

**HB**

**109**

**SUBCOMM.**

**FILE #5**

**TITLE 39**

SUBJECT MATRIX OF ETHICS LEGISLATION - TITLE 39

Title	1	2	3	4	5	6	7	8	9	10	
39 50 020 Would require the governor, high-ranking executive branch officials, judges and other judicial officers, and certain municipal officers to file a financial disclosure report with APOC within 90 days of leaving service.			X							X	1
39 50 030(b) Requires financial disclosure of income and interest, and stock holdings, trust or similar interests, loans, loan guarantees, and indebtedness exceeding \$1,000, a reduction from \$5,000. And required more detail in financial disclosures.			X							X	2, 3, 4, 5
39 50 040 Makes changes to the Blind Trust Statute to clarify the information available to the trustee and allowable investments						X					6
39 50 050(a) Conforms section for APOC administration and inspection to comply with mandatory electronic filing.			X								7
39 52 110(b) amends Executive Branch Ethics Act to draw a bright line for interest in and ownership of a business of not more than one percent or \$5,000. cannot be a member of the board or have a contract or an option for a contract with a business. cannot employed by the business.	X			X							8 A-B

<p>§9.52.110(d) New subsection to "Scope of Code" clarifies stock or ownership interest in a business is presumptively insignificant if the value of the interest is less than \$5,000.</p>		X							9
<p>§9.52.130(a) establishes an assumption that all gifts from a lobbyist to a public officer, or a member of the officer's immediate family, are improper unless the lobbyist is an immediate family member of the gift's recipient.</p>		X							9
<p>§9.52.180(a) Makes limitations for post-employment by public officials covered under the Executive Branch Ethics Act more restrictive by precluding former public officials from working on particular legislation or regulations for two-years after leaving state service if they personally and substantially participated in work on the same legislation or regulations during their state service.</p>		X							10
<p>§3.2.180(d) Extends the existing one-year ban on lobbying on certain public officials to include deputy heads of principal departments and those holding policy-making positions in the Office of the Governor, lieutenant governor, and heads of principal departments.</p>		X			X				11
<p>§9.52.180(e) Adds restrictions on employment after service for a department head. Prohibits department heads and Governor Office employees from serving on certain boards.</p>					X				12

39 52.258 Disclosures required before governor grants clemency						X			13
39 52.060(14) amends definition for "official action" broadening it to include <u>performance of any duties in the course and scope of a public official's employment review, advice, participation and assistance</u> in making a recommendation, decision, approval, disapproval, vote or other similar action, including, inaction, by a public officer <u>regarding a matter</u> that could have an effect on the financial interests of that public officer.			X					X	14
39 90.020 clarifies what is included within the purview of the nepotism prohibition in state law							X		15
UNCODIFIED LAW - Applicability of restrictions for one-year ban on lobbying and the two-year restriction for working on legislation or regulations to those leaving service on or after the effective date of the law		X							16
EFFECTIVE DATE of mandatory electronic filing of APOC reports is July 1, 2007		X							16
EFFECTIVE DATE of all other provisions of Governor's Bill would be immediate.		X							16

**TITLE 39.50 PUBLIC OFFICIAL FINANCIAL DISCLOSURE - Amend AS 39.50.020(a)**

EXISTING STATUTE	HB 109 - DISCLOSURES & ETHICS - GOV	GRUENBERG AMENDMENT	EXPLANATION
<p><b>AS 39.50.020, Report of financial and business interests.</b></p> <p>(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. A statement shall also be filed by public officials no later than March 15 in each following year. Persons who are members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.</p>	<p><b>Sec. 5. Sec. 39.50.020. Report of financial and business interests.</b></p> <p>A statement shall also be filed by public officials no later than March 15 in each following year. <u>On or before the 90th day after leaving office, a former public official shall file a statement covering any period during the official's service in that office for which the public official has not already filed a statement.</u> Persons who are members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.</p>	<p>Page 4, Line 10</p> <p>Insert: "final" before "statement"</p>	<p>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.</p> <p>Clarification to include former public officials and former municipal officers in provision dealing with where to file disclosure statements.</p>

**TAB 1**

**TITLE 39.50 PUBLIC OFFICIAL FINANCIAL DISCLOSURE - Amend AS 39.50.020(b)**

EXISTING STATUTE	HB 109 - DISCLOSURES & ETHICS - GOV	EXPLANATION
<p>(b) A 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, 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.</p>	<p>(b) A public official <u>or former public official</u> other than an elected or appointed municipal officer shall file the statement with the Alaska Public Office 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, <u>former municipal officers</u>, 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.</p>	<p>Applies to public officials and candidates.</p> <p>Technical amendment to bring subsection (b) into conformity with proposed changes to subsection (a). Directs where disclosure statements are to be filed.</p>

TAB 2

Amend Title 39  
TAB 3,4,5

Adopted

Overseer  
Council  
Meeting

(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 gifts from a single source with a cumulative value exceeding \$250 during a calendar year [EACH GIFT WITH A VALUE EXCEEDING \$250], 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 if 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;

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(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.

TITLE 39.50.030 CONTENTS OF STATEMENTS - AS 39.50.030(1)

EXISTING STATUTE

HB 109 - DISCLOSURES & ETHICS - GOV

GRUENBERG AMENDMENTS

EXPLANATION

EXISTING STATUTE	HB 109 - DISCLOSURES & ETHICS - GOV	GRUENBERG AMENDMENTS	EXPLANATION
<p><b>AS 39.50.030(b)</b></p> <p>(b) Each statement filed by a public official or candidate under this chapter must include the following:</p> <p>(1) the source of income over \$5,000 during the preceding calendar year, including taxable and nontaxable capital gains, 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;</p>	<p><b>Sec. 6. Section 39.50.030. Contents of Statements:</b></p> <p>(b) Each statement filed by a public official or candidate under this chapter must include the following:</p> <p>(1) <u>for [THE SOURCE OF] all income over \$1,000 [\$5,000] during the preceding calendar year, including taxable and nontaxable capital gains, and each gift with a value exceeding \$250, 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]</u></p> <p><u>(A) the source of the income or gift;</u>  <u>(B) the recipient of the income or gift;</u>  <u>(C) the amount of the income or value of the gift;</u>  <u>(D) the number of hours of services performed, if any, to earn the income or for which the gift was given; and</u>  <u>(E) a detailed description of the nature of the services performed;</u></p>	<p>Page 4, line 28                      Insert: gifts from a single source with a cumulative value exceeding \$250 during a calendar year.                      Page 5, line 1                      Insert "each" before "source"</p> <p>Page 5, line 5                      Remove reference to number of hours performed for "gifts."</p> <p>Page 5, line 4                      Change number of hours to a description of how the official was paid.</p> <p>Page 5, lines 6-7                      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 judicial law, including the common law.</p>	<p>Applies to public officials and candidates.</p> <p>This section would require more detail in the financial disclosures reporting of income and interests exceeding \$5,000 in value; require more extensive reporting by reducing that reporting threshold to \$1,000; require that, for all income exceeding \$1,000, the disclosures describe the source of the income, the amount received, the number of hours spent to earn the income, and details regarding the service provided.</p> <p>Clarify that the official or candidate must report the gift if the cumulative value over the course of a year is more than \$,50.</p> <p><u>Note: Gifts from family members are exempted by regulation.</u></p> <p>Clarifies that the source of income or gift is not an official's profession but the individual clients, patients, etc., that were the source of the income.</p> <p>Gifts should not be tied to a number of hours of services performed. If services need to be performed, it is not a gift. Hours are an appropriate measure for officials that are paid by the hour but not when paid by commission or by a fixed amount.</p> <p>Language from HB 10 for legislator and applies to public officials.</p>

TAB 3

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TITLE 39.50.030 CONTENTS OF STATEMENTS - AS 39.50.030(b)(2)

EXISTING STATUTE	HB 109 DISCLOSURES & ETHICS - GOV	GRUENBERG AMENDMENTS	EXPLANATION
(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 \$5,000 in the stock of a publicly traded corporation need not be included;	(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 <u>\$1,000</u> [\$5,000] in the stock of a publicly traded corporation need not be included;		Requires disclosure of income by the person, the person's spouse or domestic partner, or the person's dependent child from all stock holdings, trust or similar interests, loans, loan guarantees, and indebtedness, exceeding \$1,000 in value.

TAB 4 *signed*

**TITLE 39.50.030 CONTENTS OF STATEMENTS - AS 39.50.030(b)(4) & (5)**

**EXISTING STATUTE**

**HB 109: DISCLOSURES & ETHICS - GOV**

**EXPLANATION**

<p>(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 \$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;</p> <p>(5) any loan or loan guarantee or more than \$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 of the person, the person's spouse or partner, or the person's dependent child owed more than \$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 \$5,000 at any time during the preceding calendar year;</p>	<p>(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 dependant 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;</p> <p>(5) any loan or loan guarantee of more than \$1,000 [\$5,000] made to the person, 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 partner, or the person's dependent child owed more than <u>\$1,000</u> [\$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 <u>\$1,000</u> [\$5,000] at any time during the preceding calendar year;</p>	<p>Requires disclosure of trusts or similar interests, loans, loan guarantees, and indebtedness, exceeding \$1,000 in value.</p>
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TAB 5 *referred*

**TITLE 39.50. PUBLIC OFFICIAL FINANCIAL DISCLOSURE**

EXISTING STATUTE

BY: REP. SEATON

EXPLANATION

<p>AS 39 50 040 - BLIND TRUSTS</p> <p>NONE</p> <p><i>might have to be added by statute</i></p>	<p><b>AS 39.50.040 Blind Trusts</b> New Sections to add:</p> <p>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</p> <p>ii. submit to the trustor, for income tax purposes, a certification of income paid without identifying the assets producing such income.</p> <p>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.</p> <p>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.</p>	<p>This section would clarify that the trustor did not receive information of assets in the blind trust for purposes of filing income tax returns.</p> <p>No investments in a company doing significant amount of business with the state.</p> <p>Would limit the range of investments the trustor could invest in if the investment entity does significant business with the State.</p> <p>Prohibit investments assets that must be recorded</p> <p>Expands prohibition of investments that are not marketable.</p> <p>No specific language, but suggestion to clarify what is reported to APOC. Some language that would coordinate with the APOC and/or the elected official financial disclosure to report the whole value of the trust but not the "blind" investments.</p>
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TAB 6

(a) The Alaska Public Offices Commission created under AS 15.13.020 (a) shall administer the provisions of this chapter. The commission shall prepare and keep available for distribution standardized forms on which the reports required by this chapter shall be filed. The commission shall print the forms provided under this section so that the front and back of each page have the same orientation when the page is rotated on the vertical axis of the page. The commission may request that the information required under this chapter be submitted electronically but 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.

Section 7. AS 39.50.050. Administration and inspection.

(a) The Alaska Public Offices Commission created under AS 15.13.020(a) shall administer the provisions of this chapter. The commission shall prepare and keep available for distribution standardized forms on which the reports required by this chapter shall print the forms provided under this section so that the front and back of each page have the same orientation when the page is rotated on the vertical axis of the page. The commission 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.

This section would require electronic filing of candidates' and public officials' financial disclosures with the APOC. The section would allow the APOC to grant an exception in extraordinary circumstances.

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TAB 7 *deferred*

TITLE 39.52 ALASKA EXECUTIVE BRANCH ETHICS - Amend AS 39.52.110(b)

EXISTING STATUTE

HB 109 - Governor

BY: REP. GARA HB 58

EXPLANATION

<p><i>Handwritten notes:</i>                  Take it                  with                  B because                  heard                  amend</p> <p>AS 39.52.110(b)</p> <p>(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's</p> <p>(1) personal or financial interest in the matter 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; or</p> <p>(2) action or influence would have insignificant or conjectural effect on the matter.</p>	<p>Section 8. AS 39.52.110. Scope of Code</p> <p>New subsection:</p> <p>(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</p>	<p>AS 39.52.110 Scope of Code</p> <p>*Section 1. AS 39.52110(b) is amended to read:</p> <p>(b) Unethical conduct is prohibited, but there is no 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 <u>taken</u> or influence <u>exercised by the public officer</u> would have insignificant or conjectural effect on the matter; <u>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,</u></p> <p><u>(i) equal more than one percent of the stock in the business; or</u></p> <p><u>(ii) have a total value of more than \$5,000;</u></p> <p><u>(iii) have a total value of more than \$ 5,000;</u></p> <p><u>(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;</u></p> <p><u>(D) is not a member of the board of directors or another governing body of the business;</u></p> <p><u>(E) is not an elected officer of the business;</u></p> <p><u>(F) does not provide or have an option to provide personal or professional services to the business;</u></p> <p><u>(G) does not have a contract or have an option for a contract with the business; and</u></p> <p><u>(H) is not an employee of the business</u></p>	<p>Applies to all state employees, members of boards &amp; commissions, state officer designated by the governor to act as a trustee under 37.14.450.</p> <p>HR 109 deals with this matter in a new section - AS 39.2.111(d).</p> <p>HR 38 - Changes "or" to "and" to clarify that with regard to unethical conduct in a specific matter, it is allowable if the official's personal or financial interest is insignificant or generally held by a large class of persons</p> <p>and</p> <p>the action taken or influence exercised is insignificant or conjectural</p> <p>or</p> <p>the official or family member has a business interest of a certain type or value (e.g. 1% of value, etc), even if the official action has an insignificant or conjectural effect.</p>
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TAB 8 - A

**TITLE 39.52 ALASKA EXECUTIVE BRANCH ETHICS - Amend AS 39.52.110b)**

**EXISTING STATUTE**

**BY: SEN. FRENCH CSSB 19(STA)**

**EXPLANATION**

<p><b>AS 39.52.110(b)</b></p> <p>(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's</p> <p>(1) personal or financial interest in the matter 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; or</p> <p>(2) action or influence would have insignificant or conjectural effect on the matter.</p>	<p>(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:</p> <p>(1) if the public officer's action or influence in the matter would have only an insignificant or conjectural effect on the matter, or</p> <p>(2) if the public officer's</p> <p>(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;</p> <p>(B) personal interest is insignificant;</p> <p>(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</p> <p>(i) owns a controlling interest in the business and the controlling interest has a fair market value of \$5,000 or more;</p> <p>(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;</p> <p>(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;</p> <p>(iv) is a member of the board or director of another governing body of the business;</p> <p>(v) is an officer of the business;</p> <p>(vi) provides or has an option to provide personal or professional services to the business;</p> <p>(vii) has a contract with the business; or</p> <p>(viii) is an employee of the business.</p> <p><i>Handwritten notes:</i>          Committee          of the          State          Council          on          Ethics          and          Standards          of          Conduct          11/15/11</p>	<p>CSSB 19 - similar to HB 58, but allows action on what is defined as significant business interests where the effect of the action is insignificant or conjectural.</p> <p>Note - HB58 and CSSB 19 were intended to accomplish similar results, but CSSB19 has had the opportunity to be heard and changes have been made, such as clarifying that, even with a financial interest that falls within the preview of the prohibition, if the action is insignificant or conjectural it is permissible.</p>
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**TITLE 39.52 ALASKA EXECUTIVE BRANCH ETHICS ACT - AS 39.52.110 New subsection (d)**

EXISTING STATUTE

HB 109 - Governor

EXPLANATION

<p>SAS 39.52.110 (d) New Subsection</p>	<p>Section 8. <b>AS 39.52.110 (d) Scope of Code.</b>  <b>(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.</b></p>	<p>Applies to all state employees.                  Makes stock or an ownership interest in a business presumptively insignificant if the value of the interest is less than \$5,000.</p>
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**TITLE 39.52 ALASKA EXECUTIVE BRANCH ETHICS ACT - AS 39.52.130(a)**

<p><b>AS 39.52.130 (a)</b>                  (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or 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.</p>	<p>Section 9. <b>AS 39.52.130 Improper Gifts</b> (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred the the gift is intended to influence the performance of official duties, actions, or judgment. <b>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, judgment unless the giver is an immediate family member of the person receiving the gift.</b></p>	<p>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.</p>
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**TAB 10**

CSSB 19(FIN)

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.

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**TITLE 39.52 ALASKA EXECUTIVE BRANCH ETHICS ACT**

**HB 109: DISCLOSURES & ETHICS - GOV**

**EXISTING STATUTE**

**EXPLANATION**

**AS 39.52.180(a)**

(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 regulation.

**Section 10. 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 the was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and subst initially 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 AMENDMENT, OR OTHER LEGISLATIVE MEASURES; OR THE PROPOSAL, CONSIDERATION, OR ADOPTION OF ADMINISTRATIVE REGULATION].

Applies to all state employees

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.

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TITLE 39.52 ALASKA EXECUTIVE BRANCH ETHICS ACT - Amend AS 39.52.180(d)

EXISTING STATUTE

HB 109: DISCLOSURES & ETHICS - GOV

A2./COOK

EXPLANATION

<p><b>AS 39.52.180(d)</b>                  (d) A former governor, lieutenant governor, or head of a principal department in the executive branch 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, as appropriate. This subsection does not prohibit service as a volunteer lobbyist described in AS 24.45 16(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission</p>	<p>Section 11                  (d) A former governor, lieutenant governor, [OR] head <del>or deputy head</del> of a principal department in the executive branch, <u>or employee of the Office of the Governor in a policy-making position</u> 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 <u>or deputy head, or employee of the Office of the governor in a policy-making position</u>, as appropriate. This subsection does not prohibit services as a volunteer lobbyist described in AS 24.46.16(a)(1) or a representational lobbyist a defined under regulations of the Alaska Public Offices Commission.</p>	<p>Page 7, line 19                  delete: "deputy head"                  Page 7, line 21                  delete: "in a policy making position"                  Page 7, line 23                  delete: "deputy head"                  Page 7, line 24                  delete: "in a policy making position"</p>	<p>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.</p> <p>A2 Amendments would exclude deputy commissioners from prohibitions. Would also include all employees of the governor's office, not just policy making positions</p>
--	--	---	---

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**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. The attorney general's written determination is not confidential and is open to public inspection.

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TITLE 39.52 ALASKA EXECUTIVE BRANCH ETHICS ACT - New Section 39.52.255

EXISTING STATUTE

A3/LUCKHAUPT *Lump*

EXPLANATION

		<p>AS 39.52.255. Disclosures in connection with executive clemency.</p> <p>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."</p>	
--	--	---	--

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tab 10.  
Rynneva official  
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**TAB 14**

CSSB 19 (FIN)

(14) "official action" means performance of any duties in the course 30  
and scope of a public officer's employment, including review, advice, 31  
participation, assistance, or another kind of involvement regarding a matter, 1  
such as a recommendation, decision, approval, disapproval, vote, or other similar 2  
action, including inaction, by a public officer;

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Dave Jones  
(has some pictures  
on this definition)

**TITLE 39.52 AK EXECUTIVE BRANCH ETHICS ACT - Amends AS 39.52.960(14)**

EXISTING STATUTE

SB19: BY SEN. FRENCH

GRUENBERG'S AMENDMENTS

EXPLANATION

<p><b>AS 39.52.960(14)</b></p> <p>"Official action" means a recommendation, decision, approval, vote or other similar action, including in action, by a public officer,</p>	<p><b>AS 39.52.960. Definitions</b></p> <p>"official action" means <u>performance of any duties in the course and scope of a public officials' employment, including review, advice, participation, assistance, or another kind of involvement regarding a matter, such as a recommendation, decision, approval, vote or other similar action, including in action, by a public officer;</u></p>	<p>Page 2, line 23</p> <p>change "public official's" to "public officer's"</p>	<p>Expands the term official action to a broader category of involvement in a manner.</p> <p>Amendment to clarify that this definition applies to public officers not just public officials.</p>
---	--	--	--

*Amendments  
to  
AS 39.52.960(14)  
by  
Sen. French  
10/1/19*

*Rosemary  
a.k.a. Rosemary  
D. French  
10/1/19*

*Refer. Gr. 19.52.960(14)  
Recommendation  
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Committee*

*Original  
With  
Sen. French*

TITLE 39.90 MISCELLANEOUS PROVISIONS

EXISTING STATUTE

NEPOTISM-SUGGESTED AMENDMENT

EXPLANATION

<p>AS 39.90.020. Nepotism prohibited.</p> <p>It is unlawful for a person who is the spouse of or is related by blood within and including the second degree of kindred to the executive head of a principal state department or agency to be employed in that department or agency.</p>	<p>39.52.910 - Nepotism prohibited.</p> <p><u>New AS 39.52.910(d).</u></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) employing, including hiring, transferring, laying off, or recalling;</li> <li>(b) discipline, including suspension, discharge, demotion, or issuance of written warnings; or</li> <li>(c) grievance adjudication, including responding to a first level grievance under a collective bargaining agreement."</li> </ul>	<p>AS 39.52.910 is being used to limit the ability of family members to work for the same department, division, and work place.</p>
---	--	---

*[Handwritten notes and signatures in various colors (blue, black, red) are scattered across the page, mostly overlapping the table area. Some legible words include "Gardner", "COP", "S", "M", "L", "P", "D", "E", "A", "C", "O", "U", "N", "T", "Y", "S", "E", "R", "V", "I", "C", "E", "S", "D", "I", "V", "I", "S", "I", "O", "N", "S", "A", "N", "D", "W", "O", "R", "K", "P", "L", "A", "C", "E", "S", "I", "N", "T", "H", "E", "S", "A", "M", "E", "D", "E", "P", "A", "R", "T", "M", "E", "N", "T", "D", "I", "V", "I", "S", "I", "O", "N", "A", "N", "D", "W", "O", "R", "K", "P", "L", "A", "C", "E".]*

**TITLE 39.52 MISCELLANEOUS PROVISIONS  
APPLICABILITY AND EFFECTIVE DATES**

**EXISTING STATUTE**

**EXPLANATION**

Section 12	<p>Section 12</p> <p>APPLICABILITY. Sections 10 and 11 of this Act apply to a person who leaves state service on or after the effective date of secs. 10 and 11 of this Act.</p>		<p>This section would restrict application of sections 10 and 11 of HR 109 to those who leave state service on or after the effective date of enactment.</p>
Section 13 Effective Date	<p><b>*Sec. 13.</b> Section 1, 4, and 7 of this Act take effect July 1, 2007</p>		<p>This section would make sections 1, 4, and 7 of HR 109 effective on July 1, 2007.</p>
Section 14 Effective Date	<p><b>*Sec. 14.</b> Except as provided in sec. 13 of this Act, this Act takes effect immediately under 03 AS 01.10.070(c).</p>		<p>This section would make the remaining sections of the enactment effective immediately</p>

*Handwritten notes:*  
 1. This section would restrict application of sections 10 and 11 of HR 109 to those who leave state service on or after the effective date of enactment.  
 2. This section would make sections 1, 4, and 7 of HR 109 effective on July 1, 2007.  
 3. This section would make the remaining sections of the enactment effective immediately

*Coghill*  
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE COGHILL

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

- 1 Page 21, line 5, following "interest":
- 2       Insert ", stock, or option to buy stock"
- 3
- 4 Page 21, line 6, following "interest":
- 5       Insert ", stock, or option to buy stock"
- 6
- 7 Page 21, lines 7 - 9:
- 8       Delete all material.
- 9
- 10 Renumber the following sub-subparagraphs accordingly.

*Cosper*  
AMENDMENT #1

OFFERED IN THE HOUSE

TO: CSH3 109( ), Draft Version "E"

*Amended* *#* *Amended*

1 Page ~~2~~<sup>4-9</sup>, lines ~~5-8~~

2 Delete all material and insert:

3 "(m) The commission may request that the information required under this  
4 chapter be submitted electronically but shall accept any information required under  
5 this chapter that is typed in clear and legible black typeface or hand-printed in dark ink  
6 on paper in a format approved by the commission or on forms provided by the  
7 commission and that is filed with the commission. However, a candidate for  
8 governor or lieutenant governor shall submit the information required under this  
9 chapter electronically, but the commission may, when extraordinary  
10 circumstances warrant an exception, accept any information required from these  
11 candidates under this chapter that is typed in clear and legible black typeface or  
12 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  
15 Page ~~17~~<sup>17</sup>, lines ~~18-20~~<sup>13-18</sup>

16 Delete all material and insert:

17 "(c) The Alaska Public Offices Commission may request that the reports  
18 required under this section be submitted electronically but shall accept any  
19 information required under this"

20  
21 Page ~~19~~<sup>20</sup>, lines ~~21-23~~<sup>10-21</sup>

22 Delete all material and insert:

23 "(a) The Alaska Public Offices Commission created under AS 15.13.020(a)

1 shall administer the provisions of this chapter. The commission shall prepare and keep  
2 available for distribution standardized forms on which the reports required by this  
3 chapter shall be filed. The commission shall print the forms provided under this  
4 section so that the front and back of each page have the same orientation when the  
5 page is rotated on the vertical axis of the page. The commission may request that the  
6 information required under this chapter be submitted electronically but shall accept  
7 any information required under this chapter that is typed in clear and legible black  
8 typeface or hand-printed in dark ink on paper in a format approved by the commission  
9 or on forms provided by the commission and that is filed with the commission.  
10 However, the governor or lieutenant governor shall submit the information  
11 required under this chapter electronically, but the commission may, when  
12 extraordinary circumstances warrant an exception, accept any information  
13 required from these public officers under this chapter that is typed in clear and  
14 legible black typeface or hand-printed in dark ink on paper in a format approved  
15 by the commission or on forms provided by the commission and that is filed with  
16 the commission."

TAB 3

(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 gifts from a single source with a cumulative value exceeding \$250 during a calendar year [EACH GIFT WITH A VALUE EXCEEDING \$250], 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 if 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;

2/19/2007

11:31:01 AM

(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.

25-GH1059AE  
Wayne  
2/16/07

**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(g) is amended to read:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (1) the lobbyist's full name and complete permanent residence and  
31 business address and telephone number, as well as any temporary residential and

1 business address and telephone number in the state capital during a legislative session;

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

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

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

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

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

18 (7) the identification of a [LEGISLATOR.] legislative employee [,] or  
19 public official to whom the lobbyist is married or who is the domestic partner of the  
20 lobbyist; in this paragraph, "domestic partner" has the meaning given in  
21 AS 39.50.260(a);

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

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

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

1 as defined under regulations of the commission.

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

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

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

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

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

12 (a) A legislator or legislative employee may not

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

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

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

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

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

31 (D) the legislative council, notwithstanding AS 24.05.190,

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

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

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

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

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

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

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

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

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

31 (ii) [ , EXCEPT] a communication expressly advocating

1 the election or defeat of a candidate or a newsletter or material in a  
2 newsletter that is clearly only for the private benefit of a legislator or a  
3 legislative employee; or

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

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

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

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

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

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

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

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

30 (E) a legislator from using the legislator's private office in the  
31 capital city during a legislative session, and for the 10 days immediately before

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

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

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

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

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

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

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

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

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

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

31 (c) Notwithstanding (a) of this section, it is not a violation of this section for a

1 legislator or legislative employee to accept

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

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

7 (B) at a social event or meal;

8 (2) discounts that are available

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

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

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

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

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

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

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

29 (8) a gift of legal services in a matter of legislative concern and a gift  
30 of other services related to the provision of legal services in a matter of legislative  
31 concern;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this chapter while the person was serving.

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

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

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

21 (a) The committee shall

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

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

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

31 (4) in January of each year and at other times determined by the

1 committee, administer a legislative ethics course that teaches strategies for  
2 compliance with this chapter and understanding of this chapter's purpose under  
3 AS 24.60.010.

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

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

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

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

23 (b) An opinion issued under this section is binding on the committee in any  
24 subsequent proceedings concerning the facts and circumstances of the particular case  
25 unless material facts were omitted or misstated in the request for the advisory opinion.  
26 An opinion issued under this section must be issued with sufficient deletions to  
27 prevent disclosing the identity of the person or persons involved. Advisory  
28 opinion discussions and deliberations are confidential, unless the requester and  
29 anyone else named in the request who is covered by this chapter waives  
30 confidentiality. The committee's final vote on the advisory opinion shall be a  
31 public record [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY

1 OPINION IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN  
2 REQUEST BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH  
3 THE COMMITTEE].

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

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

24 \* Sec. 22. AS 24.60.176(b) is amended to read:

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

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

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

1 Legislative Budget and Audit Committee;

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

4 (4) the appropriate rules committee for employees of

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

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

9 (C) house records and senate records;

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

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

15 (7) the legislature for the ombudsman;

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

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

19 \* Sec. 23. AS 24.60.200 is amended to read:

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

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

29 (2) as to income in excess of \$1,000 received as compensation for  
30 personal services, the name and address of the source of the income, the amount of  
31 the income, the number of hours of services performed to earn that income, and a

1 statement describing in detail the nature of the services performed; [IF THE SOURCE  
2 OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE  
3 A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR  
4 POLITICAL ACTION AND THE RECIPIENT OF THE INCOME IS A  
5 LEGISLATOR OR LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME  
6 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED;]

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

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

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

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

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

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

27 **Sec. 39.50.020. Report of financial and business interests.** (a) A public  
28 official other than the governor or the lieutenant governor shall file a statement giving  
29 income sources and business interests, under oath and on penalty of perjury, within 30  
30 days after taking office as a public official. Candidates for state elective office other  
31 than a candidate who is subject to AS 24.60 shall file the statement with the director of

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

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

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

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

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

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

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

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

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

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

6                    (2) the identity, by name and address, of each business in which the  
7                    person, the person's spouse or domestic partner, or the person's dependent child has an  
8                    interest or was a stockholder, owner, officer, director, partner, proprietor, or employee  
9                    during the preceding calendar year, except that an interest of less than \$1,000 [\$5,000]  
10                    in the stock of a publicly traded corporation need not be included;

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

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

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

28                    (6) a list of all contracts and offers to contract with the state or an  
29                    instrumentality of the state during the preceding calendar year held, bid, or offered by  
30                    the person, the person's spouse or domestic partner, or the person's dependent child, a  
31                    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. 28.** 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 shall require [MAY  
16 REQUEST] that the information required under this chapter be submitted  
17 electronically but may, when ext.aordinary circumstances warrant an exception,  
18 [SHALL] accept any information required under this chapter that is typed in clear and  
19 legible black typeface or hand-printed in dark ink on paper in a format approved by  
20 the commission or on forms provided by the commission and that is filed with the  
21 commission.

22 \* **Sec. 29.** AS 39.52.110(b) is repealed and reenacted to read:

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

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

28 (2) if the public officer's

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

1 (B) personal interest is insignificant; or

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

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

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

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

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

15 (v) is an officer of the business;

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

18 (vii) has a contract or an option for a contract with the  
19 business; or

20 (viii) is an employee of the business.

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

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

1 \* **Sec. 31.** AS 39.52.180(a) is amended to read:

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

12 \* **Sec. 32.** AS 39.52.180(d) is amended to read:

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

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

24 APPLICABILITY. AS 39.52.180(a), as amended by sec. 31 of this Act, applies to a  
25 person who leaves state service on or after the effective date of sec. 31 of this Act.  
26 AS 39.52.180(d), as amended by sec. 32 of this Act, applies to a person who leaves service as  
27 governor, lieutenant governor, head or deputy head of a principal department in the executive  
28 branch, or employee of the Office of the Governor in a policy-making position on or after the  
29 effective date of sec. 32 of this Act.

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

31 \* **Sec. 35.** Except as provided in sec. 34 of this Act, this Act takes effect immediately under

1 AS 01.10.070(c).

Ethics Legislation – Notes on proposals.

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

	<p>AS 39.52.960(21) "<b>public officer</b>" or "<b>officer</b>" 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 <b>public officials</b> 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>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.</p>
Tab 4	Changes from \$5,000 to \$1,000 the threshold for reporting business interests of the public official or immediate family.
Tab 5	Changes from \$5,000 to \$1,000 the threshold for reporting for beneficial interests in trusts or loans, loan guarantees, or indebtedness.
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	Requires electronic reporting to APOC unless extraordinary conditions exist.
Tab 8AB	<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	<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.