

HB

109

SUBCOMM.

FILE #13

TITLE 39

AMEND. TO

BRING ...

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 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;**

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(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 fo. a contract with the business; and

(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 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"

1 39.50.030(b)

AMENDMENT

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

Page 17, line 21:

Delete "\$5,000"
Insert "\$1,000"

Page 17, line 31:

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

Page 18, line 10:

Delete "\$5,000"
Insert "\$1,000"

Page 18, line 17:

Delete "\$5,000"
Insert "\$1,000"

Page 18, line 20:

Delete "\$5,000"
Insert "\$1,000"

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2 Page 18, line 24:

3 Delete "\$5,000"

4 Insert "\$1,000"

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6 Page 18, line 27:

7 Delete "\$5,000"

8 Insert "\$1,000"

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 a ^{person other than the applicant for clemency who is 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"

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"

1 **Governor's A M E N D M E N T #6** (Electronic Public Official Filing - Title 39)

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

5 TO: CSHB 109() (25-GH1059K; 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."
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21 Page 19, lines 21 - 27:

22 Delete all material.

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Governor's A M E N D M E N T #7 (Boards - 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 39.50.200(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.

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Governor's A M E N D M E N T #8 (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.

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Governor's AMENDMENT #9 (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)."

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.