #10

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 109() Draft Version "K"

Cochill objects

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)}

21

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"

(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 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

10

11

12

13

14

15

16

17

18

*Received
11/11/11
11:34*

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:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
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Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

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

Date: Feb. 22, 2007

To: Nancy Manly
Fr: Mike Sica
Re: Title 24.60.200 covered by 39.50.030

*Back-Up
to Amendment
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 FF 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-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"

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"

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

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"

25-GH1059K.47
Wayne
2/28/07

Amendment 3 to Gov Amend 2

Rep. Gruenberg

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 190(), 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 ~~information submitted before the effective date of this subsection~~
17 ~~or May 1, 2007, whichever is later, by an individual, group, nongroup entity, or~~
18 ~~municipality relating to a contribution, expenditure, or communication made for the~~
19 ~~purpose of influencing the outcome of a ballot proposition; in this paragraph,~~
20 ~~"proposition," in addition to its meaning in 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

25-GH1059K.47

~~AS 15.13.0015~~

1
2
3
4
5
6
7

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

Page 22, line 19:

Delete "Sections 2, 22, and 26"

Insert "Sections 22 and 26"

24.60.100

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

207

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 (c)

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;"

5

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.

24.60.210(a) Just brought in this bill.

AMENDMENT 17

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 previously 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

1 AS 24.60.210 Governor's Amendment ^{#3} (Electronic Legislative Filing - 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, line 10, following "Commission":

7 Delete "may request"

8 Insert "shall require"

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"

Passed

*Bob's amend
is attached
failed*

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

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

3

amend # 1 to amend # 3

*Coghill objects
Johnson maintains*

Failed

b-1

Uncodified

25-GH1059K.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."

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"

A M E N D M E N T 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

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(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 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; and

(7) the trustee shall be prohibited from investing the trust property in corporations or businesses that the trustee knows do a significant amount of business with the state, and from knowingly making any investment in a corporation, business, or venture over which the trustor has regulatory or supervisory authority by virtue of the trustor's official position."

Renumber the following bill sections accordingly.

Page 22, line 9:

Delete "sec. 29"

Insert "sec. 30"

Page 22, line 10:

Delete "sec. 29"

Insert "sec. 30"

Page 22, line 11:

Delete "sec. 30"

Insert "sec. 31"

Page 22, line 14:

Delete "sec. 30"

Insert "sec. 31"

~~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-GH1059\E.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-GH1059K.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-GH1059K.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\R.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-GH1059K.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)

2

3

OFFERED IN THE HOUSE

passed
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.

#23

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

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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.

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 33 Complete?
It doesn't match
my master list.
Coghill has amended on
this too that might address
this~~

#27

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AS 39.52.180 Governor's Amendment (Policy Making Position - Title 39)

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)."

28

39.52.180 (a)

Gruenberg
Amendment

Waiting for Rep Gruenberg
Amendment

39.52,225

25-GH1059\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 his 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}
12 a victim or witness in a criminal matter may not be
made public."

13

14 Remember the following bill sections accordingly.

15

16 Page 22, line 20:

17 Delete "33"

18 Insert "34"

AMENDMENT #31

*Which amendment
does Max want*

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"

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 person

8 (A) does not supervise the immediate family member; or

9 (B) supervises the immediate family member but 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"

39.52.960 definitions

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"

AMENDMENTS TO HB 109 DEFERRED BY THE ETHICS SUBCOMMITTEE

AS 11.56.135 Improper legislative campaign contributions Title 11 Gara 
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.

Failed

* 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 
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)

Title 24

Ethics/Harris

Lab

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

Lab 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)

Title 24

Harris/French

Lab 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

Lab 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

Lab 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 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].

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];

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

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

Lab 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

Lab 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.

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"



New Sections to add:

(i.) prepare and file trustor's personal income tax returns, withholding from distributing of the trust's net income amount sufficient to pay the trustor tax; and further 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

ii. submit to the trustor, for income tax purposes, a certification of income paid without identifying the assets producing such income.

A provision shall be included in the trust agreement prohibiting the trustee from investing the trust property in corporations or businesses which it knows to do a significant amount of business with the State of Alaska or from knowingly making any investment in a corporation, business or venture over which the trustor has regulator or supervisory authority by virtue of his or her official position.

The trust shall not contain investments or assets i which the holder's ownership right or interest is required to be recorded in a public office or those assets whose permanency makes transfer by the trustee improbable or impractical; these investments or assets would include, but not be limited to, businesses, real estate, security interests in personal property and mortgages.



E.3

Page 20, line 27:

Delete "or"

Page 20, following line 27:

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)}

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]

AS 39.52.110(d) *Scope of Code*

Title 39

Leg Am

K.35

AS 39.52.110(b) is amended as follows:

(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 MOT 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 THAT \$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

Lab 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)

Title 39

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

(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 Cases~~ 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

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.

AS 39.52.910 Nepotism

Title 39

1015

K.36

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."

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:

AMENDMENT # 1

OFFERED IN THE HOUSE

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

*Amendment # 1
Failed*

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

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]"

Can't separate

AMENDMENT

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] 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"

- 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"

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 (c) 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"

AMENDMENT

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

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"

AMENDMENT

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]."

A M E N D M E N T

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;"

5

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"

A M E N D M E N T

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"

A M E N D M E N T

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."

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"

A M E N D M E N T

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"

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"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE COGHILL

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

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"

AMENDMENT

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.

AMENDMENT

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.

A M E N D M E N T

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"

AMENDMENT

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"

A M E N D M E N T

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 39.52.910 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 person

8 (A) does not supervise the immediate family member; or

9 (B) supervises the immediate family member but 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"

AMENDMENT

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"



Amendments Offered
by the
Department of Law

2/22/07

AMENDMENT #2

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OFFERED IN THE HOUSE BY THE GOVERNOR
STATE AFFAIRS COMMITTEE
TO: CSHB 109() (25-GH1059\K; 2/21/07)

Page 2, line 5, following "commission":

- Delete "may request"
- Insert "shall require"

Page 2, line 6, following "chapter":

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

Page 2, line 6, following "but":

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

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

Delete all material and insert:

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

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”

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.

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.

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, line 10, following "Commission":

7 Delete "may request"

8 Insert "shall require"

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"

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 19, following line 27:

7 Insert a new bill section to read:

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

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

11
12 Page 19, line 28, through page 20, line 26:

13 Delete all material.

AMENDMENT

1

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OFFERED IN THE HOUSE

BY THE GOVERNOR

4

STATE AFFAIRS COMMITTEE

5

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

6

Page 21, line 27, following "Commission.":

7

Insert

8

"In this subsection, 'policy-making position' has the same meaning as 'policy-

9

making position' in AS 39.50.200(a)(1)."

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.

Passes
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.

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

5 TO: CSHB 109() (25-GH1059K; 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

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”

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.

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.

2

3 OFFERED IN THE HOUSE BY THE GOVERNOR

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"

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"

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"

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"

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

22 Page 19, lines 21 - 27:

Delete all material.

1 AS 39.50.200(b) Governor's Amendment (Boards - 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 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.

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

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

1
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9

AS 39.52.180 Governor's Amendment (Policy Making Position - Title 39)

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)."

AMENDMENTS TO HB 109 REJECTED BY THE ETHICS SUBCOMMITTEE

AS 11.56.135 Improper legislative campaign contributions Title 11

Tab 1

* 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 15.13.040(a)(1)(C) Disclosure of Contributions Title 15

Tab 1

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

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

(1) listing

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

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

(C) the name, address, principal occupation, and employer of each contributor and the date [,] and amount of each contribution from [CONTRIBUTED BY] each contributor [; AND

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

AS 15.13.040(b) Disclosure of Contributions

Title 15

Tab 2

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

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

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

AS 15.13.040(l) Exempt Fundraisers

Deferred 2/15

Tab 2

* AS 15.13.040(l) is repealed.

AS 24.60.030(a)(2)(L)

Title 24

Tab 5

....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(a)(6)

Title 24

Tab 6

AS 24.60.030(a) is amending by adding a new subsection:

(a) A legislator or legislative employee may not

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

AS 24.60.080 (c)(10)

Title 24

Tab 10 - B

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)

Title 24

Tab 12 - A

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

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

AS 24.60.085

Title 24

Tab 13

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 24.60.100

Title 24

Tab 14

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 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].

AS 39.52.110(b)

Title 24

1059\E.1 Cog

(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)}

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]

Tab 8

AS 24.60.200 Reporting dividend income 5 versions Deferred

(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];

AS 24.60.210 Title 24

Tab 24

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 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

Tab 27

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

Tab 28

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.

AS 39.50.040 Blind Trusts

Title 39

Tab 6

New Sections to add:

i. prepare and file trustor's personal income tax returns, withholding from distributing of the trust's net income amount sufficient to pay the trustor tax; and further 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

ii. submit to the trustor, for income tax purposes, a certification of income paid without identifying the assets producing such income.

A provision shall be included in the trust agreement prohibiting the trustee from investing the trust property in corporations or businesses which it knows to do a significant amount of business with the State of Alaska or from knowingly making any investment in a corporation, business or venture over which the trustor has regulator or supervisory authority by virtue of his or her official position.

The trust shall not contain investments or assets in which the holder's ownership right or interest is required to be recorded in a public office or those assets whose permanency makes transfer by the trustee improbable or impractical; these investments or assets would include, but not be limited to, businesses, real estate, security interests in personal property and mortgages.

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

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

(1) for [THE SOURCE OF] all income over \$1,000 [\$5,000] during the preceding calendar year, including taxable [AND NONTAXABLE] capital gains, and gifts from a single source with a cumulative value exceeding \$250 during a calendar year, received by the person, the person's spouse or domestic partner, or the person's dependent child, [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250]

(A) [THE] each source of the income or gift;

(B) the recipient of the income or gift;

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

(D) a description of how the income was paid, such as hourly, commission, fixed fee, and the approximate number of hours it services are performed on an hourly basis [THE NUMBER OF HOURS OF SERVICES PERFORMED, IF ANY, TO EARN THE INCOME OR FOR WHICH THE GIFT WAS GIVEN]; and

(E) the nature of the services performed, with a description sufficient to make clear to a person of ordinary understanding the work product agreed upon when the services have been performed, unless those services are required to be kept confidential by law [A DETAILED DESCRIPTION OF THE NATURE OF THE SERVICES PERFORMED];

(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.

AS 39.52.110 Scope of Code

Title 39

Tab 8 - A

*Section 1. AS 39.52110(b) is amended to read:

(b) Unethical conduct is prohibited, but there is not substantial impropriety if, as to a specific matter, a public officer's [(1)] personal or financial interest in the matter **(1)** is insignificant [,] or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs, **and** [; OR (2)] action **taken** or influence **exercised by the public officer** would have insignificant or conjectural effect on the matter; **or (2) is in regard to a business and the public officer (A) does not own controlling interest in the business; (B) does not own stock or options to buy stock that, when combined,**

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

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

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

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

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

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

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

(H) is not an employee of the business

AS 39.52.110(d) Scope of Code

Title 39

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.

AS 39.52.180(a)

Title 39

Gruenberg Amendment

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

(a) a public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, [OR] determination, [BUT DOES NOT INCLUDE THE] proposal or consideration of legislative bills, resolutions and constitutional amendments, or other legislative measures, [;] or [THE] proposal, consideration, or adoption of administrative regulations.

AS 39.52.255 Disclosures in connection with executive clemency. **Title 39, Tab 13**

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 39.52.255 Executive clemency. Title 39

Gruenberg Amendment

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.**

AS 39.52.960 Definitions Title 39

Tab 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 another kind of involvement regarding a matter, such as, a recommendation, decision, approval, disapproval, vote or other similar action, including inaction, by a public officer;

AS 39.52.960 Definitions Title 39

Gruenberg Amendment

(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;

AS 39.52.910 Nepotism Title 39

Tab 15

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."

2119
We will further discuss in full committee

**CSHB 109(STA) Version M
Sectional**

OK 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.

OK Sec. 2. Requires candidates for governor and lieutenant governor to file campaign disclosure reports to APOC electronically. Amended twice by Gruenberg ←

OK 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.

OK 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.

OK Sec. 5. Prohibits a spouse or domestic partner of a legislator from lobbying for pay. Gruenberg added - further legal research

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

OK 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. This is language clean up for changes recommended by the Ethics Committee to transfer the sanctioning of charity events from the Alaska Legislative Council to the Select Committee on Legislative Ethics. See AS 24.60.080(c)(10) Gifts. Gruenberg has recommended a select committee - Gruenberg

OK Sec. 9. Replaces it "written report" with "disclosure" to make language consistent with other sections of the statutes. Gruenberg felt this was a good provision. Most need have work

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.

OK Sec. 10. 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 Confirms leg employees

legislator from lobbying, eliminating the ability for a legislator to have close economic relationship.

OK **Sec. 11.** 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.

OK **Sec. 12.** 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.

OK **Sec. 13.** Requires Ethics Committee gifts to family members because of their relationship with a legislator to be disclosed and maintained for public record and forwarded to APOC. *Confirming language -
Cognate relating to location at this point*

OK **Sec. 14.** Cleanup language *deadline language
confirm in 9/0 day*

OK **Sec. 15.** 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.

OK **Sec. 16.** 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.

OK **Sec. 17.** Allows the chair of the committee or a subcommittee to designate the alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the chair can only appoint the alternate if the regular member has a conflict with an with an item on the meeting agenda.

OK **Sec. 18.** 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. *1994 1995 2 delete 30 days for
Gruntzberg, 2006 3 2nd means of
not in statute*

OK **Sec. 19.** Makes annual ethics classes mandatory for legislators, legislative employees, and public members of the committee. New legislators, legislative employees, and public members of the ethics committee would be required to get the training within 30 days of the first day of service.

OK

Sec. 20. 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.

OK

Sec. 21. 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.

OK
No change

Sec. 22. 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.

*an insurance say they are the boss
24.60.170 A insurance question say how wayne*

some question of language Pg 16 Line 18

Sec. 23. AS 24.60.200(2) expands reporting of income in excess of \$1,000 to include the amount of the income and the number of hours of services performed to earn that income. The amendment also requires a detailed description of services performed.

OK
Amend
OK
OK

Sec. 24. Leaves electronic reporting for all reporters other than Governor and Lt. Governor as optional. Candidates for governor and lieutenant governor will be required to file electronically.

needs to be reviewed Pg 17 and 18 after Commission date can add way

OK

Sec. 25. 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.

OK

Sec. 26. 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.

OK
Amend
OK
OK
OK

Sec. 27. Applies to public officials and candidates. This section would require more detail in the financial disclosures reporting of income and interests exceeding \$1,000 in value, which is a reduction from \$5,000. The disclosures must describe the source of the income, the amount received, the number of hours spent to earn the income, and details regarding the service provided. Clarifies that the official or candidate must report the gift if the cumulative value over the course of a year is more than \$250.

OK
Amend
OK

Sec. 28. This section would provide for electronic filing of candidates' and public officials' financial disclosures with APOC.

OK
Amend
OK
OK
OK

Missing Sec. AS 39.52.110(b): 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 t.

912016

*on the record
blind trust
Coughlin for discussion
Gover... will bring up in full committee*

crossing the line in making decisions that could result in a financial gain for them or their immediate family.

OK **Sec. 29.** Applies to all state employees. Establish 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.

OK **Sec. 30.** 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.

OK **Sec. 31.** 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.

OK **Sec. 32.** 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.

OK **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.

Titles 15, 24
39 Last

Gara asks me
Title 11 HB 58 reconsider ~~decision~~ not to include it in this bill (Bribery)

Gruenberg has no problem conceptually including
in this bill

Coghill - its criminal not civil

at full committee Coghill might be convinced,

Gruenberg tabs 9410 dealing with
Title 24. We never really considered them.

Gruenberg used the Express on this Title 24
going thru it in his office so hope Don Wayne
will flag any big changes!

29.54.10

25-GH1059M
Wayne
2/19/07

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 relating to lobbying; relating to employment, service on governing boards, and
3 disclosures by certain public officers and employees who leave state service or leave
4 certain positions in state 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 (l) 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 [IF 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

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

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

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

OK (m) The commission ^{may request} ~~shall require~~ [MAY REQUEST] that the information required under this chapter be submitted electronically but may, when extraordinary circumstances warrant an exception, [SHALL] accept any information required under this chapter that is typed in clear and legible black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission and that is filed with the commission. *However, a candidate for gov & Lt Gov shall submit the info electronically*

Needs corrected see Am #1 copy h. 11 adopted 2/19

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

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

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

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

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

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

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

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

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* 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

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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 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

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Tab 3
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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;

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

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

Tab 3
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1 (D) the legislative council, notwithstanding AS 24.05.190,
2 from designating a public facility for use by legislators and legislative
3 employees for health or fitness purposes; when the council designates a facility
4 to be used by legislators and legislative employees for health or fitness
5 purposes, it shall adopt guidelines governing access to and use of the facility;
6 the guidelines may establish times in which use of the facility is limited to
7 specific groups;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) a legislator from using the legislator's private office in the

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

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

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

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

* Sec. 9. AS 24.60.050(c) is amended to read:

(c) A legislator or legislative employee who participates in a program or receives a loan that is not exempt from disclosure under (a) of this section shall file [A WRITTEN REPORT] with the committee by the date required under AS 24.60.105 a disclosure stating the amounts of the loans outstanding or benefits received during the preceding calendar year from nonqualifying programs. If the committee requests

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Tab 8
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additional information necessary to determine the propriety of participating in the program or receiving the loan, it shall be promptly provided. The committee shall promptly compile a list of the statements indicating the loans and programs and amounts and send it to the presiding officer of each house who shall have it published in the supplemental journals on or before the next regularly scheduled publication of ethics disclosures. If a [WITHIN THREE WEEKS AFTER THE FILING DATE. A] legislator or legislative employee asks [WHO BELIEVES THAT DISCLOSURE OF PARTICIPATION IN A PROGRAM WOULD BE AN INVASION OF THE PARTICIPANT'S RIGHT TO PRIVACY UNDER THE STATE CONSTITUTION MAY REQUEST] the committee to keep any part of the disclosure confidential and a quorum of the committee determines that making the entire disclosure public would cause an unjustifiable invasion of personal privacy, the committee may elect to [. IF THE COMMITTEE FINDS THAT PUBLICATION WOULD CONSTITUTE AN INVASION OF PRIVACY, THE COMMITTEE SHALL.] publish only the fact that a person has participated in the program and the amount of benefit that the unnamed person received. The committee shall maintain the disclosure of the name of the person as confidential and may only use the disclosure in a proceeding under AS 24.60.170. If the disclosure becomes part of the record of a proceeding under AS 24.60.170, the disclosure may be made public as provided in that section.

* Sec. 10. AS 24.60.070(c) is amended to read:

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

* Sec. 11. AS 24.60.080(c) is amended to read:

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Tab 9
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(c) Notwithstanding (a) of this section, it is not a violation of this section for a legislator or legislative employee to accept

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

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

(B) at a social event or meal;

(2) discounts that are available

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

(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

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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 with tax-free status under 26 U.S.C. 501(c)(3) and that the 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

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

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

(d) A legislator or legislative employee who accepts a gift under (c)(4) of this section that has a value of \$250 or more shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of \$250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4), (c)(8), and (i) [AND (8)] of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4), (c)(8), and (i) [AND (8)] of this section that

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it receives from legislators and legislative directors. A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of \$250 or more shall disclose to the committee annually on or before March 15 the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record of a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.

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

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

* Sec. 14. AS 24.60.100 is amended to read:

Sec. 24.60.100. Representation. A legislator or legislative employee who represents another person for compensation before 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 to the committee. The disclosure shall be made by the deadline [DEADLINES] set out in AS 24.60.105. 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.

* Sec. 15. AS 24.60.105 is amended to read:

Sec. 24.60.105. Deadline [DEADLINES] for filing disclosures. (a) When a legislator or legislative employee is required to file a disclosure under this chapter and

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

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

- (1) service on the board of an organization as set out in AS 24.60.030(f);
- (2) an interest in a state contract or lease under AS 24.60.040 and the renegotiation of the terms of a state contract or lease that materially affect the obligations of either party;
- (3) participation in a state program or receipt of a state loan under AS 24.60.050 and the renegotiation of the terms of the program or loan if the renegotiation materially affects the obligations of either party;
- (4) formation or maintenance of a close economic association under AS 24.60.070;
- (5) representation of a client under AS 24.60.100.

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

Sec. 24.60.115. Disclosure required of a legislator, legislative employee, or public member of the committee after final day of service. A person serving as a legislator, legislative employee, or public member of the committee shall, not later than 90 days after the person's final day of service as a legislator, legislative employee,

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1 or public member, file a disclosure of every matter that was subject to disclosure under
2 this chapter while the person was serving.

3 * Sec. 17. AS 24.60.130(n) is amended to read:

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

21 * Sec. 18. AS 24.60.150(a) is amended to read:

22 (a) The committee shall

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

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

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

Tab 17
Title 24
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Tab 18
Title 24
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(4) in January of each year and at other times determined by the committee, administer a legislative ethics course that teaches strategies for compliance with this chapter and ^{an} understanding of this chapter's purpose under AS 24.60.010.

* Sec. 19. AS 24.60 is amended by adding a new section to read:

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

* Sec. 20. AS 24.60.160 is amended to read:

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

(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. An opinion issued under this section must be issued with sufficient deletions to prevent disclosing the identity of the person or persons involved. Advisory opinion discussions and deliberations are confidential, unless the requester and anyone else named in the request who is covered by this chapter waives confidentiality. The committee's final vote on the advisory opinion shall be a

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Tab 20
Title 24
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1 public record [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY
 2 OPINION IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN
 3 REQUEST BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH
 4 THE COMMITTEE].

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

6 (j) If the committee has issued a formal charge under (h) of this section, and if
 7 the person charged has not admitted the allegations of the charge, the committee shall
 8 schedule a hearing on the charge. The committee may appoint an individual to present
 9 the case against the person charged if that individual does not provide other [AND
 10 HAS NOT PROVIDED] legal advice to the committee except in the course of
 11 presenting cases under this subsection. The hearing shall be scheduled for a date more
 12 than 20 and less than 90 days after service of the charge on the person charged, unless
 13 the committee schedules [THE PERSON AGREES TO] a later hearing date. If the
 14 complainant prevents the hearing from starting before the 90-day deadline passes
 15 and a quorum of the committee determines the delay is not supported by a
 16 compelling reason or will result in the person charged being deprived of a fair
 17 hearing, the committee may dismiss the complaint with prejudice or enter some
 18 other order the committee determines is appropriate. At the hearing, the person
 19 charged shall have the right to appear personally before the committee, to subpoena
 20 witnesses and require the production of books or papers relating to the proceedings, to
 21 be represented by counsel, and to cross-examine witnesses. A witness shall testify
 22 under oath. The committee is not bound by the rules of evidence, but the committee's
 23 findings must be based upon clear and convincing evidence. Testimony taken at the
 24 hearing shall be recorded, and evidence shall be maintained.

*Tab 7
Deferred
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25 * Sec. 22. AS 24.60.176(b) is amended to read:

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

27 (1) the legislative council for employees of the Legislative Affairs
 28 Agency and of the legislative council and for legislative employees not otherwise
 29 covered under this subsection;

30 (2) the Legislative Budget and Audit Committee for the legislative
 31 fiscal analyst and employees of the division of legislative finance, the legislative

*Tab 22
Title 24
2/3*

1 auditor and employees of the division of legislative audit, and employees of the
2 Legislative Budget and Audit Committee;

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

5 (4) the appropriate rules committee for employees of

6 (A) standing committees of the legislature, other than the
7 finance committees;

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

10 (C) house records and senate records;

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

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

16 (7) the legislature for the ombudsman;

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

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

20 * Sec. 23. AS 24.60.200 is amended to read:

21 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
22 **committee, and legislative directors.** A legislator, a public member of the committee,
23 and a legislative director shall file a disclosure statement, under oath and on penalty of
24 perjury, with the Alaska Public Offices Commission giving the following information
25 about the income received by the discloser, the discloser's spouse or domestic partner,
26 the discloser's dependent children, and the discloser's nondependent children who are
27 living with the discloser:

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

30 (2) as to income in excess of \$1,000 received as compensation for
31 personal services, the name and address of the source of the income, the amount of

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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 LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED;]

HB 109

(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.

* Sec. 24. AS 24.60.210 is amended by adding a new subsection to read:

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

Needs Corrected
see Am #1
Coyhill adopted
2/19

* Sec. 25. AS 24.60.250(c) is amended to read:

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

Tab 26
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2/3

* Sec. 26. AS 39.50.020 is amended to read:

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

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

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

* Sec. 27. AS 39.50.030(b) is amended to read:

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

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

(A) each source of the income or gift;

Tab 1
Title 39
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Tab 2
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Tab 3
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(B) the recipient of the income or gift;

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

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

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

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

(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

Tab 4
Title 39
2/19
Gov

Tab 5
Title 39
2/19

Tab 5
Title 39
2/19

1 on the loan, loan guarantee, or indebtedness was more than \$1,000 [\$5,000] at any
2 time during the preceding calendar year;

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

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

15 * Sec. 28. AS 39.50.050(a) is amended to read:

16 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
17 ~~shall~~ ^{may} administer the provisions of this chapter. The commission shall prepare and keep
18 available for distribution standardized forms on which the reports required by this
19 chapter shall be filed. The commission shall print the forms provided under this
20 section so that the front and back of each page have the same orientation when the
21 page is rotated on the vertical axis of the page. The commission shall require [MAY
22 REQUEST] that the information required under this chapter be submitted
23 electronically but may, when extraordinary circumstances warrant an exception,
24 [SHALL] accept any information required 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 by
26 the commission or on forms provided by the commission and that is filed with the
27 commission.

39.52.110(b) is missing

28 * Sec. 29. AS 39.52.130(a) is amended to read:

29 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
30 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
31 employment, promise, or in any other form, that is a benefit to the officer's personal or

Cleanup

Cleanup

*Needs
Corrected
See
Amendment
Coghill
adopted
2/19*

*Tab 9-B
Title 39
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financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. A gift from a person required to register as a lobbyist under AS 24.45.041 to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.

* Sec. 30. AS 39.52.180(a) is amended to read:

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

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* Sec. 31. AS 39.52.180(d) is amended to read:

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

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* Sec. 32. AS 39.52.180 is amended by adding a new subsection to read:

(e) A former head of a principal department in the executive branch may not, for a period of one year after leaving service as the head of that department, serve on

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the governing board of a company, organization, or other entity that was regulated by that department or with which the former department head worked as part of an official duty as the department head. A former employee of the Office of the Governor in a policy-making position may not, for a period of one year after leaving employment in that office, serve on the governing board of a company, organization, or other entity with which the former employee worked as part of an official duty for the Office of the Governor.

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

APPLICABILITY. (a) AS 39.52.180(a), as amended by sec. 30 of this Act, applies to a person who leaves state service on or after the effective date of sec. 30 of this Act.

(b) AS 39.52.180(d), as amended by sec. 31 of this Act, applies to a person who leaves service as governor, lieutenant governor, head or deputy head of a principal department in the executive branch, or employee of the Office of the Governor in a policy-making position on or after the effective date of sec. 31 of this Act.

(c) AS 39.52.180(e), as added by sec. 32 of this Act, applies to a department head or employee of the Office of the Governor in a policy-making position who leaves employment as a department head or employee of the Office of the Governor in a policy-making position on or after the effective date of sec. 32 of this Act.

* Sec. 34. Sections 2, 24, and 28 of this Act take effect July 1, 2007.

* Sec. 35. Except as provided in sec. 34 of this Act, this Act takes effect immediately under AS 01.10.070(c).

Handwritten notes:
25-GH1059\M
CJT

Nancy Master list

~~Repeals~~

updated as of 2/22/07 -
CSHB 109(STA) Version K
Analysis of Governor's Amendments

Discard earlier
Version. Amend #
Will be filled in
as we go along

²
(15)Amendment 1: 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.

(24)Amendment 2: 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.

(24)Amendment 3: 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.

(24)Amendment 4: 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.

(39)Amendment 5: 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.

(39)Amendment 6: 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.

(39)Amendment 7: 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).

(39)Amendment 8: 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.

(39)Amendment 9: 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.

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

TITLE

- 15 **Amendment 1:** 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.
- 24 **Amendment 2:** 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.
- 24 **Amendment 3:** 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.
- 24 **Amendment 4:** 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.
- 39 **Amendment 5:** 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.
- 39 **Amendment 6:** 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.
- 39 **Amendment 7:** 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).
- 39 **Amendment 8:** 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.
- 39 **Amendment 9:** 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.

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"
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- 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"

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"

AMENDMENT

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

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

OFFERED IN THE HOUSE

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

1 Page 1, following line 5:

2 Insert a new bill section to read:

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

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

6 (1) listing

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

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

11 (C) the name, address, principal occupation, and employer of
12 each contributor and the date [,] and amount of each contribution from
13 [CONTRIBUTED BY] each contributor [; AND

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

17 (2) filed in accordance with AS 15.13.110 and certified correct by the
18 candidate or campaign treasurer."

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 "Sections 2, 22, and 26"
- 25 Insert "Sections 3, 23, and 27"
- 26
- 27 Page 22, line 20:
- 28 Delete "sec. 33"
- 29 Insert "sec. 34"

AMENDMENT

OFFERED IN THE HOUSE

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

Page 1, following line 5:

Insert a new bill section to read:

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

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

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

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

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

Renumber the following bill sections accordingly.

Page 22, line 9:

Delete "sec. 29"

Insert "sec. 30"

Page 22, line 10:

Delete "sec. 29"

Insert "sec. 30"

Page 22, line 11:

Delete "sec. 30"

Insert "sec. 31"

Page 22, line 14:

Delete "sec. 30"

Insert "sec. 31"

Page 22, line 15:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 18:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 19:

Delete "Sections 2, 22, and 26"

Insert "Sections 3, 23, and 27"

Page 22, line 20:

Delete "sec. 33"

Insert "sec. 34"

AMENDMENT

OFFERED IN THE HOUSE

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

1 Page 7, line 14, following "photographs of that legislator":

2 Insert ";

3 **(6) enter into a contract to provide consulting services"**

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 Inse. "committee [ALASKA LEGISLATIVE COUNCIL]"

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"

A M E N D M E N T

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

- 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"

A M E N D M E N T

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 materia'.

5 Insert "AS 24.60.070 [;

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

AMENDMENT

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"

A M E N D M E N T

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;"

5

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 non-dependent 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"

A M E N D M E N T

OFFERED IN THE HOUSE

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

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

2 Delete all material and insert:

3 **"* Sec. 27. AS 39.52.110(b) is amended to read:**

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

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

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

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

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

13 (B) does not own stock or options to buy stock that, when
14 combined,

15 (i) equal more than one percent of the stock in the
16 business; or

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

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

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

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

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

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

5 (H) is not an employee of the business."

AMENDMENT

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"

AMENDMENT

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"

AMENDMENT

*New
Amendment #11
Gardner
1988*

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

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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.

AMENDMENT

OFFERED IN THE HOUSE
TO: CS HB 109 (K version)

BY FRUENBERG

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 *number the following sections accordingly*

1 Page 22 ^{following} line 6:

2 Insert a new bill section to read:

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

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

Renumber following sections accordingly

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.

Confidentiality:

Sec. 24.60.230. Statements as public records.

A statement filed with the Alaska Public Offices Commission under AS 24.60.200 is a public record. A person is not required to comply with AS 24.60.200 to the extent that a court of competent jurisdiction of the state determines that legally privileged professional relationships or constitutional privacy considerations would be violated by compliance.

Disclosure Exemptions:

2 AAC 50.775. Exemption from reporting name and address of individual as a source of income

⊕ (a) A filer who seeks an exemption from the requirement to report the name or address of a source of income under AS 24.60.200 or 2 AAC 50.705 - 2 AAC 50.890 shall request the exemption from the commission.

(b) To request an exemption under (a) of this section, a filer shall file a written request for exemption with the disclosure statement for which the exemption is requested. The written request for exemption must be on a form prescribed by the commission and must, for each name or address for which an exemption is requested,

(1) state the facts that support the exemption; and

(2) identify the exemption circumstance under (c) - (j) of this section that applies to the request.

(c) A filer may request a mental health practice exemption if during the preceding calendar year the

(1) filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation in which a mental health practitioner, including a psychiatrist, psychologist, or therapist, worked;

(2) source of income was an individual who received mental health services from the mental health practitioner; and

(3) income was received as payment for the mental health services.

(d) A filer may request a sensitive medical practice exemption if during the preceding calendar year

(1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(2) at least 67 percent of the patients of the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation consisted of individuals who

(A) received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(B) were minors, and who, unknown to their parents or legal guardians, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; or

(C) were married, and who, unknown to their spouses, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(3) the source of income was an individual who received medical services of any nature from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; and

(4) the income was received as payment for the medical services.

(e) A filer may request a sensitive medical procedure exemption if during the preceding calendar year the

(1) filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(2) source of income was an individual who received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; and

(3) income was received as payment for the medical services.

(f) A filer may request an embarrassing medical procedure exemption if during the preceding calendar year

(1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(2) the source of income was a

(A) minor who, unknown to a parent or legal guardian of the minor, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; or

(B) married individual who, unknown to the individual's spouse, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(3) the income was received as payment for the medical services; and

(4) reporting the name or address of the source of income would tend to cause a reasonable person in the situation of the source of income substantial concern, anxiety, or embarrassment.

(g) A filer may request a legal services practice exemption if during the preceding calendar year

(1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation where an attorney worked;

(2) at least 67 percent of the clients of the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation consisted of individuals who were

(A) minors, and who, unknown to their parents or legal guardians, received professional legal services from the attorney; or

(B) married, and who, unknown to their spouses, received professional legal services from the attorney;

(3) the source of income was an individual who received legal services of any nature from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; and

(4) the income was received as payment for the professional legal services.

(h) A filer may request a legal services exemption if

(1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation where an attorney worked;

(2) the source of income was a

(A) minor who, unknown to a parent or legal guardian of the minor, received professional legal services from the attorney; or

(B) married individual who, unknown to the individual's spouse, received professional legal services from the attorney;

(3) the income was received as payment for the professional legal services; and

(4) reporting the name or address of the source of income would tend to cause a reasonable person in the situation of the source of income substantial concern, anxiety, or embarrassment.

(i) A filer may request a filer prohibition exemption if the filer is prohibited by law from reporting the name or address of a source of income.

(j) A filer may request a right of source exemption if the filer believes that reporting the name or address of a source of income would violate a right of the source under the state or federal constitution.

(k) A filer may request a HIPAA exemption if the filer believes that reporting the name of a source of income would disclose protected health information that the filer is prohibited from disclosing under 42 U.S.C. 1320d - 1320d-8 (Health Insurance Portability and Accountability Act (HIPAA) of 1996).

◆ **History:** Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173

◆ **Authority:** AS 24.60.200

AS 24.60.220

AS 24.60.230

AS 39.50.050

ALASKA STATE HOUSE OF REPRESENTATIVES



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Room 204

REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: February 16, 2007
To: Dan Wayne, Legal Counsel
From: Rynnica Moss, Legislative Aide *R. Moss*
Re: CSHB 109's Amendments

As always, please feel free to improvise to make the intent work in legal terminology. We are requesting a CS with the following amendments:

Page 1, line 5, after the words "Section 1."

Insert:

AS 15.13.040(g) is amended to read:

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

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

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

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

Renumber accordingly.

Page 1, line 7, after the words "under this chapter"

Insert:

for candidates who have filed for the office of governor or lieutenant governor

Page 1, line 12

Insert:

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

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

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

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

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

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

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

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

Renumber accordingly.

Page 2, beginning of line 23:

Insert new subsection:

(8) a sworn affirmation by the lobbyist that the lobbyist has completed the training course administered by the commission under AS 24.45.03 (a) within the 12-month period preceding the date of registration or registration renewal under this chapter.

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.

Renumber sections accordingly.

Page 9, line 7:

Sec. 12. AS 24.60.080(d) is amended to read:

AS 24.60.080(d) A legislator or legislative employee who accepts a gift under (c)(4) of this section that has a value of \$250 or more shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of \$250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4), (c)(8), and (l) and (8) of this section and shall forward the disclosures to the appropriate hour for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4), (c)(8), and (l) and (8) of this section that it receives from legislators and

legislative directors. A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of \$250 or more shall disclose to the committee annually on or before March 15 the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170 . If the disclosure under (c)(6) of this section becomes part of the record of a proceeding, under AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.

Sec. 13. AS 24.60.080(i) is amended to read:

AS 24.60.080(i) A legislator or legislative employee who knows or reasonably should know that a family member has received a gift because of the family member's connection with the legislator or legislative employee shall disclose for publication under (d) of this section [REPORT] the receipt of the gift by the family member to the committee if the gift would have to be disclosed [REPORTED] under this section if it had been received by the legislator or legislative employee or if receipt of the gift by a legislator or legislative employee would be prohibited under this section.

Renumber sections accordingly.

Page 10, line 20, after the words "file a,

Insert:

final

Page 11, line 9:

Delete lines 10 - 25 and insert:

* Sec. 18. AS 24.60.150(a) is amended to read:

(a) The committee shall

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

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

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

(4) In January of each year and at other times determined by the committee, administer a legislative ethics course that teaches strategies for compliance with this chapter and understanding of this chapter's purpose under AS 24.60.710.

*Sec. 19. AS 24.60 is amended by adding a new section to read:

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

Renumber accordingly.

Page 12, line 17:

*Sec. 21. AS 24.60 is amended to read:

AS 24.60.17(j) If the committee has issued a formal charge under (a) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to present the case against the person charged if that individual does not provide **other** [AND HAS NOT PROVIDED] advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless the committee schedules [THE PERSON AGREES TO] a later hearing date. If the complainant prevents the hearing from starting before the 90-day deadline passes and a quorum of

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

Renumber accordingly.

Page 17, line 15:

insert:

***Sec. 29.** AS 39.52.110 is repealed and reenacted to read:

AS 39.52.110(b) Notwithstanding (a) of this section, a public officer's action or influence with respect to the officer's personal or financial interest in a specific matter is not a violation of public trust or a violation of this chapter.

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

(2) If the public officer's

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

(B) personal interest is insignificant; or

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

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

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

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

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

(v) is an officer of the business;

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

(vii) has a contract with the business; or
(viii) is an employee of the business.

Renumber accordingly.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 14, 2007

SUBJECT: Changes to language approved by the sub-committee
(CSHB 109(); Work Order No. 25-GH1059C)

TO: Representative John Coghill
Attn: Rynnieva Moss

FROM: Dan Wayne 
Legislative Counsel

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

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

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

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

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

Representative John Coghill

February 14, 2007

Page 2

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

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

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

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

DCW:med
07-098.med

Enclosure

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

25-GH1059C
Wayne
2/14/07

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 relating to lobbying; relating to employment and disclosures by certain public officers
3 and employees who leave state service; and providing for an effective date."

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

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

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

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

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

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

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

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

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

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

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

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

23 * Sec. 3. AS 24.60.020(a) is amended to read:

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

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

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

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

2 (a) A legislator or legislative employee may not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (B) at a social event or meal;

29 (2) discounts that are available

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

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

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

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

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

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

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

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

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

27 (10) tickets from a lobbyist for a charity event at any time, including
28 during a legislative session, except that tickets to or gifts received at a charity event
29 under this paragraph are subject to the calendar year limit on the value of gifts
30 received by a legislator or legislative employee in (a) of this section; in this paragraph,
31 "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. 9. AS 24.60.100 is amended to read:

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

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

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

1 the matter, interest, or representation.

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

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

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

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

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

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

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

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

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

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

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

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

10 (a) The committee shall

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

13 (2) publish advisory opinions annually;

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

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

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

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

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

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

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

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

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

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

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

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

28 (4) the appropriate rules committee for employees of

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

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

1 of the house of representatives; and

2 (C) house records and senate records;

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

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

8 (7) the legislature for the ombudsman;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALASKA STATE HOUSE OF REPRESENTATIVES

**Contact:**

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Room 204

REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: February 12, 2007

To: Dan Wayne, Legal Counsel

From: Representative Coghill, Chairman *JB*
State Affairs Subcommittee on Ethics

Re: CS for HB 109

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

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

AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

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

Sec. 3. AS 24.60.020(a)(1) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 24.60.115. Disclosures required of a legislator, legislative employee or public member of the committee. A person serving as a legislator, legislative employee, or public member of the committee shall, no later than 90 days after the person's final day of service, file a final disclosure of every matter that was subject to disclosure under this chapter while the person was serving.

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

AS 24.60.130(n) When appointing members of the legislature to serve on the committee, the speaker of the house or the president of the senate, as appropriate, shall appoint an alternate member for each regular member. An alternate must have the same qualifications as the regular member for whom the alternate stands as alternate and is subject to confirmation as required for the regular member. If a regular legislative member of the committee or a subcommittee is unable to attend a meeting, the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member at the meeting and the designed alternate shall serve unless unable to serve for any reason. If a regular legislative member of the committee or a subcommittee is disqualified under (h) of this section from serving on the committee or the subcommittee concerning a proceeding under AS 24.60.170 or if the regular member is unable to attend, the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member in the proceeding unless the alternate is also disqualified from serving. The designation shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential.

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

(a) The committee shall

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

(2) publish advisory opinions annually;

(3) publish [SEMI-] semi-annual summaries of decisions [AND ADVISORY OPINIONS] and advisory opinions with sufficient deletions in the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions that have remained confidential.

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

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

Sec. 13. AS 24.60.160 is amended to read:

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

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

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

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

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

(9) the legislature for the victims' advocate.

Renumber sections accordingly.

Page 3, line 27:

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

AS 24.60.250(e) In addition to the sanctions described in AS 24.60.260 , if the Alaska Public Offices Commission finds that a legislative director has failed or refused to file a report under AS 24.60.200 by a deadline established in AS 24.60.210 , it shall notify the Alaska Legislative Council or the Legislative Budget and Audit Committee, as appropriate. For the ombudsman and the office of victims' rights, the Alaska Legislative Council shall be notified.

Renumber sections accordingly.

Brief

2/10/07 - House STA Ethics Subcommittee Meeting

Started 10:10am and ended approximately 12:30pm

Blue - Bring before full STA Committee

Yellow - Incorporate into CS for HB 109

Deferred - to be discussed at next subcommittee meeting

TITLE 15

Tabs:

- 1 Blue**
- 2 Blue**
- 3 Deferred**
- 4 Deferred**
- 5 Blue**

TITLE 24

Tabs:

- 1 Yellow**
- 2 Deferred**
- 3 Yellow**
- 4 Yellow**
- 5 Blue**
- 6 Blue**
- 7 Yellow**
- 8 Yellow**
- 9 Yellow**
- 10(a) Yellow**
- 10(b) Blue**
- 11 Deferred**
- 12(a) Blue**
- 12(b) Deferred**
- 13 Blue**
- 14 Blue**
- 15 Yellow**
- 16 Yellow**
- 17 Yellow**
- 18 Yellow**
- 19 Deferred**
- 20 Yellow**
- 21 Deferred**
- 22 Yellow**
- 23 Deferred**
- 24 Blue**

25 Blue
26 Yellow
27 Blue
28 Blue
29 Blue

Reps. Roses and Lynn meeting, 11 a.m., 2/21/07 ... per Crystal Novotney

Amendment for Version K bill:

Drop provision of 5,000 reporting ... get rid of completely ... be consistent at \$1,000

Sect 1: page 1, line 12 ... delete 5,000, insert 1,000

Sect 1: page 1, line 14 ... delete 5,000, insert 1,000

Sect 25: page 17, line 21 ... delete 5,000, insert 1,000

Sect 25: page 18, lines 10, 17, 20, 24, 27 ... delete 5,000, insert 1,000

Presentation of bill:

Bob Roses and Bob Lynn plan for presentation of ethics bill ... go through section by section ... with a side by side comparison of everything deferred from subcommittee to full committee..



10, 17, 24
Roses OT

Checklist for State Affairs Committee meeting, Thurs, 2/22/07

Bob Lynn – opening remarks, explaining procedure

~~Wendy Ann~~
Saturday Meetings

John Coghill – present CS for HB 109 version K

Public testimony – limit to 3 minutes *to be fair to all timed*
request leave their if reading their comment, please leave

Amendments covering topics (not included in Version K) deferred by subcommittee to the full committee, going section by section in numerical order

Other amendments that may come up before full committee, also by section in numerical order *Dave Jones*

~~(Nancy mentioned addressing amending starting with less controversial ones first)~~

- Titles
- 11
 - 15
 - 24
 - 39

Nancy Manly

To: Peg Warren
Subject: House State Affairs Committee tomorrow 2/22/07
Attachments: HB 109 VERSION K 5GH1059K 2-21-07.pdf

Peg: Thanks for the CD's on the Ethics Subcommittee. I received it today.

I am emailing you the CS for HB 109 Version K (Ethics and Disclosures) that will be heard in House State Affairs Committee tomorrow. Please forward it on to all LIO's so that everyone can be viewing what the committee will be looking at tomorrow. I should also have the amendments that were rejected by the ethics subcommittee and were, instead, to be considered by the full committee. I'll try to get that for you as soon as I get it.

Nancy Manly
x2794

2/21/2007

State of Alaska
Legislative Affairs Agency Division of Public Services

Wrangell Teleconference Center
Fax cover sheet

To: Rep. Bob Lynn Phone: 465-4931
From: Sarah Merritt Phone: 874-3013
Instructions: Testimony from Stuart Thompson

HB109 HSTA Thursday Feb. 22nd
Received: Date _____ Time _____
Sent: Date 02/22/07 Time 10:10am
By: Wrangell Teleconference Center
Disposal of Original: Throw Away _____
Hold for Pick Up _____
Number of pages 1 (not counting this cover sheet)

Fax to
x 2267
For Lori
House Records

State leaders assert that their ethics reform objective is to recover lost public trust. Fiddling with public disclosure regulations, post public office employment regulations, and conflict of interest definitions does serve this purpose. Indeed, I commend the detailed work that's gone into the CS for HB 109. But unfortunately this effort is superficial. Here's how:

The genesis of our country was a revolt against corrupt administration of a parliament supported monarchy – reference US Declaration of Independence. Consequently, our form of government was designed from a comprehensive study of all government successes and failures before it. So was our Alaska Constitution. It follows that vigorous prosecution by all officials of the public oath of office, with educated initiative, becomes the best overall tool for making government worthy of trust.

Therefore, for our state to have corruption management problems is evidence of poor comprehension and application of our constitutions, their devices and their philosophical foundations. Consequently, I recommend that at least the following portions of the Alaska Constitution be investigated for being ill-understood, and for weak or perverted application:

Article 1, Section 1: Inherent Rights.
Article 1, Section 2: Source of Government.
Article 1, Section 5: Freedom of Speech.
Article 2, Section 12: Rules.
Article 12, Section 5: Oaths of Office.
Article 12, Section 6: Merit System.

Specifics have been sent to each Alaska legislator in an e-mail entitled "Corruption: Micro-managing with laws versus Macro-managing with Constitutions".

I assert that Alaska's visibly applying less than 40% of our form of government's capability is worse corruption than a bit of vote selling. Since Alaska has no rule or law to compel a career-long study of the craft of government by public officials, this underlying corruption, which naturally encourages varied ethics lapses, will persist.

Stuart Thompson
PO Box 870702,
Wasilla, AK 99687
1-877-950-7980
lookitover@worldnet.att.net

Stuart Thompson
2/2/07

Nancy Manly

From: Joyce Anderson
Sent: Tuesday, February 20, 2007 11:44 AM
To: Nancy Manly
Cc: mvupoars@mtaonline.net
Subject: FW: ethics bill

Nancy: I am forwarding this message to you since the writer is referring to ethics legislation and Rep Lynn, chair of House State Affairs, is currently hearing ethics legislation

Joyce Anderson, Administrator
Legislative Ethics Committee
P.O. Box 10468
Anchorage AK 99510
907-269-0150 fax 269-0152

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

From: CA Hummel [mailto:mvupoars@mtaonline.net]
Sent: Tuesday, February 06, 2007 12:51 PM
To: Joyce Anderson
Subject: ethics bill

Dear Committee Member;

How will rule or law determine ethical behavior or intent and how future, unpredictable outcome or circumstance may deem a persons' past actions unethical?
An acquaintance received from his living father, ownership of a business that included real estate, aircraft, tools and buildings with the arrangement between the 2 that the father receive a monthly "consulting fee" for the remainder of his life. The father developed Alzheimers' 5 years later. The son sent his father a letter explaining there would be no more consulting fee due to the fathers' inability to consult.
Sadly, the father was no longer able to read his mail.
For the entire 5 years preceding there had been no "consulting" whatsoever; but a monthly payment was deposited to the fathers' account for \$4,000.00. Here was a perfectly legal, untaxed quit claim of wealth and property, in exchange for a deductible consulting fee which did not "work out" as intended since the father did not plan to develop Alzheimers'. The father is in the Palmer Pioneer Home. His social security and permanent fund do not cover but 10% of his expenses. Everything is perfectly legal, the state and the Vets (me!) pay the tab and give him a . . . room, nurses, etc. Yet, it's so blatantly unethical.

An ethics bill requireing personal finance history would severely restrict capable candidates by excluding candidates with the 'stomach' to acquire, create or increase wealth through any legal means.

Good Luck -C A Hummel

Dan Wayne folks
Sec 3 of ^{HB} 109
4

Cell# 441-4414
let him ^{DM} wright
K

Adopt 115 w/ chg to report deadline
60 - 90 days.

Tab 16 Gruenberg added an amend
to SB20 French Language
add "final" before disclosure (the 1st
disclosure
in the language)

Coghill
Will draft another CS with
Changes so far?

title 39 a different set
or externalizing law -

Coghill's focus -
How to police the ethics

Next meeting
5 pm Thursday

Nancy Manly

To: Joyce Anderson
Subject: HB 109 - Bill Draft VERSION K (Latest version approved by Ethics Subcommittee)
Attachments: 5GH1059K.pdf

Joyce: Here's the most recent version of HB 109 - Ethics "K" Version.

Nancy Manly
485-2794

From: Lynn Barnes
Sent: Wednesday, February 21, 2007 10:50 AM
To: Nancy Manly
Subject: bill draft

per your request

2/21/2007

Nancy Manly

From: Will Vandergriff [Will_Vandergriff@legis.state.ak.us]
Sent: Wednesday, February 14, 2007 4:02 PM
To: prdistribution
Subject: MA - Third State Affairs Subcommittee on Ethics Meeting Thursday
Attachments: MA - Third State Affairs Subcommittee Meeting Thursday.doc

FOR IMMEDIATE RELEASE: Feb. 14, 2007
 544

CONTACT: Will Vandergriff, (907) 465-

House Majority Press Secretary

Third State Affairs Ethics Subcommittee Meeting Thursday **Three-member Panel Will Delve into Title 39 Language, Amendments**

(Juneau) – House Rules Committee Chairman John Coghill (R-North Pole) today announced that the House State Affairs Ethics Subcommittee will continue its work towards a committee substitute for the 13 pieces of ethics-related legislation Thursday, February 15 at 5:00 p.m. The three-member subcommittee will meet in the Speaker's Chamber, second floor, room 208 of the Capitol to cover Title 39 (Executive Branch) ethics language and amendments.

"We spent a good chunk of time separating the various title categories over the weekend, but quickly realized the complexity would demand a lot time," Coghill said. "In that same vein, we decided to focus on Title 39 separately, and hope to have our recommendations as a committee substitute ready for the full State Affairs Committee next week.

"I believe the work that Rep. Roses, Rep. Gruenberg and myself are undertaking is starting to bear some fruit. We're just not quite ready to pick it off the vine yet."

Who: House State Affairs Ethics Subcommittee -
 Rep. Coghill (R-North Pole)
 Rep. Bob Roses (R-Anchorage)
 Rep. Max Gruenberg (D-Anchorage)

What: Subcommittee Meeting

When: Thursday, February 15, 5:00 p.m.

Where: Speaker's Chamber, Capitol 208

###

Will Vandergriff
 House Majority Press Secretary
 (907) 465-5446 direct
 will_vandergriff@legis.state.ak.us

2/15/2007

Nancy Manly

From: Rep. Bob Lynn
Sent: Tuesday, February 13, 2007 8:43 AM
To: Nancy Manly; mike_sica@llegis.state.ak.us
Cc: Nancy Manly; Rep. Bob Lynn
Subject: FW:
Attachments: Feb 10 Subcommittee York Product.xls

From: Rynnieva Moss
Sent: Monday, February 12, 2007 6:27 PM
Subject:

Attached are the latest Matrix Sheets for Ethics Legislation will meet Thursday evening to address these and to take up the proposed changes to Title 29, the Executive branch.

27

Nancy Manly

From: lookitover@att.net
Sent: Saturday, February 10, 2007 11:27 AM
To: Nancy Manly
Subject: FW: RE: S. Thompson material on ethics

----- Forwarded Message: -----

From: lookitover@att.net
To: "Rynnieva Moss" <Rynnieva_Moss@legis.state.ak.us>
Cc: Nancy Manly" <Nancy_Manly@legis.state.ak.us>
Subject: RE: S. Thompson material on ethics
Date: Sat, 10 Feb 2007 20:23:51 +0000

Ma'am,

Thanks for your prompt reply!

I will be enroute back to Ketchikan from POW Thursday Morning, thus unavailable then. I could attend any hearing open to the public via the Ketchikan LIO that afternoon or Friday, however. The lady at the KTN LIO has my phone number to be able to reach me to confirm being present to give testimony. It is 1-877-950-7980

Please also extend my appreciation to Ms Manly for helping me make public public comment. I know everyone is trying to do their best for everybody's benefit.

I look forward to this. Could someone e-mail a link to the current form of the omnibus ethics bill when it becomes available? It behooves me to make my comments as relevant as possible.

Sincerely,

Stuart Thompson

2/10/2007

----- Original message from "Rynnieva Moss"
<Rynnieva_Moss@legis.state.ak.us>: -----

Testimony will probably be taken next week. Where will you be? I am guessing it will be Thursday.

From: lookitover@att.net [mailto:lookitover@att.net]
Sent: Friday, February 09, 2007 2:11 PM
To: Rynnieva Moss
Subject: FW: S. Thompson material on ethics

Ma'am,

The first attachment is the material relevant to State Affairs committee consideration of ethics reform. You said you'd be happy to forward it to Nancy Manly. I'd be happy to testify telephonically about parts that legislators want expanded.

The second attachment is wholly applicable to the Rules committee.

Thanks for your help

Stuart Thompson

----- Forwarded Message: -----

From: lookitover@att.net
To: "Rep. Berta Gardner" <Representative_Berta_Gardner@legis.state.ak.us>
Subject: RE: Permission to testify for S. Thompson
Date: Wed, 7 Feb 2007 21:43:41 +0000

Hello again back to you Rep. Gardner!

According to your request:

I have attached some rationale behind why current ethics reform laws are workable but are superficial in attachment one. This is testimony from Ketchikan that I attempted to give to the Senate Judiciary, but mysteriously I

was disconnected after one minute and the chairman didn't allow me to resume when the LIO reestablished connection. It refers to a proposed legislative rule that I introduce in the second attachment.

I believe that this rule will skyrocket legislative ethics standards, efficiency and competence.

Both the Senate and the House refused to allow me to present this to the committees that have official jurisdiction last year.

Consider it, so as to empower your deliberations.

Sincerely,

Stuart Thompson

----- Original message from "Rep. Berta Gardner"
<Representative_Berta_Gardner@legis.state.ak.us>: -----

Hello again, Stuart.

Although I am not on State Affairs, or on the subcommittee on Ethics, I am participating in the process. If you have specific suggestions about provisions you would like to see included, I'd like to hear them, now or during the hearings. I expect that a draft bill will be introduced at a subcommittee meeting on Saturday.

Berta

My contact information in Juneau:
The Alaska Legislature
Office of Representative Berta Gardner
State Capitol
Juneau, Alaska 99801-1182
Phone: 907-465-4930
Toll free phone: 1-800-331-4930
Fax: 907-465-3834

From: lookitover@att.net (mailto:lookitover@att.net)
Sent: Tuesday, February 06, 2007 12:46 PM
To: Rep. Berta Gardner
Subject: RE: Permission to testify

Dear Rep. Gardner,

Thanks very much for your friendly communication.

You are very right that my experience was not a major oversight by Rep. Lynn and his aide Nancy Manly. In fact, I did take it up with both of them after the hearing was over. I got apologies.

I calculate the oversight happened because Ms Manly was trying to ensure certain expert testimony was heard on HB 10, Rep Lynn's efforts to not antagonize Speaker Rep Harris in his introducing of his HB 20, the duress of trying to move bills expeditiously, and Rep Lynn's pre-occupation with getting these bills referred to a sub-committee for better consideration. Possibly off-topic public testimony or ranting by disaffected people is not what lawmakers are eager and excited to allow.

I am just disappointed that 1) the special sub-committee on ethics that was formed is not accepting public testimony; and 2) the House as a whole is not making an all out effort to get citizen input in consideration of the purpose of regaining their trust and confidence. You guys are visibly using mainly aides, legal experts, and experienced politicians as the source of ideas for ethics reform to change the perceptions of the public, after the ethical lapses of last year. This is not philosophically orthodox activity for people-based government. The legislative journal is the evidence of this.

However, I find no fault with most of what is being proposed. They will work to a point. But they are superficial and do not constitute measures the public can perceive are radical enough to prove that you guys are making the best efforts possible.

You do not cure public discouragement and apathy with minor fiddling with existing laws. I wanted to help but I guess, in legislative experience, ordinary citizens are usually too uninformed to get much respect.

will contact Ms Manly again to be able to testify when State Affairs
reconsiders the omnibus ethics bill. Thank you for this nudge.

do recognize the willingness to do the best you can that each legislator
brings to his/her work. I wish you the best in your efforts this year.

Sincerely,

Stuart Thompson

(snip)

Ethics Legislation – Notes on proposals.

Title 39 - Alaska State Government	
Introductory Remarks	<p>AS 39.50 applies to public officials</p> <p>AS 39.52 applies to public officers</p> <p>AS 39.50.200(9) "public official" means</p> <ul style="list-style-type: none">(A) a judicial officer;(B) the governor or the lieutenant governor;(C) a person hired or appointed in a department in the executive branch as<ul style="list-style-type: none">(i) the head or deputy head of the department;(ii) the director or deputy director of a division;(iii) a special assistant to the head of the department;(iv) a person serving as the legislative liaison for the department;(D) an assistant to the governor or the lieutenant governor;(E) the chair or a member of a state commission or board;(F) state investment officers and the state comptroller in the Department of Revenue;(G) the chief procurement officer appointed under <u>AS 36.30.010</u>;(H) the executive director of the Alaska Workforce Investment Board;(I) each appointed or elected municipal officer; and(J) the members of the board of trustees, the executive director, and the investment officers of the Alaska Permanent Fund Corporation;

	<p>AS 39.52.960(21) "public officer" or "officer" means</p> <p>(A) a public employee;</p> <p>(B) a member of a board or commission; and</p> <p>(C) a state officer designated by the governor to act as trustee of the trust or a person to whom the trustee has delegated trust duties; in this paragraph, "trust" has the meaning given in <u>AS 37.14.450</u>;</p>
Tab 1	To make clear that former public officials have to file a final disclosure statement after leaving his/her position within 90 days of terminating service. Clarification to include former public officials and former municipal officers in provision dealing with where to file disclosure statements.
Tab 2	Clarification that former public officials file their reports with APOC and former municipal officials file their reports to the appropriate municipal authority.
Tab 3	<p>Applies to public officials and candidates (does not apply to governor, Lt. Governor, legislators and candidates for legislature).</p> <p><i>Deferred</i></p> <p>This section would 1) change the reporting threshold for reporting income from \$5,000 to \$1,000 for the official and immediate family members; clarifies language concerning gifts of money than \$250; requires the source of the income or gift; the recipient of the income or gift; the amount of the income or the value of the gift; the number of hours of services performed to receive the income or gift; and the detailed nature of the services performed. <i>implies to a lot of people working fulltime</i></p>
Tab 4	Changes from \$5,000 to \$1,000 the threshold for reporting business interests of the public official or immediate family. <i>deferred</i>
Tab 5	Changes from \$5,000 to \$1,000 the threshold for reporting for beneficial interests in trusts or loans, loan guarantees, or indebtedness. <i>deferred</i>
Tab 6	This tab includes a series of changes to the statutes controlling blind trusts by 1) assuring that the trustor does not learn information about the contents of the trust when filing taxes; 2) prohibiting the trust from investing in businesses doing significant business with the State of Alaska or in a business that the trustor has some authority over in the trustor's official position; 3) prohibits holding investments or assets that must be recorded and thereby available to the trustor; 4) and prohibits investments or assets which are not marketable. Also, there is a suggestion to clarify what is reported to APOC.

Tab 7 <i>deferred</i>	Requires electronic reporting to APOC unless extraordinary conditions exist.
Tab 8AB <i>These two tabs cover the same area - HB 58 and SB 19. Both bills started out generally the same, but SB 19 has had several hearings in the Senate. The version of SB 19 contained in Tab 8B is CSSB 19 (STA). This section adds language to clarify what constitutes unethical conduct. HB 109 shown in Tab 9 creates a presumption that stock or ownership of an interest in a business is presumed to be insignificant if the value of the stock or interest is less than \$5,000. HB 58 and CSSB 19, use the same \$5,000 figure, and add additional personal or financial interests that would constitute unethical behavior if the public officer were to influence or take action with respect to them. CSSB 19 clarifies that even with such an interest, if the action or influence would only have an insignificant or conjectural effect, it would not constitute unethical behavior.</i>	<p>These sections move into AS 39.52 and cover public officers, which includes all state employees and certain other officers.</p> <p>These two tabs cover the same area – HB 58 and SB 19. Both bills started out generally the same, but SB 19 has had several hearings in the Senate. The version of SB 19 contained in Tab 8B is CSSB 19 (STA).</p> <p>This section adds language to clarify what constitutes unethical conduct. HB 109 shown in Tab 9 creates a presumption that stock or ownership of an interest in a business is presumed to be insignificant if the value of the stock or interest is less than \$5,000.</p> <p>HB 58 and CSSB 19, use the same \$5,000 figure, and add additional personal or financial interests that would constitute unethical behavior if the public officer were to influence or take action with respect to them. CSSB 19 clarifies that even with such an interest, if the action or influence would only have an insignificant or conjectural effect, it would not constitute unethical behavior.</p>
Tab 9 <i>also similar to 8 and 9 approach</i>	<p>Section 8 of HB 109 creates a presumption that stock or ownership of an interest in a business is presumed to be insignificant if the value of the stock or interest is less than \$5,000. This was discussed previously in the Tab 8A discussion.</p> <p>Section 9 – Establishes 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.</p>
Tab 10	This section would make the post-state employment limitation more restrictive by precluding former public officers from working on particular legislation or regulations that they personally and substantially participated in during their state service.
Tab 11	This tab adds to those public officers who cannot lobby for one year after service. HB 109 adds deputy commissioners and policy making employees of the Governor's Office. A2/Cook removes deputy commissioners, but includes all employees of the Governor's Office, not just those that are in a policy making position.
Tab 12	This tab prohibits former department commissioners and former employees of the governor's office from serving on boards of

	companies, organizations, or other entities that they regulated or with which they worked in their official positions.
Tab 13	Requires certain disclosures by the governor prior to granting executive clemency and for a written determination by the Attorney General whether the granting of clemency would violate the Executive Ethics Act.
Tab 14	This tab expands the definition of official action to include a broader category of involvement in a matter.
Tab 15	Clarifies that there is nothing in State law prohibiting members of families from working in the same department, division, or work area as long as one family member does not have supervisory authority over the other. The proposal describes what constitutes supervisory authority.
Tab 16	Applicability and effective date provisions.

Committee work on ethics bills began at our first committee meeting, because I want to put new and improved ethics legislation at the head of the line. We started with two good bills, HB190 and HB20, and some others, and those good bills have morphed into HB109, the governor's bill which we are hearing again today.

It's my goal –and I hope it's the goal of everyone on this committee – to move this bill to the next committee in an expeditious manner. I want this committee to establish basic policy – is the dollar amount this or that, do we do this or do we do that – and then let the Judiciary Committee, of which three of us are members, to tweak the verbiage to make that happen, or something close to it.

In other words, as I said before, I don't want "paralysis by analysis." With these thoughts in mind I hope we can move this bill on to the Judiciary Committee within two hearings – three at the most, if we possibly can.

Coglier goes thru by section
What was laid aside

737

Amendments rejected by Subcommittee

All amendments from this point on.

Some Amend Gov Sent down
Undo's everything Sub Comm did.

Roses think we should go with
What Comm say.

Maybe at point of Gov Amend.

meeting
2-21-07

Bob, Mike, Crystal (Bob Rose's office)
Dave Jones (Gov office)

Dave Jones - Gov Atty
New Amendments
Restore some Amendments

3
Amendments

~~Electronic filing~~
Backing off on some

- 3 amendments
1 Exec Branch
1 Leg Branch
1 Campaign

Stagger stagger implementation

Exec Branch financial date: July 2007
Leg Branch " July 2008
Campaign " May 1 2009

Dave will send electronic format

more detail
1 Legislative financial disclosure
reporting # of hours for work perform

~~#~~
1 lowering threshold
1,000 to 5,000
reporting # of hours

1 definition of insignificant
financial interest

3
Amend.

on new topics

1) additional Boards and Commissions

2) define Policy Making Provisions

3) ^{two} _{topics} Provisions Lobbyist Making gift to
Executive branch (give apoc
Authority
- to give apoc ~~enforcement~~ ^{enforcement} when
someone leaves office.

HB 109

**Drop the provisions of the \$5,000 reporting completely
The best thing to do would be straight across the board at \$1,000 because that's what the voters said.**

**delete \$5,000 insert \$1,000 – campaign. legislative and executive
AS 15 and AS 39
Page 1 line 12 and line 14
Page 17 line 21
Page 18 line 10, 17, 20, 24, 27**

We aren't going to touch page 20 lines 12 and 15 where it talks about the public officers, controlling interest in a business, fair market value – any of that.

How this is going to go

**John coghill "K" Version
Public Testimony
Amendments after public testimony
Everything that was left out of this bill.**

Ethics subcommittee

2-20-07 - Tuesday 1⁰⁸ pm

Purpose

Go thru CS "M" versions

Rev & Section

title 24

research

Coghlin presents to full Committee
by title #.

Greenberg moves to make Report.

2-14-07

Ethics Subcommittee

39.52.188 Tab 10

draft Version E.
rolling Version

Greenberg 9 B

Key point - it states if a bobbyist
gives him or family a gift - unethical
unless immediate family member.

Greenberg doesn't know any other
way to deal with it.

- 1) No Can't do
- 2) Yes Can do
- 3) or Create a presumption

Ethics would listen of facts of case
to determine -

Pratition - recipients
Would go to Ethics.

Presumption establish
a bright line.

Coghlin struggle with that,
could be an act of human
kindness.

Coghlin mentioned last
mtg - you need to know
the rules clearly.

Calling
ethics

Coghlin want bright line,
judgement call means
fuzzy.

Ask for
Burned CO for

Feb 16 Fri

Feb 19 Mon

meeting

2-15-07 5:15 pm
Subcommittee - Ethics

Training
decrease of income } Staffers may help

Title 39 Executive Ethics

12/ Ethics Subcomm
NOON - 1
Monday

①

Label 2nd tape

14/ Tape 2 of 2
15/ Side A

②

Notice
Monday meeting

③

Ethics Subcommittee Meeting

2-10-07 10¹⁰ AM called to order

Salute to

17658 Michelle
Jan 10 4 de
From CS

Coghill
Instructions

HB109 vehicle

going by title

Purpose put amend in a CS

Not a lot of debate today

Purpose to keep it on ethics

Must have unanimous Concept doesn't go in the CS

Create a Language Set

Going prim thru Ethics. Title II off Table

Blue goes before full comm.

Title 15 has 5 tabs

going thru the tabs

Wants tab # & title # when discussing

Change

040 (a) Takes out exemptions - adds every occupation.

Requirement of each individual.

(c)

Coghill objects. Needs to be debated before full
Committee. Campaign NOT ethic.

Bob wants
Tabs to
Ann Sutton

Greenberg

rep lobbyist - doesn't work for entity
they are lobbying. Get Reimb expenses

Lobbying not defined in statute per Tam Cook

Representational ~~to~~ lobbyist - is in the regs

Dan Wayne - Consult. Services
is not defined

Amendments

Garano/ Change definitions to
HB 10

Hold it over
for committee

Where
is it

Not in
matrix or
Book
085

nike has a copy
of this I think -

Looking for unethical behavior
not controlling

adn.com

Anchorage Daily News

Print Page

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State ethics bill tries to delay lobbying

REVOLVING DOOR: Two Murkowski officials' new jobs buttress reform drive.

By TOM KIZZIA
Anchorage Daily News

(Published: February 10, 2007)

Last year, Kevin Jardell was a familiar figure in the halls of the state capitol, lobbying for a gas pipeline contract as Gov. Frank Murkowski's chief legislative liaison. This year Jardell is once again lobbying the Alaska Legislature, but now he's making \$10,917 a month working for Exxon Mobil, one of the three major oil companies that were negotiating that gas line contract with the state.

Denny DeWitt was a special assistant last year in the Juneau governor's office. Among his duties were overseeing the state Department of Administration, which was drawing up plans for a \$30 million overhaul of the state government's telephone system. Last month he quit his state job and went to work as a lobbyist for the only company to bid on the big phone project.

Jardell and DeWitt are the latest in a long line of powerful state officials, both Republican and Democratic, who have jumped into paid positions with companies whose interests touched their former jobs.

The state's executive ethics law is meant to impede the passage through that revolving door. The law doesn't bar officials from going to work for companies they dealt with, but restricts the kind of work they may do for two years. The idea is to avoid conflicts of interest and assure the public that officials act for the good of the state, not potential employers.

But the law has exceptions. Both Jardell and DeWitt say they broke no rules in lining up their new lobbying clients.

State officials following in their footsteps may find a different set of rules in the future, however. The Legislature is considering tightening restrictions on executive branch officials as part of a broader push for ethics reform this year.

Gov. Sarah Palin has proposed a law that would expand the current one-year ban on lobbying by department heads to include deputies and policymakers in the governor's office.

The new law would also broaden an existing two-year ban on the types of work public officials could perform after switching sides to private industry. Under current law, officials can't switch sides on matters such as contracts or legal cases. The new proposal would include work on legislation or administrative regulations as additional restrictions.

"We want people to have faith and confidence that people in state government are working for the good of the state and not doing it so that when they leave public service there are better opportunities there," Palin spokesman Charles Fedullo said earlier this week.

The governor's bill, SB 64, had its first hearing Thursday in the Senate Judiciary Committee. Most of the initial talk in committee was about new electronic filing requirements for campaign finance disclosure forms. The panel is scheduled to take up the bill again Monday.

In the House, a subcommittee of the State Affairs Committee plans to take up Palin's proposals along with seven other ethics bills at a work session today. House leaders have said they hope to fold all their ethics changes into a single omnibus bill.

Much of the talk of ethics reform this year has involved outside work for legislators. But the revolving door between state and private jobs has been a concern of reformers for years.

Last year, reform-minded Democrats drew attention to Murkowski administration officials who left for private industry, said former House minority leader Ethan Berkowitz.

These included Fish and Game Commissioner Kevin Duffy, who left in 2005 to become executive director of the At-Sea Processors Association, and Health and Social Services Commissioner Joel Gilbertson, who went to work for Providence Health System of Alaska. Both officials had made decisions affecting their future employers: Duffy, as head of the state's delegation on the North Pacific Fishery Management Council, and Gilbertson, who had approved new diagnostic equipment for Providence hospital despite a moratorium in effect elsewhere.

Republicans didn't have to go back very far to find their own example in former Democratic state Sen. Jim Duncan, who quit as administration commissioner under Gov. Tony Knowles and was named head of the largest state employee union. As commissioner, he had been in charge of contract negotiations for the state.

As a result of an ethics complaint investigation, Duncan signed an agreement with the Department of Law to recuse himself from certain ongoing cases and to not discuss state secrets. The department dismissed an ethics complaint against Gilbertson last year, saying it found no evidence he'd made decisions to curry favor with Providence.

The existing system provides little transparency -- a key word used by ethics reformers these days.

Current law directs state lawyers to give legal advice to officials who seek it, and allows for investigations if someone complains. But the advice is generally confidential as are the investigations. The state Department of Law will not say whether it has rendered any advice or opinion involving Jardell and DeWitt, the two officials who recently left the Murkowski administration to become lobbyists, and their clients.

Jardell did not answer questions about his new contract lobbying for Exxon, referring instead to an interview he did last week with the Alaska Budget Report, the Juneau-based subscription newsletter that first reported on the new lobbying careers of Jardell and DeWitt.

In that interview, Jardell said his work as legislative liaison for Murkowski on oil taxes and the gas line contract all involved the Legislature, thereby falling under the existing law's exceptions. He said that his job was to sell the gas line deal to lawmakers, and that he had not been part of the team negotiating the contract with the oil producers.

Based on that, he said, the state Department of Law concluded he could lobby for Exxon without seeking a special waiver, Jardell told the budget review.

Jardell has registered to lobby on oil and gas matters for Exxon, according to the Alaska Public Offices Commission. He also has registered to lobby for Catholic Community Services and AgeNet, a group serving seniors.

Besides Jardell, Exxon Mobil has registered six of its employees as lobbyists in Juneau.

Preliminary figures compiled by the Alaska Public Offices Commission show oil and gas interests

spent almost \$4 million last year on salaries and fees for lobbyists in Juneau, including professional lobbyists and their own employees. In addition, the oil industry reported spending more than \$8 million on related lobbying expenses such as advertising and receptions. The totals for 2006 were unusually high because of all the politicking on the gas pipeline, officials said.

DeWitt left the governor's office last month and registered to lobby for a phone provider, World Wide Technologies, for \$2,500 a month. WWT is the company replacing state phones with a new technology known as Voice over Internet Protocol. The Murkowski administration concluded that the old phone system was on the verge of collapse and such a switch would save the state money. The phone project was singled out in a list of achievements cited by Murkowski at the end of his term.

WWT had the contract to do the first phase of the change and proved to be the only company that bid for the follow-up five-year contract, a \$30 million deal signed Wednesday, said Vern Jones, chief procurement officer for the state's Division of General Services.

"I was surprised by that," said Jones, who expected more competition on such a big high-tech phone job.

The project stirred some controversy in the Legislature last year. Then-Sen. Gretchen Guess, D-Anchorage, a former telecommunications company economist, opposed it during an appropriations debate, contending that the administration had defined the new technology too narrowly to draw wide interest.

DeWitt said in an interview that he had worked on the phone replacement project as a special assistant responsible for the Department of Administration. But he said he was not involved in the actual contract. He said he had studied the current ethics rules and advisories.

"I'm not running afoul of any of them," DeWitt said. "You have to have direct involvement in those issues, and I did not."

DeWitt was a longtime legislative aide before going to work for Murkowski's office. His other lobbying client this year is the National Federation of Independent Business, which is paying him a \$50,000 annual contract, according to APOC officer Tammy Kempton.

DeWitt declined to comment on the proposed changes to the executive ethics law.

Palin's proposal would appear to restrict officials such as Jardell and DeWitt in the future by making policymakers in the governor's office subject to a one-year delay in lobbying. The inclusion of legislative work among matters where state officials cannot switch sides for two years would also seem to restrict someone in Jardell's position.

Reporter Tom Kizzia can be reached at tkizzia@adn.com.

Proposed changes

Among the changes in ethics law affecting lobbyists now being considered:

- **CURRENT LAW:** Two-year ban on work that duplicates certain work done for state, such as

contracts.

- **PALIN PROPOSAL:** Add work done on legislation or writing regulations to that list.
- **CURRENT LAW:** One-year ban on paid lobbying by ex-governor or department heads.
- **PALIN PROPOSAL:** Add department deputies and policymakers in governor's office.

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Alaska State Legislature

Select Committee on

Legislative Ethics

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December 4, 2006

ADVISORY OPINION 2006-03

Subject: Conflict of Interest - Disclosures

RE: Do AS 24.60 require a former legislator to disclose matters relating to potential conflicts of interest that existed during the time the legislator was in office?

You are a legislator and therefore covered by the Legislative Ethics Act. You have requested an advisory opinion concerning facts and circumstances that you have related. You have waived confidentiality. The committee relies on facts that you have described in answering your question.

Statement of Facts

Legislators are required by AS 24.60, the Legislative Ethics Act, to disclose matters relating to certain actual and potential conflicts of interest, within deadlines fixed by statute.¹ You have asked if disclosures under AS 24.60.105, 24.60.080(d), and 24.60.210, statutes which have a reporting date of March 15, 2007, must be filed by all legislators who held office in 2006 or only those legislators who are in office on March 15, 2007? Past practice has exempted former legislators, former legislative employees and former public members of the Select Committee on Legislative Ethics from filing requirements concerning the final reporting period of their tenure in office.

Discussion

Although nothing in the statutes cited in your request specifically exempts former legislators, former legislative employees, and former members of the select committee on legislative ethics from filing requirements, it has become the practice to exempt them from final reports due on March 15. AS 24.60.020(a) and (a)(1) (emphasis added) say:

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

(1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless the provision specifically states that it applies;

This can be read to suggest that legislators and legislative employees are exempt from disclosure requirements the moment they become "former." However, the duty to disclose arises the moment the matter to be disclosed occurs, not on the final date a statute requires a report on the matter to be filed. The status of "former" is irrelevant in that respect. If a disclosable matter arises before a legislator,

legislative employee, or public member of the Select Committee on Legislative Ethics becomes "former," then it must be disclosed; if it arises after, then it need not be disclosed. Leaving office does not amount to an amnesty from ethics disclosure requirements -- if it did then there would be a period in every legislator's career where the legislator could disregard much of the code of legislative ethics, safe in the knowledge that, once the legislator makes it past the last day of office, he or she will be safe from ethics-based scrutiny. It could also lead to the resignation of legislators who, suddenly accused of not making a disclosure, could resign rather than disclose a conflict that may have long existed.

Additional support for a reading of AS 24.60.020(a) that does not exempt former legislators and former legislative employees from filing final reports by March 15 is found in AS 24.60.010 (emphasis added), which says:

The legislature finds that

- (1) high moral and ethical standards among public servants in the legislative branch of government are essential to assure the trust, respect, and confidence of the people of this state;
- (2) a fair and open government requires that legislators and legislative employees conduct the public's business in a manner that *preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest*;
- (3) the public's commitment to a part-time citizen legislature requires legislators be drawn from all parts of society and the best way to attract competent people is to acknowledge that they provide their time and energy to the state, often at substantial personal and financial sacrifice;
- (4) a part-time citizen legislature implies that legislators are expected and permitted to earn outside income and that the rules governing legislators' conduct *during and after leaving public service must be clear, fair, and as complete as possible; the rules, however, should not impose unreasonable or unnecessary burdens* that will discourage citizens from entering or staying in government service;
- (5) in order for the *rules governing conduct to be respected both during and after leaving public service*, the code must be administered fairly without bias or favoritism;
- (6) no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment;
- (7) compliance with a code of ethics is an individual responsibility; thus all who serve the legislature have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates;
- (8) the purpose of this chapter is to establish standards of conduct for state legislators and legislative employees and to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter.

AS 24.60.010(2) notes the importance of avoiding even the *appearance* of a conflict of interest.

Although AS 24.60.010 discourages imposing unreasonable or unnecessary burdens that will discourage legislators from seeking or staying in office, AS 24.60.010(4) and 24.60.010(5) suggest that compliance with disclosure requirements after leaving office is part of being a legislator.

Conclusion

The committee finds that an appearance of a conflict of interest is too easily created when disclosure is

not required in the circumstances you have described, and actual conflicts become too easy to conceal.

All of the reporting requirements in the Legislative Ethics Act apply for each day a legislator is in office, and although there are deadlines for filing reports, a legislator may file a report as soon as a disclosable matter arises, before the reporting deadline. Therefore, and for the reasons stated above, the committee finds that, as to any disclosable matter that arises during the time a legislator is in office, the former legislator is still required to disclose under AS 24.60 as if the legislator were still in office; but, as to any matter that arises after a legislator leaves office, the former legislator is not required by AS 24.60 to make a disclosure.

because of prior practice contrary to this opinion, this opinion shall be applied prospectively -- to legislators, legislative employees, and public members of this committee. In this instance, a legislator leaving office on the third Tuesday of January, 2007, which is January 16, is subject to the March 15, 2007, disclosure deadline for any previously unreported matter or interest that began or was in existence between April 10, 2006 (which is the 30th day before the regular session ended in 2006) and December 31, 2006. The same legislator is subject to the March 15, 2008 disclosure deadline for any matter or interest that began or was in existence between January 1, 2007 and January 16, 2007; however, the report can be filed at any time between January 16, 2007 and March 15, 2008, and may be filed separately from, or as an addendum to, the report due March 15, 2007.²

Adopted by the Select Committee on Legislative Ethics on December 4, 2006.

Members present and concurring in this opinion were:

H. Conner Thomas, Chair
Representative Bruce Weyhrauch
Senator Hollis French
Senator Ralph Seekins
Herman G. Walker, public member
Ann Rabinowitz, public member
Dennis (Skip) Cook, public member
Gary J. Turner, public member

Members dissenting from this opinion were: None.

Members absent were: Representative Les Gara

DCW:ljw:med
06-329.ljw

¹ Among statutes with disclosure deadlines are: AS 24.60.030, 24.60.040, 24.60.050, 24.60.070, 24.60.080, 24.60.105, 24.60.200, and 24.60.210.

² AS 24.60.105(a):

(a) When a legislator or legislative employee is required to file a disclosure under this chapter and a date by which the disclosure must be filed is not otherwise set by statute, the deadlines set out in this section shall apply. *For disclosure of a matter or an interest that began or was acquired during the interim between regular legislative sessions, whether or not the regular session is extended or there is a special session, or during the last 30 days of a regular session, the legislator or legislative employee shall disclose the matter by March 15.* For disclosure of a matter or an interest that began or was acquired during a regular legislative session, but not during the last 30 days of the regular

session, the disclosure must be made within 30 days after the commencement of the interest or representation. (Emphasis added)

AO 06-03 --

-- AO 06-03

dtSearch 7 00 (7008)

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 24, 2007

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

Dear Speaker Harris:

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

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

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

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

The Honorable John Harris
January 24, 2007
Page 2

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

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink that reads "Sarah Palin". The signature is written in a cursive, flowing style with a horizontal line at the end.

Sarah Palin
Governor