

**HB**

**109**

**SUBCOMM.**

**FILE #4**

**TITLE 24**

**(FILE 2)**



<p><b>AS 24.60.210(c)</b> new subsection makes electronic reporting of Annual Reports to APOC mandatory except in extraordinary circumstances, which would have to comply with APOC requirements.</p>															25
<p><b>AS 24.60.250(c)</b> 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.</p>													X		26
<p><b>AS 24.60.990(a)</b> adds definition for "professional license" to mean a license required for a profession regulated by the federal government or a state.</p>															27
<p><b>UNCODIFIED LAW</b> - Creates an applicability of disclosure of former legislators, legislative staff, and public members of the committee to April 9, 2006. HB 10 made this applicability for legislators only.</p>		X											X		28
<p>The intent is to be sure a legislator has the qualifications to, in good faith, perform the personal services promised to a client in a contract.</p>													X		29

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.170(j)

EXISTING STATUTE	5291A Ethics-HarrisWayne	EXPLANATION
<p>AS 24.60.170(j) If the committee has issued a formal charge under (h) 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 and has not provided legal 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 person agrees to a later hearing date. 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.</p>	<p>AS 24.60.170(j) If the committee has issued a formal charge under (h) 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 <del>other</del> (AND) and has not provided legal 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 <u>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.</u> 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.</p>	<p>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.</p>

TAB 21 *deferred*

**TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.176(b)**

**EXISTING STATUTE**

5291A Ethics-HarrisWayno

**EXPLANATION**

<p><b>AS 24.60.176(b)</b> In this section, "appointing authority" means</p> <p>(1) the legislative council for employees of the Legislative Affairs Agency and of the legislative council and for legislative employees not otherwise covered under this subsection;</p> <p>through</p> <p>(7) the legislature for the ombudsman.</p>	<p><b>AS 24.60.176(b)</b> In this section, "appointing authority" means</p> <p><u>(8) the victims' advocate for employees of the office of victims' rights, other the victims' advocate;</u></p> <p><u>(9) the legislature for the victims' advocate.</u></p>	<p>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.</p>
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TITLE 24.60 STANDARDS OF CONDUCT - Amendment AS 24.60.200

HB 10 - Lynn

HB 27 - Gardner

SB 20 - French

HB 109 - Governor

<p>AS 24.60.200. <i>Financial disclosure by legislators, public members of the committee, and legislative directors.</i></p> <p>AS 24.60.200(2) existing language.</p> <p>(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 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;</p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to a dividend received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(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 and only to the extent those services are required to be kept confidential under a state or federal law, including the common law;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the [ IF THE SOURCE OF INCOME 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];</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to a dividend received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(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;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(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];</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to dividend in excess of \$1,000 received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with sufficient description to make clear to a person of ordinary understanding the specific services performed;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(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];</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, name and address of the source of the income, <u>the amount of the income, the number of hours of services performed to earn that income</u>, and a statement describing <u>in detail</u> 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.)</p>
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**EXPLANATION:** AS 24.60.200(2) expands reporting of income in excess of \$1,000 of discloser, the discloser's spouse or domestic partner, dependent children, and nondependent children who live with discloser to include dividends received from a LLC as compensation for personal services and requires the disclosure to include a description of services performed and the approximate number of hours spent performing services. Exceptions to comply with state and federal laws.

TAB 23 *deferred*

**TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.210(a) - (b)**

**EXISTING STATUTE**

**HB 109 - Governor**

**EXPLANATION**

<p>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.</p> <p>(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.</p>	<p>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. <u>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.</u></p> <p>(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. <u>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.</u></p>	<p>24.60.210(a) places a deadline on when a legislator or legislative director who leaves service must report all unreported disclosures required by AS 24.60.200.</p> <p>AS 24.60.210(B) places a deadline on when an ethics committee member who leaves service must report all unreported disclosures required by AS 24.60.200.</p>
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TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.210 with new subsection (c)

EXISTING STATUTE

HB 109 - Governor

EXPLANATION

NONE	<p>Sec. 4. AS 24.60.210 is amended by adding a new subsection to read:</p> <p>(c) The Alaska Public Offices Commission 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 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.</p>	Makes electronic filing of disclosure statements mandatory
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*Classified  
Objects*

TAB 25

**TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.250(c)**

EXISTING STATUTE	529VA Ethics-HarrisWayne	EXPLANATION
<p><b>AS 24.60.250(c)</b> 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, the Alaska Legislative Council shall be notified.</p>	<p><b>AS 24.60.250(c)</b> 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 <u>and the office of victims' rights</u>, the Alaska Legislative Council shall be notified.</p>	<p>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.</p>

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.990 New Definition

EXISTING STATUTE

HB 27 - Gardner

EXPLANATION

<p>NONE</p>	<p>Sec. 2. 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.</p>	<p>This accomplishes the same goal as Rep. Lynn's HB 10 subsection (A) which stated a person must disclose services unless <i>those services are required to be kept confidential under a state or federal law, including the common law.</i></p> <p>Rep. Gardner requires disclosure of services unless those services require a professional license issued by the state or federal government. The question is, are there professional licenses that would not require confidentiality by the state or federal government? In addition there may be services that don't require a license but are protected by the state or federal government for confidentiality.</p>
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refer back  
to tal 23

TAB 27

**TITLE 24.60 STANDARDS OF CONDUCT - UNCODIFIED APPLICABILITY**

EXISTING STATUTE	HB 10 - Lynn	136C.5 - Harris/Bullard	EXPLANATION
UNCODIFIED	<p>Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to read:</p> <p>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.</p> <p>(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.</p>	<p>Section 7. The uncodified law of the State of Alaska is amended by adding a new section to read:</p> <p>TRANSITION. A person who is not a legislator, legislative employee, or public member of the Select Committee on Legislative Ethics on the effective date of this Act but who served as a legislator, legislative employee, or public member of the Select Committee on Legislative Ethics between April 9, 2006, and the effective date of this Act shall make the disclosure required by AS 24.60.115, added by sec. 6 of this Act, within 90 days after the effective date.</p>	<p>Creates an applicability of disclosure of former legislators, legislative staff, and public members of the committee to April 9, 2006. Rep Lynn had this requirement for legislators in HB 10, but his language did not include legislative employees, nor public members of the ethics committee.</p>

*Grubberg thought  
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*Rises object  
 due to  
 retroactive*

TITLE 24.45 REGULATIONS OF LOBBYING - AMEND AS 24.60.085

EXISTING STATUTE	136C.9 - Harris Bullard	136C.5 - Harris/Bullard	EXPLANATION
NONE	<p>Sec. 7. AS 24.60.085 is amended by adding a new subsection to read:</p> <p>(c) A legislator may not seek or accept compensation for personal services or performing a contract if the services or programs are outside the scope of the ordinary course of the legislator's previous employment, practice, or experience.</p>		<p>The intent is to be sure a legislator has the qualifications to, in good faith, perform the personal services promised to a client in a contract.</p>

*Gardner  
Connected to  
Tab 13*

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