

**HB**

**109**

**SUBCOMM.**

**FILE #8**

**AMEND.**

**REJECTED**

**...**

# SUBJECT MATRIX OF ETHICS LEGISLATION - SECTIONS REJECTED BY SUBCOMMITTEE

SUBJECT MATRIX OF ETHICS LEGISLA	HB 5	HB 6	HB 10	HB 20	HB 27	HB 38	HB 58	HB 109	SB 13	SB 19	SB 20	SB 63	136/C.5	5291A Ethics	10591A 1	Tab	
STATUTORY CHANGE	Neuman	Harris, etc	Lynn, D's	Harris	Gardner	Gara	Gara	Gov	Stevens	French	French	Bunde	Har/Bul	Har/Wayne	Thom/Cook	#	
<p><b>AS 11.56.135</b> new section under 11 56 Criminal Law for "Improper legislative campaign contribution and agreement" and makes violation of the law by either a candidate or a contributor a Class B Felony</p>																SB 64	1
<p><b>AS 15.13.040(a)(1)(C)</b> adds reporting requirement of principle occupation and employer information for contributor and specifies this is for each contribution of each contributor and repeals (D) because they now require the information for all contributions not just those over \$250 Amends (b) &amp; (j) from "the" to "each"</p>				X													2
<p><b>AS 15.13.040(b)</b> Requires full disclosure of all contributions regardless of the amount</p>				X													3
<p><b>AS 15.13.040(m)</b> requires mandatory electronic filing with APOC but allows APOC to allow exceptions in extraordinary circumstances</p>									X								4
<p><b>AS 24.60.030(a)(2)(L)</b> This is language clean up for changes recommended by the Ethics Committee to transfer the sanctioning of charity events from the Alaska Legislative Council to the Select Committee on Legislative Ethics See AS 24 60 080(c)(10) Gifts.</p>														X			5
<p><b>AS 24.60.030(a)(6)</b> prohibits a legislator or legislative employee from entering into a contract to provide consulting services</p>				X													6

STATUTORY CHANGE	HB 5 Neuman	HB 6 Harris, etc	HB 10 Lynn, D's	HB 20 Harris	HB 27 Gardner	HB 38 Gara	HB 58 Gara	HB 109 Gov	SB 13 Stevens	SB 19 French	SB 20 French	SB 63 Bunde	136/C.5 Har/Bul	529A Ethics Har/Wayne	1059A.1 Thom/Cook	Tab #
<p><b>AS 24.60.080(c)(10)</b> This is language recommended by the Ethics Committee to transfer the sanctioning of charity events from the Alaska Legislative Council to the Select Committee on Legislative Ethics. The committee believes this will allow oversight from one area and provide consistency of information provided by Ethics and APOC.</p>														X		7
<p><b>24.60.080(e)</b> Eliminates an exemption for a candidate who does not intend to raise more than \$5,000 in his campaign or expend more than \$5,000 in his campaign. All candidates will be required to report gifts per statute.</p>				X								X				8
<p><b>AS 24.60.085</b> new section prohibiting a legislator from, directly or through any person providing consulting services or accepting consulting fees from a person in the private sector while in office and for one year after leaving office.</p>			X						X				X			9
<p><b>AS 24.60.100</b> The purpose of this amendment is to prevent a legislator or legislative employee from being compensated by a client or constituent for representing them before a municipality or a legislative or executive branch agency, board, or commission. Such representation would fall within the boundaries of the legislator's or legislative employee's normal duties.</p>														X		10

STATUTORY CHANGE	HB 5 Neuman	HB 6 Harris, etc.	HB 10 Lynn, D's	HB 20 Harris	HB 27 Gardner	HB*38 Gara	HB 58 Gara	HB 109 Gov	SB 13 Stevens	SB 19 French	SB 20 French	SB 63 Bunde	136/C.5 Har/Bul	529/A Ethics Har/Wayne	1059/A.1 Thom/Cook	Tab #
<b>AS 24.60.210(a) &amp; (b)</b> Requires former legislators, public members of Ethics Committee, & legislative directors to submit financial disclosures to APOC within 90 days after leaving those positions									X							11
<b>AS 24.60.210(c)</b> new subsection makes electronic reporting of Annual Reports to APOC mandatory except in extraordinary circumstances, which would have to comply with APOC requirements									X							12
<b>AS 24.60.990(a)</b> adds definition for "professional license" to mean a license required for a profession regulated by the federal government or a state					X											13
<b>UNCODIFIED LAW</b> - Creates an applicability of disclosure of former legislators, legislative staff, and public members of the committee to April 9, 2006 HB 10 made this applicability for legislators only			X										X			14

**TITLE 11.56 BRIBERY AND RELATED OFFENSES - REJECTED BY SUBCOMMITTEE**

EXISTING STATUTE	HB 58 - Gara	EXPLANATION
<p align="center">NONE</p>	<p>* Section 1 AS 11 56 is amended by adding a new section to article 1 to read</p> <p>Sec. 11.56.135. <b>Improper legislative campaign contribution and agreement.</b> (a) A person commits the crime of improper legislative campaign contribution and agreement if the person</p> <p>(1) explicitly agrees to make a campaign contribution to a member of the legislature or a candidate for the legislature, and makes that contribution in exchange for an agreement by the legislator or the candidate to alter the legislator's or candidate's position on a legislative matter, or</p> <p>(2) as a member of the legislature or a candidate for the legislature, accepts a campaign contribution and explicitly agrees, in exchange for that contribution, to alter the legislator's or candidate's position on a legislative matter</p> <p>(b) Improper legislative campaign contribution and agreement is a class B felony</p> <p>* Sec. 2 The uncodified law of the State of Alaska is amended by adding a new section to read</p> <p>APPLICABILITY This Act applies to offenses occurring on or after the effective date of this Act</p>	<p>Bribery is based on a benefit being given to either party Under AS 11 56 130. Definitions political campaign contributions are not included as a benefit HB 38 adds a new section to the bribery statute to include campaign contributions in the bribery statutes</p> <p>The new offense would apply to offenses occurring on or after the effective date of AS 11 56 135 which is 90 days after the bill becomes law</p>

TAB 1

*HB 115  
Amendments  
Rejected by  
Subcommittee  
Date of introduction*

TITLE 15.13 STATE ELECTION CAMPAIGNS - AS 15.13.040(a)

EXISTING STATUTE

HB 20 - Harris

EXPLANATION

<p><b>AS 15.13.040(a)</b> Except as provided in (g) and (l) of this section, each candidate shall make a full report, upon a form prescribed by the commission,</p> <p>(1) listing</p> <p>(A) the date and amount of all expenditures made by the candidate.</p> <p>(B) the total amount of all contributions including all funds contributed by the candidate.</p> <p>(C) the name, address, date, and amount contributed by each contributor, and</p> <p>(D) for contributions in excess of \$250 in the aggregate during a calendar year the principal occupation and employer of the contributor, and</p> <p>(2) filed in accordance with AS 15 13 110 and certified correct by the candidate or campaign treasurer</p>	<p><b>AS 15.13.040(a) Each</b> [EXCEPT AS PROVIDED IN (g) AND (l) OF THIS SECTION, EACH] candidate shall make a full report, upon a form prescribed by the commission.</p> <p>(1) listing</p> <p>(A) the date and amount of all expenditures made by the candidate.</p> <p>(B) the total amount of all contributions, including all funds contributed by the candidate, <u>and</u></p> <p>(C) the name, address, <u>principal occupation, and employer of each contributor and the</u> date, and amount <u>of each contribution from</u> [CONTRIBUTED BY] each contributor [. AND</p> <p>(L) FOR CONTRIBUTIONS IN EXCESS OF \$250 IN THE AGGREGATE DURING A CALENDAR YEAR, THE PRINCIPAL OCCUPATION AND EMPLOYER OF THE CONTRIBUTOR, AND]</p> <p>(2) filed in accordance with AS 15 13 110 and certified correct by the candidate or campaign treasurer</p>	<p>Adds reporting requirement of principle occupation and employer information for contributor and specifies this is for each contribution of each contributor and repeals (D) because they now require the information for all contributions not just those over \$250. Amends (b) &amp; (j) from "the" to "each"</p>
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**TITLE 15.13 STATE ELECTION CAMPAIGNS - AS 15.13.040(b)**

**EXISTING STATUTE**

**HB 20 - Harris**

**EXPLANATION**

<p>(b) Each group shall make a full report upon a form prescribed by the commission, listing                  (2) the aggregate amount of all contributions made to it, and, for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor, for purposes of this paragraph, "contributor" means the true source of the funds, property, or services being contributed, and</p>	<p>* Sec 2 AS 15 13 040(b) is amended to read                  (b) Each group shall make a full report upon a form prescribed by the commission, listing                  (2) the aggregate amount of all contributions made to it [ . AND FOR ALL CONTRIBUTIONS IN EXCESS OF \$100 IN THE AGGREGATE A YEAR], the name, address, principal occupation and employer of each [THE] contributor and the date and amount of each contribution from [CONTRIBUTED BY] each contributor, for purposes of this paragraph, "contributor" means the true source of the funds, property, or services being contributed and</p>	<p>Requires full disclosure of all contributions regardless of the amount</p>
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**TAB 3**

TITLE 15.13 STATE ELECTION CAMPAIGNS - AS 15.13.040(m)

EXISTING STATUTE

HB 109

EXPLANATION

Governor

<p>(m) 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</p>	<p>(m) The commission <u>shall require</u> [MAY REQUEST] that the information required under this chapter be submitted electronically but <u>may, when extraordinary circumstances warrant an exception,</u> [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</p>	<p>AS 15.13.040(m) requires mandatory electronic filing with APOC but allows APOC to allow exceptions in extraordinary circumstances</p>
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TAB 4

**TITLE 24.50 STANDARDS OF CONDUCT - AMENDING AS 24.60.030(a)**

EXISTING STATUTE	5291A Ethics - Harris/ Wayne			EXPLANATION
<p><b>AS 24.60.030(a)(2)(L)</b> this paragraph does not prohibit</p> <p>(L) full participation in a charity event approved in advance by the Alaska Legislative Council.</p>	<p><b>AS 24.60.030(a)(2)(L)</b> this paragraph does not prohibit</p> <p>(L) full participation in a charity event approved in advance by the Select Committee on Legislative Ethics [ALASKA LEGISLATIVE COUNCIL].</p>			<p>This is language clean up for changes recommended by the Ethics Committee to transfer the sanctioning of charity events from the Alaska Legislative Council to the Select Committee on Legislative Ethics See AS 24 60 080(c)(10) Gifts</p>

**TAB 5**

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.030(a)

EXISTING STATUTE	HB 20 - Harris	EXPLANATION
<p><b>Sec. 24.60.030(a)</b> Prohibitions related to conflicts of interest and unethical conduct</p> <p>This subsection provides a list of things a legislator or an employee of a legislator cannot do such as solicit unofficial compensation, using public facilities for official purposes only, require a legislative employee to perform services for the private benefit of the legislator or employee, use public funds or facilities for campaign purposes, etc</p> <p>AS 24.60.030 currently does not have a subsection (a)(6).</p>	<p>Sec 4 AS 24 60 030(a) is amended to read</p> <p>(a) A legislator or legislative employee may not</p> <p><b><u>(6) enter into a contract to provide consulting services.</u></b></p>	<p>Adds an additional restriction to <b>Prohibitions related to conflicts of interest and unethical conduct</b> prohibiting a legislator or legislative employee from entering into a consulting contract</p>

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

EXISTING STATUTE	529(A) Ethics-HarrisWayne	EXPLANATION
<p><b>AS 24.60.080(c)(10)</b> tickets from a lobbyist for a charity event at any time, including during a legislative session, except that tickets to or gifts received at a charity event under this paragraph are subject to the calendar year limit on the value of gifts received by a legislator or legislative employee in (a) of this section. in this paragraph, "charity event" means an event the proceeds of which go to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in advance. the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services involved in the charity event, or</p>	<p><b>AS 24.60.080(c)(10)</b> tickets from a lobbyist for a charity event at any time, including during a legislative session, except that tickets to or gifts received at a charity event under this paragraph are subject to the calendar year limit on the value of gifts received by a legislator or legislative employee in (a) of this section. in this paragraph "charity event" means an event the proceeds of which go to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the <u>Select Committee on Legislative Ethics</u> [ALASKA LEGISLATIVE COUNCIL] has approved in advance. the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services involved in the charity event, or</p>	<p>This is language recommended by the Ethics Committee to transfer the sanctioning of charity events from the Alaska Legislative Council to the Select Committee on Legislative Ethics. The committee believes this will allow oversight from one area and provide consistency of information provided by Ethics and APOC.</p>

**TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.080(e)**

EXISTING STATUTE	HB 20 - Harris	SB 20 - French	EXPLANATION
<p><b>Sec 24 60 080(e) Gifts</b></p> <p>(e) A political contribution is not a gift under this section if it is reported under AS 15 13 040 or is exempt from the reporting requirement under AS 15 13 040(g). The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to the legislator under this section.</p>	<p>Sec 6 AS 24 60 080(e) is amended to read</p> <p>(e) A political contribution is not a gift under this section if it is reported under AS 15 13 040 [OR IS EXEMPT FROM THE REPORTING REQUIREMENT UNDER AS 15 13 040(g)] The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to the legislator under this section.</p>	<p>Sec 4 AS 24 60 080(e) is amended to read</p> <p>(e) A political contribution is not a gift under this section if it is reported under AS 15 13 040 [OR IS EXEMPT FROM THE REPORTING REQUIREMENT UNDER AS 15 13 040(g)] The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to the legislator under this section.</p>	<p>Eliminates an exemption for a candidate who does not intend to raise more than \$5,000 in his campaign or expend more than \$5,000 in his campaign. All candidates will be required to report gifts per statute.</p>

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.085

EXISTING STATUTE	HB 10 - Lynn	SB 13 - Stevens	136IC.9 - Harris Bullard	EXPLANATION
<p>AS 24 60 085 <b>Restrictions on earned income and honoraria.</b></p> <p>This section prohibits a legislator or legislative employee from seeking or accepting unreasonable compensation for the services rendered, accepting anything other than actual travel expenditures for an appearance under normal course of legislative business, and permits payment for a speech or appearance if not connected to person's legislative status</p> <p><b>It currently does not address consulting</b></p>	<p>Sec 2 AS 24 60 085 is amended by adding a new subsection to read</p> <p>(c) During the term for which elected or appointed and for one year thereafter, a legislator may not directly or by authorizing another to act on the legislator's behalf, accept or agree to accept compensation, except from the State of Alaska, for work associated with legislative, administrative or political action</p>	<p>Sec 1 AS 24 60 085 is amended by adding a new <b>subsection</b> to read</p> <p>(c) A legislator may not, directly or by authorizing another to act on the legislator's behalf provide consulting services to a person in the private sector or accept or agree to accept consulting fees from a person in the private sector</p>	<p>Sec 7 AS 24 60 085 is amended by adding a new subsection to read</p> <p>(c) A legislator may not seek or accept compensation for personal services or performing a contract if the services or programs are outside the cope of the ordinary course of the legislator's previous employment, practice or experience</p>	<p>The way written this one and only section of SB 13 would prohibit a legislator or his staff from providing consulting services to "a person in the private sector", including constituents because it is written in "either-or" language</p> <p>Recommend amending language</p>

**TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.100**

**EXISTING STATUTE**

1361C.5 - Harris/Bullard

**EXPLANATION**

<p><b>AS 24.60.100 Representation.</b> A legislator or legislative employee who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place to the committee. The disclosure shall be made by the deadlines set out in AS 24.60.105. The committee shall maintain a public record of a disclosure under this section and forward the disclosure to the respective house for inclusion in the journal. A legislator or legislative employee may not represent another person for compensation before an agency, committee, or other entity of the legislative branch.</p>	<p><b>AS 24.60.100 Representation.</b> A legislator or legislative employee <u>may not</u> [WHO REPRESENTS] represent another person for compensation before <u>a municipality or a legislative or executive branch</u> [AN] agency, board or commission of the state [SHALL DISCLOSE THE NAME OF THE PERSON REPRESENTED, THE SUBJECT MATTER OF THE REPRESENTATION, AND THE BODY BEFORE WHICH THE REPRESENTATION IS TO TAKE PLACE TO THE COMMITTEE. THE DISCLOSURE SHALL BE MADE BY THE DEADLINES SET OUT IN AS 24.60.105. THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF A DISCLOSURE UNDER THIS SECTION AND FORWARD THE DISCLOSURE TO THE RESPECTIVE HOUSE FOR INCLUSION IN THE JOURNAL. A LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT REPRESENT ANOTHER PERSON FOR COMPENSATION BEFORE AN AGENCY, COMMITTEE, OR OTHER ENTITY OF THE LEGISLATIVE BRANCH].</p>	<p>The purpose of this amendment is to prevent a legislator or legislative employee from being compensated by a client or constituent for representing them before a municipality or a legislative or executive branch agency, board, or commission. Such representation would fall within the boundaries of the legislator's or legislative employee's normal duties.</p>
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TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.210(a) - (b)

EXISTING STATUTE

HB 109 - Governor

EXPLANATION

<p>Sec. 24 60 210. Deadlines for filing of disclosure statements (a) A person required to file a disclosure statement under AS 24 60 200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24 60 200, on or before March 15 of each year</p> <p>(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, on or before the second Monday in January of each year</p>	<p>Sec. 24 60 210. Deadlines for filing of disclosure statements (a) A person required to file a disclosure statement under AS 24 60 200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24 60 200, on or before March 15 of each year. <u>On or before the 90th day after ending service as a legislator or legislative director, a former legislator or legislative director shall file with the Alaska Public Offices Commission a report containing the disclosure required by AS 24.60.200, covering any period that service for which the legislator or legislative director has not already filed a report.</u></p> <p>(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, on or before the second Monday in January of each year. <u>On or before the 90th day after ending service on the committee, a former public member of the committee shall file with the Alaska Public Offices Commission a report containing the disclosure required by AS 24.60.200, covering any period that service for which the legislator or legislative director has not already filed a report.</u></p>	<p>24 60 210(a) places a deadline on when a legislator or legislative director who leaves service must report all unreported disclosures required by AS 24 60 200</p> <p>AS 24 60 210(B) places a deadline on when an ethics committee member who leaves service must report all unreported disclosures required by AS 24 60 200</p>
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**TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.210 with new subsection (c)**

**EXISTING STATUTE**

**HB 109 - Governor**

**EXPLANATION**

<p><b>NONE</b></p>	<p><b>Sec. 4.</b> AS 24 60 210 is amended by adding a new subsection to read:</p> <p>(c) The Alaska Public Offices Commission shall require that the reports required under this section be submitted electronically but may, when extraordinary circumstances warrant an exception, accept any information required under this section that is typed in clear legible black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission and that is filed with the commission.</p>	<p>Makes electronic filing of disclosure statements mandatory</p>
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**TAB 12**

**TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.990 New Definition**

**EXISTING STATUTE**

**HB 27 - Gardner**

**EXPLANATION**

<p align="center">NONE</p>	<p><b>Sec. 2.</b> AS 24 60 990(a) is amended by adding a new paragraph to read</p> <p>(17) "professional license" means a license required for a profession regulated by the federal government or by a state</p>	<p>This accomplishes the same goal as Rep Lynn's HB 10 subsection (A) which stated a person must disclose services unless <i>"those services are required to be kept confidential under a state or federal law, including the common law."</i></p> <p>Rep Gardner requires disclosure of services unless those services require a professional license issued by the state or federal government. The question is are there professional licenses that would not require confidentiality by the state or federal government? In addition there may be services that don't require a license but are protected by the state or federal government for confidentiality.</p>
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Tied to AS 24 60 200(2) which was deferred to Feb 15 subcommittee meeting

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

EXISTING STATUTE	HB 10 - Lynn	136IC.5 - Harris/Pullard	EXPLANATION
<p><b>UNCODIFIED</b></p>	<p>Sec. 5 The uncodified law of the State of Alaska is amended by adding a new section to read</p> <p>APPLICABILITY (a) Sections 1 and 3 of this Act apply to all persons who become former legislators on or after the effective date of this Act and to all former legislators who were members of the legislature between April 9, 2006, and the effective date of this Act</p> <p>(b) Former legislators who were members of the legislature between April 9, 2006, and the effective date of this Act shall make the disclosure required by AS 24 60 115, added by sec. 3 of this Act, within 30 days after the effective date of this Act</p>	<p>Section 7 The uncodified law of the State of Alaska is amended by adding a new section to read</p> <p>TRANSITION A person who is not a legislator, legislative employee, or public member of the Select Committee on Legislative Ethics on the effective date of this Act but who served as a legislator, legislative employee or public member of the Select Committee on Legislative Ethics between April 9, 2006, and the effective date of this Act shall make the disclosure required by AS 24 60 115, added by sec. 6 of this Act, within 90 days after the effective date</p>	<p>Creates an applicability of disclosure of former legislators, legislative staff, and public members of the committee to April 9, 2006. Rep Lynn had this requirement for legislators in HB 10, but his language did not include legislative employees, nor public members of the ethics committee</p>