

HB

109

SUBCOMM.

FILE #7

AMEND.

DEFERRED

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SUBJECT MATRIX OF ETHICS LEGISLATION - DEFERRED TO FEB 15th SUBCOMMITTEE MEETING

STATUTORY CHANGE	DeWitt	Harris	HB 10	HB 20	HB 27	HB 34	HB 68	HB 100	SB 11	SB 12	SB 20	SB 63	130/C.5	CPMA Ethics	CPMA A-1	Tab #				
	DeWitt	Harris	etc	Lyons	Du	Harris	Gardner	Watts	Gara	Goy	Stevens	French	French	Bullock	Har/Eui	Har/Wayne	Thom/Cook	#		
<p>AS 24.60.170(j) This amendment grants authority to the committee to approve the change date of a hearing. Currently, if a complainant exercises his authority to change the date of a public hearing and requests a six-month extension, the committee cannot extend the hearing for more than 90 days. In addition, the committee may need to extend the hearing beyond the 90-day limit because they lacked a quorum.</p>																			7	
<p>AS 24.60.200 expands reporting of income in excess of \$1,000 to include dividends received from a LLC as compensation for personal services and requires the disclosure to include a description of services performed and the approximate number of hours spent performing services. Exceptions to comply with state and federal laws.</p>						X		X												8

TITLE 15.13 STATE ELECTION CAMPAIGN AS 15.13.040(g)

EXISTING STATUTE	HB 5 Neuman	CSHB 6(STA) Harris	HB 20 Harris	SB 63 Bunde	EXPLANATION
<p>(g) The provisions of (a) and (l) of this section do not apply if a candidate</p> <p>(1) indicates, on a form prescribed by the commission, an intent not to raise and not to expend more than \$5,000 in seeking election to office, including both the primary and general elections.</p> <p>(2) accepts contributions totaling not more than \$5,000 in seeking election to office, including both the primary and general elections, and</p> <p>(3) makes expenditures totaling not more than \$5,000 in seeking election to office, including both the primary and general elections</p>	<p>Sec. 3 AS 15.13.040 (g) is repealed.</p>	<p style="text-align: center;"><i>this is it</i></p> <p>Sec 3 AS 15.13.040(g) is amended to read:</p> <p>(g) The provisions of (a)(2) [(a)] and (l) of this section do not apply <u>to a delegate to a constitutional convention, a judge seeking electoral confirmation, or a candidate for election to a municipal office under AS 15.13.010, if that delegate, judge or</u> (IF A) candidate</p> <p>(1) indicates, on a form prescribed by the commission, an intent not to raise and not to expend more than \$5,000 in seeking election to office, including both the primary and general elections.</p> <p>(2) accepts contributions totaling not more than \$5,000 in seeking election to office, including both the primary and general elections, and</p> <p>(3) makes expenditures totaling not more than \$5,000 in seeking election to office, including both the primary and general elections</p>	<p>• Sec 7 AS 15.13.040(g) and 15.13.040(l) are repealed</p>	<p>Sec 5 AS 15.13.040(g) and 15.13.040(l) are repealed</p>	<p>AS 15.13.040(g) repealed eliminates the exemption from disclosure for candidates raising less than and spending less than \$5,000</p> <p>The CS for HB 6(STA) requires legislators to have full disclosure for any amount of expenditures or contributions, but maintains the \$5,000 exemption for delegates to a constitutional convention, a judge or municipal candidates is also leaves in place exempt fundraisers</p> <p style="text-align: right;"><i>UNAL-515-2</i></p>

TITLE 15.13 ATE ELECTION CAMPAIGN AS 15.13.040(I)

EXISTING STATUTE

HB 20

SB 63

EXPLANATION

Harris

Bunde

AS 15.13.040(I) Notwithstanding (a), (b), and (j) of this section, for any fund-raising activity in which contributions are in amounts or values that do not exceed \$50 a person, the candidate, group, or nongroup entity shall report contributions and expenditures and supplying of services under this subsection as follows:

(1) a report under this subsection must

(A) describe the fund-raising activity,

(B) include the number of persons making contributions and the total proceeds from the activity,

(C) report all contributions made for the fund-raising activity that do not exceed \$50 a person in amount or value, if a contribution for the fund-raising activity exceeds \$50, the contribution shall be reported under (a), (b), and (j) of this section.

(2) for purposes of this subsection,

(A) "contribution" means a cash donation, a purchase such as the purchase of a ticket, the purchase of goods or services offered for sale at a fund-raising activity or a donation of goods or services for the fund-raising activity

(B) "fund-raising activity" means an activity, event, or sale of goods undertaken by a candidate, group, or nongroup entity in which contributions are \$50 a person or less in amount or value

* Sec 7 AS 15 13 040(g) and
15 13 040(I) are repealed

Sec 5 AS 15 13 040(g) and
15 13 040(I) are repealed

AS 15.13.040(I) repealed eliminates
exempt fundraisers

TITLE 24.45 REGULATION OF LOBBYING - New Subsection AS 24.45.121

EXISTING STATUTE	HB 20 - Harris	1361C.5 - Harris/Bullard	10591A.1 Thomas/Cook	EXPLANATION
<p>Sec. 24.45.121, Prohibitions</p> <p>Existing language does not have restrictions for spouses or domestic partners of legislators to be paid lobbyists</p>	<p>Sec. 4. AS 24.45.121 is amended by adding a new subsection to read</p> <p>(d) A person who is married to or who is the domestic partner of a legislator may not receive any consideration for engaging in lobbying, and a person may not employ for pay or any consideration of pay or agree to pay consideration for engaging in lobbying to a person who is married to or who is the domestic partner of a legislator.</p>	<p>Sec. 2. AS 24.45.121 is amending the section by adding a new subsection to read</p> <p>(d) The spouse or domestic partner of a legislator may not engage in an activity as a lobbyist. This subsection does not prohibit the spouse or domestic partner from acting as a volunteer lobbyist under AS 24.45.161 or a representational lobbyist as defined under regulations of the commission</p>	<p>Sec. 2. AS 24.45.121 is amending the section by adding a new subsection to read</p> <p>(d) The spouse or domestic partner of a legislator may not engage in an activity as a lobbyist. This subsection does not prohibit the spouse or domestic partner from acting as a volunteer lobbyist under AS 24.45.161 or a representational lobbyist as defined under regulations of the commission.</p> <p><i>File</i></p>	<p>This new section of law would prohibit a spouse or domestic partner from engaging in lobbying and would prohibit a person from utilizing the services of a spouse or domestic partner of a lobbyist.</p> <p>Representational lobbyists have to register with APOC but do not have to pay the registration fee. The entity who pays the expenses of the representational lobbyist must report those expenses.</p> <p>Representational lobbyists were established by regulation, not statute.</p> <p>HB 20, as worded, would prohibit representational lobbyists.</p>

TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.080(d)

EXISTING STATUTE

5291A Ethics-HarrisWayne

EXPLANATION

<p>AS 24.60.080(d) A legislator or legislative employee who accepts a gift under (c)(4) of this section that has a value of \$250 or more shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of \$250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4) and (8) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4) and (8) of this section that it receives from legislators and legislative directors. A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of \$250 or more shall disclose to the committee annually on or before March 15 the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24 60 170. If the disclosure under (c)(6) of this section becomes part of the record of a proceeding under AS 24 60 170, the confidentiality provisions of that section apply to the disclosure.</p>	<p>AS 24.60.080(d) A legislator or legislative employee who accepts a gift under (c)(4) of this section that has a value of \$250 or more shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of \$250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4), (c)(8), and (j) and (8) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4), (c)(8), and (j) and (8) of this section that it receives from legislators and legislative directors. A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of \$250 or more shall disclose to the committee annually on or before March 15 the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24 60 170. If the disclosure under (c)(6) of this section becomes part of the record of a proceeding under AS 24 60 170, the confidentiality provisions of that section apply to the disclosure.</p>	<p>Adds gifts received by family members to the disclosures that are maintained for public record and forwarded to APOC</p> <p>House cleaning language</p>
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[Handwritten signature and date: HarrisWayne 2/11/11]

TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.080(i)

EXISTING STATUTE

HB 20 - Harris

SB 20 - French

EXPLANATION

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5291A Ethics-Harris\Wayne

EXPLANATION

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

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

This language puts disclosers on notice that they must disclose gifts of family members' and the disclosure will be published.

This amendment does not change any reporting requirements. It brings language into conformance with other language in AS 24.60 by replacing the word "report" with the word "disclosure".

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

EXISTING STATUTE	5291A Ethics-HarrisWayne	EXPLANATION
<p>AS 24.60.170(j) If the committee has issued a formal charge under (h) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to present the case against the person charged if that individual does not provide and has not provided legal advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless the person agrees to a later hearing date. At the hearing, the person charged shall have the right to appear personally before the committee, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The committee is not bound by the rules of evidence, but the committee's findings must be based upon clear and convincing evidence. Testimony taken at the hearing shall be recorded, and evidence shall be maintained.</p>	<p>AS 24.60.170(j) If the committee has issued a formal charge under (h) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to present the case against the person charged if that individual does not provide <u>other</u> [AND HAS NOT PROVIDED] advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless <u>the committee schedules</u> [THE PERSON AGREES TO] a later hearing date. <u>If the complainant prevents the hearing from starting before the 90-day deadline passes and a quorum of the committee determines the delay is not supported by a compelling reason or will result in the person charged being deprived of a fair hearing, the committee may dismiss the complaint with prejudice or enter other appropriate orders.</u> At the hearing, the person charged shall have the right to appear personally before the committee, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The committee is not bound by the rules of evidence, but the committee's findings must be based upon clear and convincing evidence. Testimony taken at the hearing shall be recorded, and evidence shall be maintained.</p>	<p>This amendment grants authority to the committee to approve the change date of a hearing. Currently, if a complainant exercises his authority to change the date of a public hearing and requests a six-month extension, the committee cannot extend the hearing for more than 90 days. In addition, the committee may need to extend the hearing beyond the 90-day limit because they lacked a quorum.</p> <p>"or enter other appropriate orders" allows the committee to take actions other than dismissal with prejudice when determining how to deal with complaints within the timeline required by law.</p>

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.200

HB 10 - Lynn

HB 27 - Gardner

SB 20 - French

Coghill Am

HB 109 - Governor

<p>AS 24 60 200. <i>Financial disclosure by legislators, public members of the committee, and legislative directors.</i></p> <p>AS 24 60 200(2) existing language</p> <p>(2) as to income in excess of 1,000 received as compensation for personal services, the name and address of the source of the income, and a statement describing the nature of the services performed, if the source of income is known or reasonably should be known to have a substantial interest in legislative, administrative, or political action and the recipient of the income is a legislator or legislative director, the amount of income received from the source shall be disclosed.</p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to a dividend received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with a description sufficient to make clear to a person of ordinary understanding the specific services performed unless and only to the extent those services are required to be kept confidential under a state or federal law, including the common law;</u></p> <p><u>(3) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the [IF THE SOURCE OF INCOME OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the income is a legislator or legislative director [THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED].</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to a dividend received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with a description sufficient to make clear to a person of ordinary understanding the specific services performed, unless those services require the issuance of a state or federal professional license;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the [IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the income is a legislator or legislative director [THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED].</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to dividend in excess of \$1,000 received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with sufficient description to make clear to a person of ordinary understanding the specific services performed;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the [IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the income is a legislator or legislative director [THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED].</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to a dividend in excess of \$1,000 received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with sufficient description to make clear to a person of ordinary understanding the specific services performed or expected to be performed and a description of the work product anticipated upon completion of the services performed;</u></p> <p><u>(B) the amount of income received from the source if the [IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the income is a legislator or legislative director [THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED].</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, name and address of the source of the income, <u>the amount of the income, the number of hours of services performed to earn that income,</u> and a statement describing <u>in detail</u> the nature of the services performed, [IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE] RECIPIENT OF THE INCOME IS A LEGISLATOR OR LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE</p>
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EXPLANATION: AS 24 60 200(2) expands reporting of income in excess of \$1,000 of discloser, the discloser's spouse or domestic partner, dependent children, and nondependent children who live with discloser to include dividends received from a LLC as compensation for personal services and requires the disclosure to include a description of services performed and the approximate number of hours spent performing services. Exceptions to comply with state and federal laws

- (a) In addition to its other duties under this chapter, the commission shall
- (1) prescribe the forms for registration, reports, statements, notices, and other documents required by this chapter;
 - (2) prepare and publish instructions setting out the methods of accounting, bookkeeping, and preservation of records required to facilitate compliance with and enforcement of this chapter and explaining the duties of persons subject to the provisions of this chapter, the instructions shall be updated periodically.
 - (3) provide assistance to persons in complying with the provisions of this chapter;
 - (4) prepare and publish a biennial report of its activities, findings, and recommendations under this chapter, which shall be made available to the governor, legislature, and to the public by February 1 of each odd-numbered calendar year; the commission shall notify the legislature that the report is available;
 - (5) report suspected violations of this chapter to the attorney general;
 - (6) administer an annually updated training course that promotes adherence to high ethical standards of professional conduct and teaches lobbyists and employers of lobbyists how to comply with laws that regulate lobbyists

24.45.031 (b) ← Should be
 AS 39 50 200(a) new subsection
 ↗ not
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 Government
 Fair Game Drafters
 Some leeway

(8) a sworn affirmation by the lobbyist that the lobbyist has completed the training course administered by the commission under AS 24 45 031(a) within the 12-month period preceding the date of registration or registration renewal under this chapter.

* Sec 13 AS 24 60 150(a) is amended to read.

- (a) The committee shall
- (1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;
 - (2) publish semi-annual summaries of decisions and advisory opinions with sufficient deletions in the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions that have remained confidential;
 - (3) publish legislative ethics materials, including an annually updated handbook on standards of ethical conduct and a bimonthly legislative newsletter, to help educate legislators, legislative employees, and public members of the committee on the subject of legislative ethics;
 - (4) in January of each year and at other times determined by the committee administer a legislative ethics course that teaches strategies for compliance with this chapter and understanding of this chapter's purpose under AS 24 60 010

Page 11, line 26

Insert a new Section 14 to read

* Sec 14 AS 24 60 is amended by adding a new section to read

Sec 24 60 155 A person who is a legislator, legislative employee, or public member of the committee shall complete the legislative ethics course administered by the committee under AS 24 60 150(a) within 10 days after the first day of the first legislative session of each legislature. However, a person who first takes office or begins employment after the 10th day of the first regular session of a legislature shall complete the course required by this section within 30 days after the person's first day of service. The committee may grant a person additional time to complete the course required by this section

Change of 2009
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