

HB

109

SUBCOMM.

FILE #12

TITLE 24

AMEND. TO

BRING ...

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 w.

(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

A M E N D M E N T

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"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: C 3HB 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]"

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"

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 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 Rerumber 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

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"

1 **Governor's A M E N D M E N T #2** (Parallel Positions for Lobbyists – Title 24)

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

5 TO: CSHB 109() (25-GH1059K; 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 followir sections accordingly.

1 **Governor's A M E N D M E N T #3** (Details in Legislative Disclosures - Title 24)

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, 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.

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Governor's A M E N D M E N T #4 (Electronic Legislative Filing - Title 24)

OFFERED IN THE HOUSE BY THE GOVERNOR
STATE AFFAIRS COMMITTEE

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

Page 16, line 10, following "Commission":

Delete "may request"

Insert "shall require"

Page 16, line 11, following "but":

Delete "shall"

Insert "may, when circumstances warrant an exception,"

Page 22, following line 18:

Insert a new bill section to read:

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

Renumber the following bill sections accordingly.

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

Delete "22"

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

(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.