

HB

109

HOUSE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced:
Referred:

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the requirement for candidates, groups, legislators, public officials,
2 and other persons to submit reports electronically to the Alaska Public Offices
3 Commission; relating to disclosures by legislators, public members of the Select
4 Committee on Legislative Ethics, legislative directors, public officials, and certain
5 candidates for public office concerning services performed for compensation and
6 concerning certain income, gifts, and other financial matters; requiring legislators,
7 public members of the Select Committee on Legislative Ethics, legislative directors,
8 public officials, and municipal officers to make certain financial disclosures when they
9 leave office; relating to insignificant ownership interest in a business and to gifts from
10 lobbyists for purposes of the Alaska Executive Branch Ethics Act; relating to certain
11 restrictions on employment after leaving state service for purposes of the Alaska
12 Executive Branch Ethics Act; and providing for an effective date."

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

2 * Section 1. AS 15.13.040(m) is amended to read:

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

9 * Sec. 2. AS 24.60.200 is amended to read:

10 Sec. 24.60.200. Financial disclosure by legislators, public members of the
11 committee, and legislative directors. A legislator, a public member of the committee,
12 and a legislative director shall file a disclosure statement, under oath and on penalty of
13 perjury, with the Alaska Public Offices Commission giving the following information
14 about the income received by the discloser, the discloser's spouse or domestic partner,
15 the discloser's dependent children, and the discloser's nondependent children who are
16 living with the discloser:

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

19 (2) as to income in excess of \$1,000 received as compensation for
20 personal services, the name and address of the source of the income, the amount of
21 the income, the number of hours of services performed to earn that income, and a
22 statement describing in detail the nature of the services performed; [IF THE SOURCE
23 OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE
24 A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR
25 POLITICAL ACTION AND THE RECIPIENT OF THE INCOME IS A
26 LEGISLATOR OR A LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME
27 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED,]

28 (3) as to each loan or loan guarantee over \$1,000 from a source with a
29 substantial interest in legislative, administrative, or political action, the name and
30 address of the person making the loan or guarantee, the amount of the loan, the terms
31 and conditions under which the loan or guarantee was given, the amount outstanding

1 at the time of filing, and whether or not a written loan agreement exists.

2 * Sec. 3. AS 24.60.210 is amended to read:

3 Sec. 24.60.210. **Deadlines for filing of disclosure statements.** (a) A person
4 required to file a disclosure statement under AS 24.60.200 shall file an annual report
5 with the Alaska Public Offices Commission, covering the previous calendar year,
6 containing the disclosures required by AS 24.60.200, on or before March 15 of each
7 year. On or before the 90th day after ending service as a legislator or legislative
8 director, a former legislator or legislative director shall file with the Alaska
9 Public Offices Commission a report containing the disclosures required by
10 AS 24.60.200, covering any period of that service for which the legislator or
11 legislative director has not already filed a report.

12 (b) Notwithstanding (a) of this section, a public member and a public member
13 nominee of the committee shall file an annual report with the Alaska Public Offices
14 Commission, covering the previous calendar year, containing the disclosures required
15 by AS 24.60.200, on or before the second Monday in January of each year. On or
16 before the 90th day after ending service on the committee, a former public
17 member of the committee shall file with the Alaska Public Offices Commission a
18 report containing the disclosures required by AS 24.60.200, covering any period
19 of that service for which the public member has not already filed a report.

20 * Sec. 4. AS 24.60.210 is amended by adding a new subsection to read:

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

27 * Sec. 5. AS 39.50.020 is amended to read:

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

1 than a candidate who is subject to AS 24.60 shall file the statement with the director of
 2 elections at the time of filing a declaration of candidacy or a nominating petition or
 3 becoming a candidate by any other means. Candidates for elective municipal office
 4 shall file the statement at the time of filing a nominating petition, declaration of
 5 candidacy, or other required filing for the elective municipal office. Refusal or failure
 6 to file within the time prescribed shall require that the candidate's filing fees, if any,
 7 and filing for office be refused or that a previously accepted filing fee be returned and
 8 the candidate's name removed from the filing records. A statement shall also be filed
 9 by public officials no later than March 15 in each following year. On or before the
 10 90th day after leaving office, a former public official shall file a statement
 11 covering any period during the official's service in that office for which the public
 12 official has not already filed a statement. Persons who are members of boards or
 13 commissions not named in AS 39.50.200(b) are not required to file financial
 14 statements.

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

23 * Sec. 6. AS 39.50.030(b) is amended to read:

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

26 (1) for [THE SOURCE OF] all income over \$1,000 [\$5,000] during
 27 the preceding calendar year, including taxable and nontaxable capital gains, and each
 28 gift with a value exceeding \$250, received by the person, the person's spouse or
 29 domestic partner, or the person's dependent child, [EXCEPT THAT A SOURCE OF
 30 INCOME THAT IS A GIFT MUST BE INCLUDED IF THE VALUE OF THE GIFT
 31 EXCEEDS \$250]

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

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

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

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

6 (E) a detailed description of the nature of the services
 7 performed.

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

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

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

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

30 (6) a list of all contracts and offers to contract with the state or an
 31 instrumentality of the state during the preceding calendar year held, bid, or offered by

1 the person, the person's spouse or domestic partner, or the person's dependent child, a
 2 partnership or professional corporation of which the person is a member, or a
 3 corporation in which the person or the person's spouse, domestic partner, or dependent
 4 children, or a combination of them, hold a controlling interest; and

5 (7) a list of all mineral, timber, oil, or any other natural resource lease
 6 held, or lease offer made, during the preceding calendar year by the person, the
 7 person's spouse or domestic partner, or the person's dependent child, a partnership or
 8 professional corporation of which the person is a member, or a corporation in which
 9 the person or the person's spouse or domestic partner or dependent children, or a
 10 combination of them, holds a controlling interest.

11 * Sec. 7. AS 39.50.050(a) is amended to read:

12 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
 13 shall administer the provisions of this chapter. The commission shall prepare and keep
 14 available for distribution standardized forms on which the reports required by this
 15 chapter shall be filed. The commission shall print the forms provided under this
 16 section so that the front and back of each page have the same orientation when the
 17 page is rotated on the vertical axis of the page. The commission shall require [MAY
 18 REQUEST] that the information required under this chapter be submitted
 19 electronically but may, when extraordinary circumstances warrant an exception,
 20 [SHALL] accept any information required under this chapter that is typed in clear and
 21 legible black typeface or hand-printed in dark ink on paper in a format approved by
 22 the commission or on forms provided by the commission and that is filed with the
 23 commission.

24 * Sec. 8. AS 39.52.110 is amended by adding a new subsection to read:

25 (d) Stock or other ownership interest in a business is presumed to be
 26 insignificant if the value of the stock or other ownership interest is less than \$5,000.

27 * Sec. 9. AS 39.52.130(a) is amended to read:

28 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
 29 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
 30 employment, promise, or in any other form, that is a benefit to the officer's personal or
 31 financial interests, under circumstances in which it could reasonably be inferred that

1 the gift is intended to influence the performance of official duties, actions, or
 2 judgment. A gift from a person required to register as a lobbyist under
 3 AS 24.45.041 to a public officer or a public officer's immediate family member is
 4 presumed to be intended to influence the performance of official duties, actions,
 5 or judgment unless the giver is an immediate family member of the person
 6 receiving the gift.

7 * Sec. 10. AS 39.52.180(a) is amended to read:

8 (a) A public officer who leaves state service may not, for two years after
 9 leaving state service, represent, advise, or assist a person for compensation regarding a
 10 matter that was under consideration by the administrative unit served by that public
 11 officer, and in which the officer participated personally and substantially through the
 12 exercise of official action. For the purposes of this subsection, "matter" includes a
 13 case, proceeding, application, contract, or determination [, BUT DOES NOT
 14 INCLUDE THE PROPOSAL OR CONSIDERATION OF LEGISLATIVE BILLS,
 15 RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS, OR OTHER
 16 LEGISLATIVE MEASURES, OR THE PROPOSAL, CONSIDERATION, OR
 17 ADOPTION OF ADMINISTRATIVE REGULATIONS]

18 * Sec. 11. AS 39.52.180(d) is amended to read:

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

28 * Sec. 12. The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 APPLICABILITY Sections 10 and 11 of this Act apply to a person who leaves state
 31 service on or after the effective date of secs. 10 and 11 of this Act.

- 1 * Sec. 13. Sections 1, 4, and 7 of this Act take effect July 1, 2007.
- 2 * Sec. 14. Except as provided in sec. 13 of this Act, this Act takes effect immediately under
- 3 AS 01.10.070(c).

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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Date: March 6, 2007

To: Jane Pierson
Fr: Mike Sica
Re: Handoff of CS for HB 109 (Version O)

Several issues that may need to be addressed in the House Judiciary Committee for the ethics omnibus bill include:

Sec. 6 AS 24.45.121

You need an Amendment to restore language from the Version K of CSHB 109 for subsection AS 24.45.121(d), which prohibits a spouse or domestic partner of a legislator from lobbying for pay.

It was unintentionally deleted by an Amendment by the Governor that also happened to include a subsection (d) with different language, which is now included in Version O. It was the intention of the State Affairs Committee to include the spouse/domestic partner lobbying prohibition in the bill.

A copy of the original language from Version K subsection 24.45.121 (d) and the Governor's amendment subsection 24.45.121 (d) are attached.

Dan Wayne is aware of the situation and can draft the Amendment to remedy this.

Sec. 20 AS 24.60.130

This may require an amendment that could satisfy everyone from Ethics Committee Administrator Joyce Anderson to Rep. Max Gruenberg (it almost qualifies as a miracle) on Amendment 10:

See Dan Wayne memo of March 6, 2007 (Number 3.) It is attached.

Again, Dan Wayne is available to draft this Amendment.

(more)

Other items of interest for Judiciary:

Amendment 5 (K.6) by Rep. Johnson dealing with AS 15.13.078(c) was withdrawn with the intent that it be addressed in the House Judiciary Committee.

A copy of Amendment 5 (K.6) is attached.

Revised Amendment 22 on 39.50.040 Blind Trusts

The State Affairs Committee wanted to make sure that the Judiciary Committee looks closely at this because it is such an overhaul of the existing statute.

A copy of Revised Amendment 22 is attached.

Amendment 32 (K.36) regarding 39.52.910 Nepotism

The officials with the Governor's office (John Bitney) and the Labor organizations (Tom Brice) are trying to deal with this issue through regulation. If that falls through, this Amendment could serve as a starting point for including a solution in possible legislation.

A copy of Amendment 32 is attached.

Amendment 34 by Rep. Gruenberg

This deals with including "limited liability company in the definition for "source of income" as defined in 39.50.200(a)(10).

A copy of Amendment 34 and the related statute is attached.

Sectional Analysis for the new CS for HB 109

I have requested a copy of this for Judiciary.

Jane, if there is anything else I can help you with in handing off this comprehensive ethics bill, please let me know.

Mike

LEGAL SERVICES

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MEMORANDUM

March 6, 2007

SUBJECT: Comments by Drafter regarding CSHB 109(STA)
(Work Order No. 25-GH1059\O)

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Mike Sica

FROM: Dan Wayne 
Legislative Counsel

Attached is the above-referenced bill draft for your review. In particular please note the following:

1. On page 28, line 10, I removed sec. 2 from the list of sections that would become effective July 1, 2007. In drafting the amendment that eventually was adopted and became sec. 2, I was permitted to discuss it with your staff, Representative Gruenberg's staff, and David Jones of the Department of Law. In those discussions I think it was generally understood that the effective date of the section, except as specifically noted otherwise in the language of the section itself, would be the same as the general effective date of the bill. Therefore, instead of giving a specific May 1, 2007, effective date for persons campaigning for or against a ballot proposition or initiative, as in the previous draft adopted by the committee (which was later rescinded for other reasons), I was able to accomplish the same thing but in leaner and simpler language. By removing sec. 2 from the list of sections that become effective July 1, 2007, sec. 2 becomes effective at the time as I believe the committee intended.
2. Regarding the section amending AS 39.52.180(d) (page 26, lines 19 - 28), I modified the language of oral amendment 35 (by Representative Bob Roses) to conform with drafting requirements. I conformed the language of new subsection 39.52.180(e) (page 26, line 29, through page 27, line 7) and corresponding applicability sections as well, by adding the amended language.
3. The next committee of referral may want to consider two changes to sec. 20 of the bill, to better define the term "caucus" in AS 24.60.130(p). I recommend adding the word "organizational" following the word majority on page 15, lines 24, 27, and 31, the word minority, on page 15, line 28, and page 16, lines 2 and 3. With that change the sentence on page 16, line 4 that begins "In this paragraph," should be deleted because "minority organizational caucus" is already defined in the section and the extra reference

Representative Bob Lynn

March 6, 2007

Page 2

would not be needed.¹ In my opinion, the meaning of "majority organizational caucus" in this context is self-evident, and needs no further definition in the bill.

DCW:lmb

07-045.lmb

Enclosure

¹ Rule number 1(e) of the Alaska State Legislature Uniform Rules says, in part:

For purposes of this subsection "minority" means a group of members who have organized and elected a minority leader and who constitute at least 25 percent of the total house membership.

1 a person who is a representational lobbyist as defined under regulations of the
2 commission.

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

4 (d) The spouse or domestic partner of a legislator may not engage in an
5 activity as a lobbyist. This subsection does not prohibit the spouse or domestic partner
6 from acting as a volunteer lobbyist under AS 24.45.161 or a representational lobbyist
7 as defined under regulations of the commission.

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

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

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

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

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

18 (a) A legislator or legislative employee may not

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

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

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

Amendment Passed

1 AS 24.60.210 Governor's Amendment ³ (Electronic Legislative Filing - Title 24)

2
3 OFFERED IN THE HOUSE

BY THE GOVERNOR

Passed

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 16, line 10, following "Commission":

7 Delete "may request"

8 Insert "shall require"

*Bob's amendment
is attached
filed*

9
10 Page 16, line 11, following "but":

11 Delete "shall"

12 Insert "may, when circumstances warrant an exception,"

13
14 Page 22, following line 18:

15 Insert a new bill section to read:

16 **** Sec. 33. Section 22 of this Act takes effect July 1, 2008.**

17
18 Renumber the following bill sections accordingly.

19
20 Page 22, line 19, following "Sections 2,"

21 Delete "22"

Amendment Passed

1 AS 39.50.050(a) Governor's Amendment ^{#4} (Electronic Public Official Filing - Title 39)

2
3 OFFERED IN THE HOUSE

passed

BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 19, line 16, following "commission":

7 Delete "may request"

8 Insert "shall require"

9
10 Page 19, line 17, following "chapter":

11 Insert ", unless it is information required of a municipal officer."

12
13 Page 19, line 17, following "but":

14 Delete "shall"

15 Insert "may, when circumstances warrant an exception,"

16
17 Page 19, following line 20:

18 Insert "Municipal officers must submit information required under this chapter
19 electronically or in the typed or hand-printed form described in this subsection."

20
21 Page 19, lines 21 - 27:

22 Delete all material.

15.13.078 (c)

25-GH1059K.6
Wayne
2/21/07

**Amendment withdrawn, will
be worked on in Judiciary**

AMENDMENT # 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOHNSON

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

1 Page 2, following line 15:

2 Insert new bill sections to read:

3 * Sec. 3. AS 15.13.078(c) is amended to read:

4 (c) On and after the date determined under AS 15.13.110 as the last day of the
5 period ending three days before the due date of the report required to be filed under
6 AS 15.13.110(a)(1) for expenditures and until the date of the election for which the
7 report is filed, a candidate may not give or loan to the candidate's campaign the
8 candidate's money or other thing of value of the candidate in an amount that exceeds
9 \$5,000.

10 * Sec. 4. AS 15.13.110(a) is amended to read:

11 (a) Each candidate, group, and nongroup entity shall make a full report of
12 expenditures in accordance with AS 15.13.040 for the period ending three days
13 before the due date of the report and beginning on the last day covered by the most
14 recent previous report. If the report is a first report, it must cover the period from the
15 beginning of the campaign to the date three days before the due date of the report. If
16 the report is a report due February 15, it must cover the period beginning on the last
17 day covered by the most recent previous report or on the day that the campaign
18 started, whichever is later, and ending on February 1 of that year. The report shall be
19 filed

20 (1) 30 days before the election; however, this report is not required if
21 the deadline for filing a nominating petition or declaration of candidacy is within 30
22 days of the election;

23 (2) one week before the election;

1 (3) 105 days after a special election; and

2 (4) February 15 for expenditures made [AND CONTRIBUTIONS
3 RECEIVED] that were not reported previously, including if applicable, all amounts
4 expended from a public office expense term account established under
5 AS 15.13.116(a)(8) and all amounts expended from a municipal office account under
6 AS 15.13.116(a)(9), or when expenditures were not made [OR CONTRIBUTIONS
7 WERE NOT RECEIVED] during the previous year.

8 * Sec. 5. AS 15.13.110(b) is amended to read:

9 (b) Each contribution [THAT EXCEEDS \$250 AND] that is made within nine
10 days of the election shall be reported to the commission by date, amount, and
11 contributor within 24 hours of receipt by the candidate, group, campaign treasurer, or
12 deputy campaign treasurer. Each contribution to a nongroup entity for the purpose of
13 influencing the outcome of an election [THAT EXCEEDS \$250 AND] that is made
14 within nine days of the election shall be reported to the commission by date, amount,
15 and contributor within 24 hours of receipt by the nongroup entity.

16 * Sec. 6. AS 15.13.110(e) is amended to read:

17 (e) A group formed to sponsor an initiative, a referendum or a recall shall
18 report 30 days after its first filing with the lieutenant governor. Thereafter each group
19 shall report all contributions received within 72 hours after receipt and shall
20 report within 10 days after the end of each calendar quarter on the
21 [CONTRIBUTIONS RECEIVED AND] expenditures made during the preceding
22 calendar quarter until reports are due under (a) of this section."
23

24 Renumber the following bill sections accordingly.

25

26 Page 22, line 9:

27 Delete "29"

28 Insert "33"

29

30 Page 22, line 10:

31 Delete "29"

- 1 Insert "33"
- 2
- 3 Page 22, line 11:
- 4 Delete "30"
- 5 Insert "34"
- 6
- 7 Page 22, line 14:
- 8 Delete "30"
- 9 Insert "34"
- 10
- 11 Page 22, line 15:
- 12 Delete "31"
- 13 Insert "35"
- 14
- 15 Page 22, line 18:
- 16 Delete "31"
- 17 Insert "35"
- 18
- 19 Page 22, line 19:
- 20 Delete "22, and 26"
- 21 Insert "26, and 30"
- 22
- 23 Page 22, line 20:
- 24 Delete "33"
- 25 Insert "37"

Amendment Passed

Amend # 6

1 AS 24.45.121(a) Governor's Amendment ⁴⁵ (Parallel Positions for Lobbyists - Title 24)

2

3

OFFERED IN THE HOUSE

BY THE GOVERNOR

4

STATE AFFAIRS COMMITTEE

5

TO: CSHB 109() (25-GH1059\K; 2/21/07)

6

Page 4, following line 2:

7

Insert new bill sections to read:

8

Sec. 5. AS 24.45.121(a) is amended to read:

9

(a) A lobbyist may not

10

(1) engage in any activity as a lobbyist before registering under

11

AS 24.45.041;

12

(2) do anything with the intent of placing a public official under personal

13

obligation to the lobbyist or to the lobbyist's employer;

14

(3) intentionally deceive or attempt to deceive any public official with

15

regard to any material fact pertinent to pending or proposed legislative or

16

administrative action;

17

(4) cause or influence the introduction of a legislative measure solely for

18

the purpose of thereafter being employed to secure its passage or its defeat;

19

(5) cause a communication to be sent to a public official in the name of

20

any fictitious person or in the name of any real person, except with the consent of

21

that person;

22

(6) accept or agree to accept any payment in any way contingent upon the

23

defeat, enactment, or outcome of any proposed legislative or administrative action;

1 (7) serve as a member of a state board or commission, if the lobbyist's
2 employer may receive direct economic benefit from a decision of that board or
3 commission;

4 (8) serve as a campaign manager or director, serve as a campaign
5 treasurer or deputy campaign treasurer on a finance or fund-raising committee,
6 host a fund-raising event, directly or indirectly collect contributions for, or deliver
7 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
8 legislative campaign or campaign for governor or lieutenant governor if the
9 lobbyist has registered, or is required to register, as a lobbyist under this chapter,
10 during the calendar year; this paragraph does not apply to a representational
11 lobbyist as defined in the regulations of the Alaska Public Offices Commission,
12 and does not prohibit a lobbyist from making personal contributions to a candidate
13 as authorized by AS 15.13 or personally advocating on behalf of a candidate;

14 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
15 covered by AS 24.60, during a legislative session, a gift, other than food or
16 beverage for immediate consumption; however, this paragraph does not prohibit a
17 lobbyist from providing, during a legislative session or at any other time of the
18 year, tickets to a charity event described in AS 24.60.080(c)(10), or a contribution
19 to a charity event under AS 24.60.080(c)(11);

20 (10) make or offer a gift or a campaign contribution whose acceptance by
21 the person to whom it is offered would violate AS 24.60 or AS 39.52."

22 ** Sec. 6. AS 24.45.121 is amended by adding a new subsection to read:

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7

(d) An individual may not engage in any activity as a lobbyist at any time that AS 39.52 prohibits that individual from engaging in activity as a lobbyist. This subsection does not prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission."

Renumber the following bill sections accordingly.

24.60.130 (NO/CC-ETHICS)

25-GH1059K.40

Wayne
2/23/07

Amendment Passed

AMENDMENT #10

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 109(). Draft Version "K"

Legislative Subjects

1 Page 13, following line 9:

2 Insert a new bill section to read:

3 **** Sec. 17.** AS 24.60.130 is amended by adding a new subsection to read:

4 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
5 committee alleges a violation of this chapter by a group of legislators that includes a
6 legislative member of the committee and that member's alternate, the member and
7 alternate member are disqualified from serving on the committee with regard to the
8 complaint. If the two disqualified members of the committee are part of the majority
9 caucus, the presiding officer of the house in which the two disqualified members serve
10 shall appoint from that house an alternate to serve with regard to the complaint. If one
11 of the two disqualified legislative members of the committee is not part of the majority
12 caucus, the leader of the minority caucus with the greatest number of members shall
13 appoint from that house an alternate to serve with regard to the complaint. If a
14 complaint alleges a violation of this chapter that includes all legislative members of
15 the majority caucus of one house, the presiding officer of that house shall appoint from
16 the other house an alternate to serve with regard to the complaint. If the complaint
17 alleges a violation of this chapter that includes all legislative members of a minority
18 caucus of one house, the leader of that minority caucus shall appoint from the other
19 house an alternate to serve with regard to the complaint. In this paragraph, "caucus"
20 has the meaning given in AS ^{24.60.130(o)}~~24.60.037.~~

21
22 Renumber the following bill sections accordingly.

23

1 Page 22, line 9:

2 Delete "sec. 29"

3 Insert "sec. 30"

4

5 Page 22, line 10:

6 Delete "sec. 29"

7 Insert "sec. 30"

8

9 Page 22, line 11:

10 Delete "sec. 30"

11 Insert "sec. 31"

12

13 Page 22, line 14:

14 Delete "sec. 30"

15 Insert "sec. 31"

16

17 Page 22, line 15:

18 Delete "sec. 31"

19 Insert "sec. 32"

20

21 Page 22, line 18:

22 Delete "sec. 31"

23 Insert "sec. 32"

24

25 Page 22, line 19:

26 Delete "22, and 26"

27 Insert "23, and 27"

28

29 Page 22, line 20:

30 Delete "sec. 33"

31 Insert "sec. 34"

24.60.130(2)

(o) In this section, "minority organizational caucus" means a group of legislators who have organized and elected a minority leader and constitute at least 25 percent of the total membership of the house or senate, as appropriate.

AMENDMENT

New
Amendment # 11
Gardner
~~_____~~

OFFERED IN THE HOUSE

BY REPRESENTATIVE Gardner

TO: CS HB 109

passed

1 Page 2, line 9, after the word "Sec. 2."

2 Insert:

3 AS 24.60.085 is amended by adding a new subsection to read:

4 (c) During the term for which elected or appointed ~~(and not more than one term)~~ a
5 legislator may not, directly or by authorizing another to act on the legislator's behalf,
6 accept or agree to accept compensation, except from the State of Alaska, for work
7 associated with legislative action or administrative action, as those terms are defined
8 in AS 24.45.171, or political action as defined in AS 24.60.990.

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Revised Version of
Amendment # 22 (K.43)

25-GH1059K.50
Cook/Wayne
3/2/07

AMENDMENT

- *pass*

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

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

1 Page 1, line 4, following "government;":

2 Insert "relating to blind trusts approved by the Alaska Public Offices
3 Commission;"

4

5 Page 19, following line 9:

6 Insert a new bill section to read:

7 **** Sec. 26.** AS 39.50.040 is amended to read:

8 **Sec. 39.50.040. Blind trusts.** (a) A public official may transfer all or a portion
9 of the official's assets to a blind trust for the duration of service in public office. The
10 original assets placed in the blind trust shall be listed by the official in a [THE]
11 statement [REQUIRED TO BE] filed under this section, together with a description
12 of the actual or potential conflicts of interest, or appearance of conflict, that the
13 official seeks to avoid by the use of the trust. A copy of the [CHAPTER. THE]
14 instrument creating the blind trust must be included with the statement.

15 (b) For a blind trust to qualify under this section, the following conditions
16 must be met:

17 (1) the trust may not contain investments or assets in which the
18 ownership right or interest is required to be recorded in a public office other
19 than with the Alaska Public Offices Commission, or contain assets with
20 permanency that makes transfer by the trustee improbable or impractical,
21 including businesses, real estate, security interests in personal property, and
22 mortgages [ASSETS TRANSFERRED TO THE TRUST SHALL BE
23 MARKETABLE];

1 (2) the trustee shall be a bank or other institutional fiduciary;

2 (3) the trustee shall have full authority to manage the trust, including
3 the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

4 (4) the trust instrument shall contain a clear statement that its
5 purpose is to remove from the trustor control and knowledge of investment of
6 trust assets so that conflicts between the trustor's responsibilities and duties as a
7 public official and the trustor's personal or financial interests will be eliminated
8 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
9 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
10 DURATION OF THE TRUST];

11 (5) the trustee shall be directed not to disclose to the trustor any
12 information about the identity and nature of any of the assets in the trust, and the
13 trustee shall be required to report any known breach of this confidentiality or the
14 termination of the trust to the commission [OFFICE WHERE THE TRUSTOR IS
15 REQUIRED TO FILE STATEMENTS UNDER THIS CHAPTER]; [AND]

16 (6) the trust shall be irrevocable and shall be terminated only upon
17 the death of the trustor, upon termination of the trustor's status as a public
18 official, or upon order of the commission;

19 (7) the trustee shall be required to

20 (A) prepare and file the trustor's personal income tax
21 returns, withholding from distribution of the trust's net income amounts
22 sufficient to pay the trustor's tax; and to participate in the audit of the
23 trustor's returns during the period of the trust, with authority to
24 compromise the trustor's tax liability; or

25 (B) submit to the trustor, for income tax purposes, a
26 certification of income paid without identifying the assets producing the
27 income;

28 (8) the trustee shall be directed to avoid knowingly making any
29 investment in a corporation, business, or venture over which the trustor is likely
30 to take action by virtue of the trustor's official position;

31 (9) the trustor may not retain control over the trustee, and the

1 trustor is not permitted to make any recommendations or suggestions as to the
2 trust property;

3 (10) the trust instrument agreement must provide that the trustee
4 will give the attorney general or personnel board access to any records or
5 information related to the trust that is necessary when investigating or hearing
6 an accusation alleging a violation of AS 39.52;

7 (11) the trustee shall report to the commission the beginning and
8 ending value of the trust and, if the commission requests, the trustee shall
9 prepare under seal a detailed description of transactions and holdings of the
10 trust; the document prepared by the trustee under seal is not public information
11 unless an accusation under AS 39.52 relevant to the blind trust is filed by the
12 attorney general or the personnel board, and

13 (12) the trust may not become effective until the trust instrument
14 is submitted and approved by the commission [REPEALED]."

15

16 Renumber the following bill sections accordingly.

17

18 Page 22, line 5:

19 Delete "sec. 29"

20 Insert "sec. 30"

21

22 Page 22, line 10:

23 Delete "sec. 29"

24 Insert "sec. 30"

25

26 Page 22, line 11:

27 Delete "sec. 30"

28 Insert "sec. 31"

29

30 Page 22, line 14:

31 Delete "sec. 30"

- 1 Insert "sec. 31"
- 2
- 3 Page 22, line 15:
- 4 Delete "sec. 31"
- 5 Insert "sec. 32"
- 6
- 7 Page 22, line 18:
- 8 Delete "sec. 31"
- 9 Insert "sec. 32"
- 10
- 11 Page 22, line 19:
- 12 Delete "and 26"
- 13 Insert "26, and 27"
- 14
- 15 Page 22, line 20:
- 16 Delete "sec. 33"
- 17 Insert "sec. 34"

39.52.910 Nepotism

25-GH1059\K.36
Wayne
2/22/07

AMENDMENT #32

OFFERED IN THE HOUSE

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

NOT OFFERED

1 Page 22, following line 6:

2 Insert a new bill section to read:

3 ** Sec. 32. AS 39.52.910 is amended by adding a new subsection to read:

4 (d) Nothing in this chapter

5 (1) supersedes AS 39.90.020; or

6 (2) precludes a person from being in an employment relationship with
7 a member of the person's immediate family if the person

8 (A) does not supervise the immediate family member; or

9 (B) supervises the immediate family member but exercise of
10 the supervision is only routine; under this subparagraph, supervision is routine
11 only if, as to a decision that requires the person's exercise of independent
12 judgment, the person may not act or recommend the family member's

13 (i) appointment to employment, including hiring,
14 transferring, laying off, and recalling;

15 (ii) discipline, including suspension, discharge,
16 demotion, and issuance of written warnings; or

17 (iii) grievance adjudication, including responding to a
18 first level grievance under a collective bargaining agreement."

19

20 Renumber the following bill sections accordingly.

21

22 Page 22, line 20:

23 Delete "sec. 33"

1

Insert "sec. 34"

AMENDMENT #34

OFFERED IN THE HOUSE

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

BY REPRESENTATIVE GRUENBERG

Amendment #__

AS 39.50.200 (a)(10) is amended to read:

Insert after professional corporation, limited liability company,

withdrawn,
to read

Sec. 39.50.200. Definitions.

(a) In this chapter,

(1) "assistant to the governor or the lieutenant governor" includes any executive, legislative, special, administrative, or press assistant to the governor or lieutenant governor, and any person similarly employed in a policy-making position;

(2) "child" includes a biological child, an adoptive child, and a stepchild;

(3) "commission" means the Alaska Public Offices Commission created under AS 15.13.020 (a);

(4) "domestic partner" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage;

(5) "instrumentality of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including the University of Alaska;

(6) "judicial officer" means a person appointed as a justice to the supreme court or as a judge to the court of appeals, superior court, district court, or magistrate court;

(7) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(8) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality;

(9) "public official" means

(A) a judicial officer;

(B) the governor or the lieutenant governor;

(C) a person hired or appointed in a department in the executive branch as

(i) the head or deputy head of the department;

- (ii) the director or deputy director of a division;
- (iii) a special assistant to the head of the department;
- (iv) a person serving as the legislative liaison for the department;
- (D) an assistant to the governor or the lieutenant governor;
- (E) the chair or a member of a state commission or board;
- (F) state investment officers and the state comptroller in the Department of Revenue;
- (G) the chief procurement officer appointed under AS 36.30.010 ;
- (H) the executive director of the Alaska Workforce Investment Board;
- (I) each appointed or elected municipal officer; and
- (J) the members of the board of trustees, the executive director, and the investment officers of the Alaska Permanent Fund Corporation;

(10) "source of income" means the entity for which service is performed or that is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; but if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or domestic partner, or the person's dependent children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation, but, if the entity that is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

(b) In this chapter "state commission or board" means the

- (1) *[Repealed, Sec. 30 ch 81 SLA 2000]*.
- (2) Alaska State Council on the Arts (AS 44.27.040);
- (3) Alcoholic Beverage Control Board (AS 04.06.010);
- (4) State Assessment Review Board (AS 43.56.040);
- (5) *[Repealed, Sec. 1 ch 54 SLA 1981]*

HB 109 (Version K) Final Checklist (as of 3/3/07)

Amendment 1 (A.4)	Title 11	Failed
Amendment 2 (Gov.)	Title 15	Passed as Amended
Amend 1 to Amendment 2	Title 15	Failed
Amend 2 to Amendment 2 (K.42)	Title 15	Passed
Amend 3 to Amendment 2 (K.49)	Title 15	Passed
Amendment 3 (Gov.)	Title 24	Passed
Amend 1 to Amendment 3	Title 24	Failed
Amendment 4 (Gov.)	Title 39	Passed
Amendment 5 (K.6)	Title 15	Withdrawn, for Judiciary
Amendment 6 (Gov.)	Title 24	Passed
Amendment 7	Title 24	Withdrawn
Amendment 8 (K.14)	Title 24	Withdrawn
Amendment 9 (K.41)	Title 24	Tabled
New Amendment 9 (K.54)	Title 24	Passed as Amended
Amend 1 to Amendment 9	Title 24	Passed
Amendment 10 (K.40)	Title 24	Passed
Amendment 11	Title 24	Tabled
New Amendment 11	Title 24	Passed
Amendment 12 (Gov.)	Title 39	Failed
Amendment 13 (Gov.)	Title 24	Passed as Amended
Amend 1 to Amendment 13	Title 24	Withdrawn
Amend 2 to Amendment 13	Title 24	Failed
Amend 3 to Amendment 13	Title 24	Passed
New Amendment 13	Title 24	Passed
Amendment 14 (K.17)	Title 24	Passed as Amended
Amend 3 to Amendment 14	Title 24	Passed
Amendment 15 (K.20)	Title 24	Withdrawn
Amendment 16	Title 24	Not Offered
Amendment 17 (K.45)	Title 24	Passed
Amendment 18 (K.19)	Title 24	Withdrawn
Amendment 19	Title 24	Withdrawn
Amendment 20 (K.22)	Title 39	Not Offered
Amendment 21 (E.3)	Title 39	Not Offered
Amendment 22 (K.50)	Title 39	Passed
Amendment 23 (Gov.)	Title 39	Passed
Amendment 24 (Gov.)	Title 39	Passed
Amendment 25 (K.18)	Title 39	Not Offered
Amendment 26 (K.35)	Title 39	Not Offered
Amendment 27 (Gov.)	Title 39	Withdrawn
Amendment 28	Title 39	Not Offered
Amendment 29 (K.28)	Title 39	Not Offered
Amendment 30 (K.28-A)	Title 39	Passed
Amendment 31 (K.27)	Title 39	Not Offered
Amendment 32 (K.36)	Title 39	Not Offered
Amendment 33 (K.30)	Title 39	Withdrawn
Amendment 34	Title 39	Withdrawn
Amendment 35	Title 39	Passed

From the HB 109 – K Version

Attached is everything that passed the STA Committee for HB 109. We will compile the information by Title number, then Section number not necessarily by amendment number.

Title 15

- 1) Amendment #2 by the Governor 15.13.040(m)
- 2) Amendment 3 to Amendment #2 (K.49)

Title 24

- 1) Amendment #6 by the Governor 24.45.121(a)
- 2) New Amendment #9 (K.54). This was amended as follows: Page 1 line 6 – 8 after the word “entity”, DELETE “that regularly has a substantial interest in the legislative activities of the legislator or employee”
- 3) Amendment #10 (K.40)
- 4) New Amendment #11 (Representative Gardner)
- 5) New Amendment #13 (Representative Gruenberg) Please note grammatical change in subsection (2) - the crossed out comma after the word “income” – see arrow
- 6) Amendment #14 (K.17). This was amended. Page 1 Line 10 DELETE the first three words, “or other entity”
- 7) Amendment #17 (K.45)
- 8) Amendment #3 by the Governor 24.60.210

Title 39

- 1) Amendment #4 by the Governor 39.50.050(a)
- 2) Amendment #22 (K.50)
- 3) Amendment #23 by the Governor 39.50 200(b)
- 4) Amendment #24 by the Governor 39.52.110
- 5) Amendment #35 (Representative Roses) Page 21 Line 21 after “position”, ADD “who is required to file a financial disclosure with APOC”
- 6) Amendment #30 (K.28-A) (Please note the changes to K.28 on lines 8, 10 and 11)

Amendment Passed as Amended

1 AS 15.13.040(m) Governor's Amendment #2 Electronic Campaign Filing Title 15

2
3 OFFERED IN THE HOUSE BY THE GOVERNOR
4 STATE AFFAIRS COMMITTEE
5 TO: CSHB 109() (25-GH1059 K; 2/21/07)

Passed as Amended

6 Page 2, line 5, following "commission":

7 Delete "may request"

8 Insert "shall require"

9
10 Page 2, line 6, following "chapter":

11 Insert ", unless it is information required of a candidate for election to municipal
12 elective office,"

13
14 Page 2, line 6, following "but":

15 Delete "shall"

16 Insert "may, when circumstances warrant an exception or when the information is
17 required of a candidate for election to municipal elective office,"

18
19 Page 2, line 9, following "with the commission.", through line 15

20 Delete all material and insert:

21 "Candidates for election to municipal elective office must submit information
22 required under this chapter electronically or in the typed or hand-printed form described in
23 this subsection. In this subsection, 'municipal elective office' means the office of an

1 elected borough or city mayor, elected member of a city or borough planning commission,
2 elected utility board member, or elected member of a borough assembly, city council, or
3 school board.”

4

5 Page 22, following line 18:

6 Insert a new bill section to read:

7 **** Sec. 33. Section 2 of this Act takes effect May 1, 2009.**”

8

9 Renumber the following bill sections accordingly.

10

11 Page 22, line 19, following “Sections”

12 Delete “2”

Cleaner Version - Title 15 Fix

25-GH1059K.49

Wayne

2/28/07

Amendment 3 to Gov Amend 2

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

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

1 Page 2, lines 4 - 15:

2 Delete all material and insert:

3 **"* Sec. 2. AS 15.13.040(m) is repealed and reenacted to read:**

4 (m) Information required under this chapter shall be submitted to the
5 commission electronically, except that the following information may be submitted in
6 clear and legible black typeface or hand-printed in dark ink on paper in a format
7 approved by the commission or on forms provided by the commission:

8 (1) information submitted by a candidate for municipal office; in this
9 paragraph, "municipal office" means the office of an elected borough or city

10 (A) mayor;

11 (B) planning commissioner;

12 (C) utility board member; or

13 (D) assembly, council, or school board member;

14 (2) any information if the commission determines that circumstances
15 warrant an exception to the electronic submission requirement;

16 (3) information submitted before May 1, 2009, by a candidate
17 for the legislature."

18

19 Page 22, line 19:

20 Delete "Sections 2, 22, and 26"

21 Insert "Sections 22 and 26"

Amendment Passed

Amend #6

1 ⁴⁵
AS 24.45.121(a) Governor's Amendment (Parallel Positions for Lobbyists - Title 24)

2

3 OFFERED IN THE HOUSE BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059 K; 2/21/07)

6 Page 4, following line 2:

7 Insert new bill sections to read:

8 **** Sec. 5.** AS 24.45.121(a) is amended to read:

9 (a) A lobbyist may not

10 (1) engage in any activity as a lobbyist before registering under
11 AS 24.45.041;

12 (2) do anything with the intent of placing a public official under personal
13 obligation to the lobbyist or to the lobbyist's employer;

14 (3) intentionally deceive or attempt to deceive any public official with
15 regard to any material fact pertinent to pending or proposed legislative or
16 administrative action;

17 (4) cause or influence the introduction of a legislative measure solely for
18 the purpose of thereafter being employed to secure its passage or its defeat;

19 (5) cause a communication to be sent to a public official in the name of
20 any fictitious person or in the name of any real person, except with the consent of
21 that person;

22 (6) accept or agree to accept any payment in any way contingent upon the
23 defeat, enactment, or outcome of any proposed legislative or administrative action;

1 (7) serve as a member of a state board or commission, if the lobbyist's
2 employer may receive direct economic benefit from a decision of that board or
3 commission;

4 (8) serve as a campaign manager or director, serve as a campaign
5 treasurer or deputy campaign treasurer on a finance or fund-raising committee,
6 host a fund-raising event, directly or indirectly collect contributions for, or deliver
7 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
8 legislative campaign or campaign for governor or lieutenant governor if the
9 lobbyist has registered, or is required to register, as a lobbyist under this chapter,
10 during the calendar year; this paragraph does not apply to a representational
11 lobbyist as defined in the regulations of the Alaska Public Offices Commission,
12 and does not prohibit a lobbyist from making personal contributions to a candidate
13 as authorized by AS 15.13 or personally advocating on behalf of a candidate;

14 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
15 covered by AS 24.60, during a legislative session, a gift, other than food or
16 beverage for immediate consumption; however, this paragraph does not prohibit a
17 lobbyist from providing, during a legislative session or at any other time of the
18 year, tickets to a charity event described in AS 24.60.080(c)(10), or a contribution
19 to a charity event under AS 24.60.080(c)(11);

20 (10) make or offer a gift or a campaign contribution whose acceptance by
21 the person to whom it is offered would violate AS 24.60 or AS 39.52."

22 ** Sec. 6. AS 24.45.121 is amended by adding a new subsection to read:

1 (d) An individual may not engage in any activity as a lobbyist at any time
2 that AS 39.52 prohibits that individual from engaging in activity as a lobbyist. This
3 subsection does not prohibit service as a volunteer lobbyist described in
4 AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the
5 Alaska Public Offices Commission.”

6

7 Renumber the following bill sections accordingly.

New Amend #9
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TC CSHB 109(), Draft Version "K"

1 Page 7, following line 14:

2 Insert a new bill section to read:

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

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

19

20 Renumber the following bill sections accordingly.

21

22 Page 22, line 9:

23 Delete "sec. 29"

1 Insert "sec. 30"

2

3 Page 22, line 10:

4 Delete "sec. 29"

5 Insert "sec. 30"

6

7 Page 22, line 11:

8 Delete "sec. 30"

9 Insert "sec. 31"

10

11 Page 22, line 14:

12 Delete "sec. 30"

13 Insert "sec. 31"

14

15 Page 22, line 15:

16 Delete "sec. 31"

17 Insert "sec. 32"

18

19 Page 22, line 18:

20 Delete "sec. 31"

21 Insert "sec. 32"

22

23 Page 22, line 19:

24 Delete "22, and 26"

25 Insert "23, and 27"

26

27 Page 22, line 20:

28 Delete "sec. 33"

29 Insert "sec. 34"

24.60.130 (JOYCE-ETHICS)

25-GH1059\K.40
Wayne
2/23/07

Amendment Passed

AMENDMENT #10

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 109(). Draft Version "K"

Cashill objects

1 Page 13, following line 9:

2 Insert a new bill section to read:

3 **** Sec. 17. AS 24.60.130 is amended by adding a new subsection to read:**

4 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
5 committee alleges a violation of this chapter by a group of legislators that includes a
6 legislative member of the committee and that member's alternate, the member and
7 alternate member are disqualified from serving on the committee with regard to the
8 complaint. If the two disqualified members of the committee are part of the majority
9 caucus, the presiding officer of the house in which the two disqualified members serve
10 shall appoint from that house an alternate to serve with regard to the complaint. If one
11 of the two disqualified legislative members of the committee is not part of the majority
12 caucus, the leader of the minority caucus with the greatest number of members shall
13 appoint from that house an alternate to serve with regard to the complaint. If a
14 complaint alleges a violation of this chapter that includes all legislative members of
15 the majority caucus of one house, the presiding officer of that house shall appoint from
16 the other house an alternate to serve with regard to the complaint. If the complaint
17 alleges a violation of this chapter that includes all legislative members of a minority
18 caucus of one house, the leader of that minority caucus shall appoint from the other
19 house an alternate to serve with regard to the complaint. In this paragraph, "caucus"
20 has the meaning given in AS ^{24.60.130(o)} ~~24.60.037~~.

21
22 Renumber the following bill sections accordingly.

23

1 Page 22, line 9:

2 Delete "sec. 29"

3 Insert "sec. 30"

4

5 Page 22, line 10:

6 Delete "sec. 29"

7 Insert "sec. 30"

8

9 Page 22, line 11:

10 Delete "sec. 30"

11 Insert "sec. 31"

12

13 Page 22, line 14:

14 Delete "sec. 30"

15 Insert "sec. 31"

16

17 Page 22, line 15:

18 Delete "sec. 31"

19 Insert "sec. 32"

20

21 Page 22, line 18:

22 Delete "sec. 31"

23 Insert "sec. 32"

24

25 Page 22, line 19:

26 Delete "22, and 26"

27 Insert "23, and 27"

28

29 Page 22, line 20:

30 Delete "sec. 33"

31 Insert "sec. 34"

24.60.130(a)

(o) In this section, "minority organizational caucus" means a group of legislators who have organized and elected a minority leader and constitute at least 25 percent of the total membership of the house or senate, as appropriate.

AMENDMENT

New
Amendment # 11
Gardner
~~1002~~

OFFERED IN THE HOUSE

BY REPRESENTATIVE Gardner

TO: CS HB 109

passed

1 Page 2, line 9, after the word "Sec. 2."

2 Insert:

3 AS 24.60.085 is amended by adding a new subsection to read:

4 (c) During the term for which elected or appointed ~~(and that was previously defined)~~ a
5 legislator may not, directly or by authorizing another to act on the legislator's behalf,
6 accept or agree to accept compensation, except from the State of Alaska, for work
7 associated with legislative action or administrative action, as those terms are defined
8 in AS 24.45.171, or political action as defined in AS 24.60.990.

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NW

AMENDMENT #13

OFFERED IN THE HOUSE

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

BY REPRESENTATIVE GRUENBERG

Amendment # __.

Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors.

A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or domestic partner, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:

(1) the information that a public official is required to report under AS 39.50.030, other than **income received as compensation for personal services, loans or loan guarantees, and** information about gifts;

(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 **in detail** 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 the income and the approximate number of hours of services performed to earn that income.** [THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE] shall be disclosed, **and a statement explaining how the income was earned may be included;**

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

24.60.100

25-GH1059K.17
Cook/Wayne
2/21/07

Amendment should have been Offered

AMENDMENT

14

*Don
Harris
Harris
Harris*

OFFERED IN THE HOUSE

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

1 Page 1, line 4, following "government;":

2 Insert "restricting representation of others by legislators and legislative
3 employees;"

*Amend 1 to Amend 14
- strike "a other entity"*

5 Page 11, lines 9 - 17:

6 Delete all material and insert:

7 "Sec. 24.60.100. Representation. A legislator or legislative employee may
8 not represent [WHO REPRESENTS] another person for compensation before a
9 municipal, legislative, or executive branch [AN] agency, board, [OR] commission,
10 ~~or other entity~~ [OF THE STATE SHALL DISCLOSE THE NAME OF THE
11 PERSON REPRESENTED, THE SUBJECT MATTER OF THE
12 REPRESENTATION, AND THE BODY BEFORE WHICH THE
13 REPRESENTATION IS TO TAKE PLACE TO THE COMMITTEE. THE
14 DISCLOSURE SHALL BE MADE BY THE DEADLINES SET OUT IN
15 AS 24.60.105. THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF A
16 DISCLOSURE UNDER THIS SECTION AND FORWARD THE DISCLOSURE TO
17 THE RESPECTIVE HOUSE FOR INCLUSION IN THE JOURNAL. A
18 LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT REPRESENT
19 ANOTHER PERSON FOR COMPENSATION BEFORE AN AGENCY,
20 COMMITTEE, OR OTHER ENTITY OF THE LEGISLATIVE BRANCH]."

22 Page 12, line 2:

23 Delete "matter, interest, or representation"

1 Insert "matter or interest [OR REPRESENTATION]"

2

3 Page 12, lines 14 - 15:

4 Delete all material.

5 Insert "AS 24.60.070 [;

6 (5) REPRESENTATION OF A CLIENT UNDER AS 24.60.100]."

115
CASHW
MILER

25-GH1059K.45
Wayne
2/26/07

Amendment 17 Fix

A M E N D M E N T

Public
Testimony
Chair

OFFERED IN THE HOUSE

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

1 Page 16, following line 8:

2 Insert a new bill section to read:

3 **"* Sec. 22.** AS 24.60.210(a) is amended to read:

4 (a) A person required to file a disclosure statement under AS 24.60.200 shall
5 file an annual report with the Alaska Public Offices Commission, covering the
6 previous calendar year, containing the disclosures required by AS 24.60.200, on or
7 before March 15 of each year, except that a person appointed as a legislator under
8 AS 15.40, a public member of the committee, or a legislative director must file
9 within 30 days after the person's appointment."

10

11 Renumber the following bill sections accordingly.

12

13 Page 22, line 9:

14 Delete "sec. 29"

15 Insert "sec. 30"

16

17 Page 22, line 10:

18 Delete "sec. 29"

19 Insert "sec. 30"

20

21 Page 22, line 11:

22 Delete "sec. 30"

23 Insert "sec. 31"

1

2 Page 22, line 14:

3 Delete "sec. 30"

4 Insert "sec. 31"

5

6 Page 22, line 15:

7 Delete "sec. 31"

8 Insert "sec. 32"

9

10 Page 22, line 18:

11 Delete "sec. 31"

12 Insert "sec. 32"

13

14 Page 22, line 19:

15 Delete "Sections 2, 22, and 26"

16 Insert "Sections 2, 23, and 27"

17

18 Page 22, line 20:

19 Delete "sec. 33"

20 Insert "sec. 34"

Amendment Passed

1 AS 24.60.210 Governor's Amendment ³ (Electronic Legislative Filing - Title 24)

2
3 OFFERED IN THE HOUSE

BY THE GOVERNOR

Passed

4 STATE AFFAIRS COMMITTEE

5 TO: CSHP '09() (25-GH1059K; 2/21/07)

6 Page 16, line 10, following "Commission":

7 Delete "may request"

8 Insert "shall require"

*Bob's amendment
is attached
filed*

9
10 Page 16, line 11, following "but":

11 Delete "shall"

12 Insert "may, where circumstances warrant an exception,"

13
14 Page 22, following line 18:

15 Insert a new bill section to read:

16 "** Sec. 33. Section 22 of this Act takes effect July 1, 2008."

17
18 Renumber the following bill sections accordingly.

19
20 Page 22, line 19, following "Sections 2,"

21 Delete "22"

Amendment Passed

1 AS 39.50.050(a) Governor's Amendment #4 (Electronic Public Official Filing - Title 39)

2 *passed*

3 OFFERED IN THE HOUSE BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-CH1059\K; 2/21/07)

6 Page 19, line 16, following "commission":

7 Delete "may request"

8 Insert "shall require"

9
10 Page 19, line 17, following "chapter":

11 Insert ", unless it is information required of a municipal officer."

12
13 Page 19, line 17, following "but":

14 Delete "shall"

15 Insert "may, when circumstances warrant an exception,"

16
17 Page 19, following line 20:

18 Insert "Municipal officers must submit information required under this chapter
19 electronically or in the typed or hand-printed form described in this subsection."
20

21 Page 19, lines 21 - 27:

22 Delete all material.

Revised Version of
Amendment # 22 (K.43)

25-GH1059\K.50
Cook/Wayne
- 3/2/07

AMENDMENT

Jobs

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

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

1 Page 1, line 4, following "government;":

2 Insert "relating to blind trusts approved by the Alaska Public Offices
3 Commission;"

4

5 Page 19, following line 9:

6 Insert a new bill section to read:

7 "* Sec. 26. AS 39.50.040 is amended to read:

8 **Sec. 39.50.040. Blind trusts.** (a) A public official may transfer all or a portion
9 of the official's assets to a blind trust for the duration of service in public office. The
10 original assets placed in the blind trust shall be listed by the official in a [THE]
11 statement [REQUIRED TO BE] filed under this section, together with a description
12 of the actual or potential conflicts of interest, or appearance of conflict, that the
13 official seeks to avoid by the use of the trust. A copy of the [CHAPTER. THE]
14 instrument creating the blind trust must be included with the statement.

15 (b) For a **blind** trust to qualify under this section, the following conditions
16 must be met:

17 (1) the trust may not contain investments or assets in which the
18 ownership right or interest is required to be recorded in a public office other
19 than with the Alaska Public Offices Commission, or contain assets with
20 permanency that makes transfer by the trustee improbable or impractical,
21 including businesses, real estate, security interests in personal property, and
22 mortgages [ASSETS TRANSFERRED TO THE TRUST SHALL BE
23 MARKETABLE];

1 (2) the trustee shall be a bank or other institutional fiduciary;

2 (3) the trustee shall have full authority to manage the trust, including
3 the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

4 (4) the trust instrument shall contain a clear statement that its
5 purpose is to remove from the trustor control and knowledge of investment of
6 trust assets so that conflicts between the trustor's responsibilities and duties as a
7 public official and the trustor's personal or financial interests will be eliminated
8 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
9 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
10 DURATION OF THE TRUST];

11 (5) the trustee shall be directed not to disclose to the trustor any
12 information about the identity and nature of any of the assets in the trust, and the
13 trustee shall be required to report any known breach of this confidentiality or the
14 termination of the trust to the commission [OFFICE WHERE THE TRUSTOR IS
15 REQUIRED TO FILE STATEMENTS UNDER THIS CHAPTER]; [AND]

16 (6) the trust shall be irrevocable and shall be terminated only upon
17 the death of the trustor, upon termination of the trustor's status as a public
18 official, or upon order of the commission;

19 (7) the trustee shall be required to

20 (A) prepare and file the trustor's personal income tax
21 returns, withholding from distribution of the trust's net income amounts
22 sufficient to pay the trustor's tax; and to participate in the audit of the
23 trustor's returns during the period of the trust, with authority to
24 compromise the trustor's tax liability; or

25 (B) submit to the trustor, for income tax purposes, a
26 certification of income paid without identifying the assets producing the
27 income;

28 (8) the trustee shall be directed to avoid knowingly making any
29 investment in a corporation, business, or venture over which the trustor is likely
30 to take action by virtue of the trustor's official position;

31 (9) the trustor may not retain control over the trustee, and the

1 trustor is not permitted to make any recommendations or suggestions as to the
2 trust property;

3 (10) the trust instrument agreement must provide that the trustee
4 will give the attorney general or personnel board access to any records or
5 information related to the trust that is necessary when investigating or hearing
6 an accusation alleging a violation of AS 39.52;

7 (11) the trustee shall report to the commission the beginning and
8 ending value of the trust and, if the commission requests, the trustee shall
9 prepare under seal a detailed description of transactions and holdings of the
10 trust; the document prepared by the trustee under seal is not public information
11 unless an accusation under AS 39.52 relevant to the blind trust is filed by the
12 attorney general or the personnel board, and

13 (12) the trust may not become effective until the trust instrument
14 is submitted and approved by the commission [REPEALED]."

15

16 Renumber the following bill sections accordingly.

17

18 Page 22, line 9:

19 Delete "sec. 29"

20 Insert "sec. 30"

21

22 Page 22, line 10:

23 Delete "sec. 29"

24 Insert "sec. 30"

25

26 Page 22, line 11:

27 Delete "sec. 30"

28 Insert "sec. 31"

29

30 Page 22, line 14:

31 Delete "sec. 30"

1 Insert "sec. 31"

2

3 Page 22, line 15:

4 Delete "sec. 31"

5 Insert "sec. 32"

6

7 Page 22, line 18:

8 Delete "sec. 31"

9 Insert "sec. 32"

10

11 Page 22, line 19:

12 Delete "and 26"

13 Insert "26, and 27"

14

15 Page 22, line 20:

16 Delete "sec. 33"

17 Insert "sec. 34"

#23 *passed*

AS 39.50.200(b) Governor's Amendment (Boards - Title 39)

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OFFERED IN THE HOUSE BY THE GOVERNOR

STATE AFFAIRS COMMITTEE

TO: CSHB 109() (25-GH1059\K; 2/21/07)

Page 19, following line 27:

Insert a new bill section to read:

** Sec. 27. AS 39.50.200(b) is amended by adding new paragraphs to read:

(59) Alaska Industrial Development and Export Authority (AS 44.88);

(60) the board of directors of the Knik Arm Bridge and Toll Authority

(AS 19.75.031 and 19.75.041);

(61) Alaska labor relations agency (.AS 23.05.360 – 23.05.390);

(62) the Board of Trustees of the Alaska Mental Health Trust Authority

(AS 47.30.016);

(63) the board of directors of the Alaska Railroad Corporation

(AS 42.40.020 – 42.40.060)."

Renumber the following bill sections accordingly.

#24

AS 39.52.110 Governor's Amendment (Insignificant Business Interest - Title 39)

Also same to 39.52.110(d) from pg 9 of Master

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OFFERED IN THE HOUSE BY THE GOVERNOR
STATE AFFAIRS COMMITTEE

TO: CSHB 109() (25-GH1059K; 2/21/07)

Page 19, following line 27:

Insert a new bill section to read:

** Sec. 27. AS 39.52.110 is amended by adding a new subsection to read:

(d) Stock or other ownership interest in a business is presumed to be insignificant if
the value of the stock or other ownership interest is less than \$5,000."

Page 19, line 28, through page 20, line 26:

Delete all material.

AMENDMENT #34

OFFERED IN THE HOUSE

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

BY REPRESENTATIVE GRUENBERG

Amendment #__

AS 39.50.200 (a)(10) is amended to read:

Insert after professional corporation, limited liability company.

AMENDMENT 35

OFFERED IN THE HOUSE
TO: HB 109 (STA)

BY REPRESENTATIVE ROSES

1 Page 21, Line 21

2 After the word, "position," Add, "who is required to file a financial disclosure with
3 APOC"

4

39.52.225

25-GH1059K.23-A
Wayne
2/21/07

AMENDMENT #30
J. Gruenberg

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG
TO: CSHB 109(), Draft Version "K"

- 1 Page 22, following line 6:
- 2 Insert a new bill section to read:
- 3 **"* Sec. 32. AS 39.52 is amended by adding a new section to read:**
- 4 **Sec. 39.52.225. Disclosures in connection with executive clemency.** Before
- 5 granting executive clemency to an applicant for executive clemency, the governor
- 6 shall disclose in writing to the attorney general whether granting the clemency would
- 7 benefit a personal or financial interest of the governor. The attorney general shall
- 8 publish ~~and make public~~ a written determination whether granting excutive clemency
- 9 to the applicant would violate AS 39.52.110 - 39.52.190. The written determination of
- 10 the attorney general ~~(under this section)~~ is not confidential, but information set out in
- 11 that determination identifying ^{person other than the applicant for clemency who is a} a victim or witness in a criminal matter may not be
- 12 made public."
- 13
- 14 Renumber the following bill sections accordingly.
- 15
- 16 Page 22, line 20:
- 17 Delete "33"
- 18 Insert "34"

Transparency

Committee work on ethics bills began at our first committee meeting, because I want to put new and improved ethics legislation at the head of the line. We started with two good bills, HB190 and HB20, and some others, and those good bills have morphed into HB109, the governor's bill which we are hearing again today.

It's my goal –and I hope it's the goal of everyone on this committee – to move this bill to the next committee in an expeditious manner. I want this committee to establish basic policy – is the dollar amount this or that, do we do this or do we do that – and then let the Judiciary Committee, of which three of us are members, to tweak the verbiage to make that happen, or something close to it.

In other words, as I said before, I don't want "paralysis by analysis." With these thoughts in mind I hope we can move this bill on to the Judiciary Committee within two hearings – three at the most, if we possibly can.

**+ <u>HB 109</u>	DISCLOSURES & ETHICS -- No Public Testimony -- To be Assigned to a Subcommittee	TELECONFERENCED
**+ <u>HB 37</u>	ESTABLISHING SUSAN BUTCHER DAY	TELECONFERENCED
+	Overviews: - Department of Public Safety 8-9 AM - Department of Military and Veterans Affairs 9-10 AM	TELECONFERENCED
+	Bills Previously Heard/Scheduled <Teleconference Listen Only>	TELECONFERENCED

HB109 I want to thank Governor Palin and her team in bringing forth her ethics bill in such a timely manner. It's a very workable document. As I said at our hearing last Tuesday when we heard and held HB10 and HB20, we wanted to have a vehicle that could serve as an omnibus bill that would enable us to combine some of the best parts of the various ethics bills into one, and I believe the governor's bill is just the one to do it. I'm very pleased.

I sent Governor Palin a letter yesterday afternoon that detailed some of the State Affairs Committee intentions in processing the ethics bills, and told her about the sub-committee that will be doing the "heavy lifting" – the sub-committee is chaired by Rep. Coghill, and Reps. Roses and Gruenberg are members and I expect they'll be doing a great job in helping us out.

So today, please present a brief outline of HB109 so we can put it on the table for the benefit of the sub-committee. They'll be no testimony or debate on the bill today, and it'll be held in committee for the benefit of the sub-committee. However, I can assure everyone they'll be ample opportunity for public testimony and debate when the time comes.

 HB37 Susan Butcher Day. This is another good bill. I never got to meet Susan Butcher, and I'll always regret that. I was on the Riverboat Discovery a few years ago, and did get to watch her brief us on the dog mushing sport that she helped make famous around the world.

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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Phone: (907) 269-0205
Fax: (907) 269-0207

Date: March 5, 2007

To: Dai Wayne
Fr: Mike Sica
Re: New CS for HB 109

*Based on
K version*

These are the following changes that need to be fixed:

Sec. 6. AS 24.45.121(d)

Page 5, Lines 16-19: delete section (d) and replace with section (d) from page 3 of Amendment 6 (attached)

(Dan, we will eventually need an amendment for Judiciary to recapture the old (d) section)

Sec. 15. AS 24.60.085

Page 13, Line 6: delete after "appointed," and "for one year thereafter" (New Amendment 11 attached)

Sec. 29. AS 24.60.130

Joyce said she was going to talk with you about this today. Depending on what the two of you agreed on, either make the change to AS 24.60.037 or stay with 24.60.130 (o).

(Amendment 10 attached.)

Sec. 26. AS 24.60.200

Page 19, Line 16: May need the word, "and" and the word, "guarantee"

*not needed
on wage*

Sec. 28. AS 24.60.210

Amendment 3 by the Governor must be included to update this section (Amendment 3 attached).

Sec. 33. AS 39.50.050(a)

Amendment 4 by the Governor must be included to update this section (Amendment 4 attached).

Amendment Passed

Amend # 6

⁴⁵
AS 24.45.121(a) Governor's Amendment (Parallel Positions for Lobbyists - Title 24)

OFFERED IN THE HOUSE BY THE GOVERNOR

STATE AFFAIRS COMMITTEE

TO: CSHB 109() (25-GH1059 K; 2/21/07)

Page 4, following line 2:

Insert new bill sections to read:

** Sec. 5. AS 24.45.121(a) is amended to read:

(a) A lobbyist may not

(1) engage in any activity as a lobbyist before registering under

AS 24.45.041;

(2) do anything with the intent of placing a public official under personal

obligation to the lobbyist or to the lobbyist's employer;

(3) intentionally deceive or attempt to deceive any public official with regard to any material fact pertinent to pending or proposed legislative or administrative action;

(4) cause or influence the introduction of a legislative measure solely for the purpose of thereafter being employed to secure its passage or its defeat;

(5) cause a communication to be sent to a public official in the name of any fictitious person or in the name of any real person, except with the consent of that person;

(6) accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action;

1 (7) serve as a member of a state board or commission, if the lobbyist's
2 employer may receive direct economic benefit from a decision of that board or
3 commission;

4 (8) serve as a campaign manager or director, serve as a campaign
5 treasurer or deputy campaign treasurer on a finance or fund-raising committee,
6 host a fund-raising event, directly or indirectly collect contributions for, or deliver
7 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
8 legislative campaign or campaign for governor or lieutenant governor if the
9 lobbyist has registered, or is required to register, as a lobbyist under this chapter,
10 during the calendar year; this paragraph does not apply to a representational
11 lobbyist as defined in the regulations of the Alaska Public Offices Commission,
12 and does not prohibit a lobbyist from making personal contributions to a candidate
13 as authorized by AS 15.13 or personally advocating on behalf of a candidate;

14 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
15 covered by AS 24.60, during a legislative session, a gift, other than food or
16 beverage for immediate consumption; however, this paragraph does not prohibit a
17 lobbyist from providing, during a legislative session or at any other time of the
18 year, tickets to a charity event described in AS 24.60.080(c)(10), or a contribution
19 to a charity event under AS 24.60.080(c)(11);

20 (10) make or offer a gift or a campaign contribution whose acceptance by
21 the person to whom it is offered would violate AS 24.60 or AS 39.52."

22 ** Sec. 6. AS 24.45.121 is amended by adding a new subsection to read:

28

1 (d) An individual may not engage in any activity as a lobbyist at any time
2 that AS 39.52 prohibits that individual from engaging in activity as a lobbyist. This
3 subsection does not prohibit service as a volunteer lobbyist described in
4 AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the
5 Alaska Public Offices Commission.”

6
7 Renumber the following bill sections accordingly.

24.60.130 (Joyce-Ethics)

25-GH1059 K.40
Wayne
2/23/07

Amendment Passed

AMENDMENT #10

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 109(). Draft Version "K"

Committee

1 Page 13, following line 9:

2 Insert a new bill section to read:

3 ** Sec. 17. AS 24.60.130 is amended by adding a new subsection to read:

4 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
5 committee alleges a violation of this chapter by a group of legislators that includes a
6 legislative member of the committee and that member's alternate, the member and
7 alternate member are disqualified from serving on the committee with regard to the
8 complaint. If the two disqualified members of the committee are part of the majority
9 caucus, the presiding officer of the house in which the two disqualified members serve
10 shall appoint from that house an alternate to serve with regard to the complaint. If one
11 of the two disqualified legislative members of the committee is not part of the majority
12 caucus, the leader of the minority caucus with the greatest number of members shall
13 appoint from that house an alternate to serve with regard to the complaint. If a
14 complaint alleges a violation of this chapter that includes all legislative members of
15 the majority caucus of one house, the presiding officer of that house shall appoint from
16 the other house an alternate to serve with regard to the complaint. If the complaint
17 alleges a violation of this chapter that includes all legislative members of a minority
18 caucus of one house, the leader of that minority caucus shall appoint from the other
19 house an alternate to serve with regard to the complaint. In this paragraph, "caucus"
20 has the meaning given in AS ~~24.60.037~~ ^{24.60.130 (o)}.

original

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original

24.60.037

22 Renumber the following bill sections accordingly.

23
Joyce 3/5/07 4:30 PM

1 Page 22, line 9:

2 Delete "sec. 29"

3 Insert "sec. 30"

4

5 Page 22, line 10:

6 Delete "sec. 29"

7 Insert "sec. 30"

8

9 Page 22, line 11:

10 Delete "sec. 30"

11 Insert "sec. 31"

12

13 Page 22, line 14:

14 Delete "sec. 30"

15 Insert "sec. 31"

16

17 Page 22, line 15:

18 Delete "sec. 31"

19 Insert "sec. 32"

20

21 Page 22, line 18:

22 Delete "sec. 31"

23 Insert "sec. 32"

24

25 Page 22, line 19:

26 Delete "22, and 26"

27 Insert "23, and 27"

28

29 Page 22, line 20:

30 Delete "sec. 33"

31 Insert "sec. 34"

24.60.130(2)

(o) In this section, "minority organizational caucus" means a group of legislators who have organized and elected a minority leader and constitute at least 25 percent of the total membership of the house or senate, as appropriate.

Den - change
def. to
24.60.037

CSHB 109(STA) Version K
Sectional

Sec. 1. Eliminates the exemption from disclosure for candidates raising less than and spending less than \$5,000, but retains exemption for delegates to a constitutional convention, a judge seeking electoral confirmations, or a municipal candidate.

Sec. 2. Requires candidates for governor and lieutenant governor to file campaign disclosure reports to APOC electronically

Sec. 3. Requires the APOC Committee to administer annually updated ethics courses to teach lobbyists and employers of lobbyists how to comply with laws regulating lobbyists.

Sec. 4. When lobbyists register with APOC, they must sign a sworn affirmation that they have completed a training course on disclosure laws within the last 12 months.

Sec. 5. Prohibits a spouse or domestic partner of a legislator from lobbying for pay.

Sec. 6. Language clean up to clarify that this subsection applies to Chapter 60, Standards of Conduct.

Sec. 7. Adds a prohibition to a legislator preventing him from sending a newsletter to constituents within a 30-day window prior to a state election.

Sec. 8. Replaces it "written report" with "disclosure" to make language consistent with other sections of the statutes.

Allows a quorum of the committee to refrain from publishing disclosures that would be considered an invasion of the discloser's privacy. Currently a person who is a participant of the Violent Crimes Compensation program would have to disclose and the committee has determined they don't have the authority to withhold publication of a name.

Adds language requiring gift disclosures to be published in the journal along with other with other disclosures.

Sec. 9. Eliminates the requirement of a legislator to file a close economic relationship with a lobbyist. Section 5 prohibits a spouse or domestic partner of a legislator from lobbying, eliminating the ability for a legislator to have close economic relationship.

Sec. 10. Special discounts are given to legislators and their staff to make the stay during session more affordable. An example is reduced rates at a local athletic club.

This amendment adds the office of victims' rights to the list of legislative employees that do not qualify for the discounts.

Sec. 11. Adds gifts of legal services and gifts to family members because of their relationship with a legislator to the disclosures that are maintained for public record and forwarded to APOC.

Sec. 12. Requires a legislator or legislative employee to disclose to the Ethics Committee gifts received by family members because of their relationship with a legislator or legislative employee. The disclosure is to be maintained for public record by the Ethics Committee and forwarded to APOC for online public disclosure.

Sec. 13. Cleanup language

Sec. 14. This amendment requires all disclosures to be filed within 30 days of the association or interest. Filing dates for ethics disclosures are very confusing. Some disclosures are required within 30 days of association at certain times of the year, some annually, and no disclosures are required during the timeframe of 30 days prior to the end of the session.

Sec. 15. Under existing law, once a person leaves service, they no longer are bound by disclosure laws. This new section would require them to report all matters subject to disclosure under 24.60 while they were in public service regardless of the fact they are no longer in service. The ethics committee issued an advisory opinion on December 4, 2006 that sets policy consistent with this change in statute.

Sec. 16. Allows the chair of the committee or a subcommittee to designate the alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the chair can only appoint the alternate if the regular member has a conflict with an item on the meeting agenda.

Sec. 17. Puts current practice into statute by deleting the requirement that summaries of public decisions and advisory opinions be published on a semi-annual basis. Public decisions have been published annually since 1999 and advisory opinions have been published annually since 1995.

Sec. 18. Makes ethics classes mandatory for legislators, legislative employees, and public members of the committee. Legislators, legislative employees, and public members of the ethics committee would be required to get the training within 10 days of the first day of the first regular session. If service begins after the tenth day, the legislator, legislative employee, or public member of the ethics committee would be required to get ethics training within 30 days of the first day of service.

Sec. 19. Extends the authority to request an advisory opinion to the ethics committee and APOC. It also requires the committee to make deletions to advisory

opinions that prevent the disclosure of the identity of the person requesting the opinion and any other persons named in the opinion. Finally, it clarifies that advisory opinions are confidential unless the person requesting the opinion waives confidentiality.

Sec. 20. 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.

Sec. 21. Adds to the list of "appointing authority" the victims' advocate for employees of the office of victims' rights and the legislature for the victims' advocate. When the ethics committee determines an employee has violated standards of conduct, the committee forwards its findings of fact to the employee's appointing authority" or supervisor to determine sanctions for the employee.

Sec. 22 Leaves electronic reporting for all reporters other than Governor and Lt. Governor as optional but adds some requirements for APOC to accept non-electronic disclosures. Candidates for governor and lieutenant governor will be required to file electronically.

Sec. 23. Adds language to address who will be notified if the director of the office of victim's rights fails to file an annual financial report. It requires the APOC to notify the Legislative Council if the director of the office of victim's rights fails to file a financial disclosure report with APOC.

Sec. 24. This makes it clear that former public officials have to file a final disclosure statement after leaving his/her position within 90 days of terminating service. Subsection (b) clarifies former public officials and former municipal officers must comply with disclosure requirements.

Sec. 25. Applies to public officials and candidates. This section would require more detail in the financial disclosures reporting of income and interests exceeding \$5,000 in value. The disclosures must describe the source of the income, the amount received, the number of hours spent to earn the income if reimbursed on an hourly basis, and details regarding the services provided. It also clarifies that the official or candidate must report the gift if the cumulative value over the course of a year is more than \$250.

Sec. 26. This section would provide for permissive electronic filing of candidates' and public officials' financial disclosures with APOC, but makes it mandatory to file electronically for candidates filing for the office of governor or lieutenant governor.

Sec. 27. This section allows action on what is defined as significant business interests where the effect of the action is insignificant or conjectural. It attempts to draw

a bright line for a public officer to know when he or she could be crossing the line in making decisions that could result in a financial gain for them or their immediate family.

Sec. 28. This applies to all state employees 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.

Sec. 29. This section 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.

Sec. 30. Sec. 30 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.

Sec. 31. Prohibits for one-year after leaving a position as a former head of a department in the executive branch from serving on a board or other entity that was regulated by that department which the former department head worked.

Sec. 33. Applicability clause provides that new laws enacted in HB 109 would apply to elected officials and public officers who leave office after the effective date of HB 109.

Sec. 34. The sections of HB 109 that change reporting requirements with APOC have an effective date of July 1, 2007.

Sec. 35. The remainder of the bill becomes effective immediately.

25-GH1059AK
Wayne
2/21/07

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 to lobbying, and to employment, service on governing boards, and disclosures by certain
3 public officers and employees who leave state service or leave certain positions in state
4 government; and providing for an effective date."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 * Section 1. AS 15.13.040(g) is amended to read:

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

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

14 (2) accepts contributions totaling not more than \$5,000 in seeking

1 election to office, including both the primary and general elections; and

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

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

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

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

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

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

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

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

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

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

31 (6) administer an annually updated training course that promotes

1 adherence to high ethical standards of professional conduct and teaches lobbyists
2 and employers of lobbyists how to comply with laws that regulate lobbyists.

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

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

5 (1) the lobbyist's full name and complete permanent residence and
6 business address and telephone number, as well as any temporary residential and
7 business address and telephone number in the state capital during a legislative session;

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

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

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

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

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

24 (7) the identification of a [LEGISLATOR,] legislative employee [,] or
25 public official to whom the lobbyist is married or who is the domestic partner of the
26 lobbyist; in this paragraph, "domestic partner" has the meaning given in
27 AS 39.50.200(a);

28 (8) a sworn affirmation by the lobbyist that the lobbyist has
29 completed the training course administered by the commission under
30 AS 24.45.031(a) within the 12-month period preceding the date of registration or
31 registration renewal under this chapter, except this paragraph does not apply to

1 a person, who is a representational lobbyist as defined under regulations of the
2 commission.

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

4 (d) The spouse or domestic partner of a legislator may not engage in an
5 activity as a lobbyist. This subsection does not prohibit the spouse or domestic partner
6 from acting as a volunteer lobbyist under AS 24.45.161 or a representational lobbyist
7 as defined under regulations of the commission.

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

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

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

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

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

18 (a) A legislator or legislative employee may not

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

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

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

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

4 (C) telephone or facsimile use that does not carry a special
5 charge;

6 (D) the legislative council, notwithstanding AS 24.05.190,
7 from designating a public facility for use by legislators and legislative
8 employees for health or fitness purposes; when the council designates a facility
9 to be used by legislators and legislative employees for health or fitness
10 purposes, it shall adopt guidelines governing access to and use of the facility;
11 the guidelines may establish times in which use of the facility is limited to
12 specific groups;

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

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

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

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

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

30 (J) a legislator or legislative employee from soliciting,
31 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable

1 organization in a state facility;

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

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

6 (ii) [, EXCEPT] a communication expressly advocating
7 the election or defeat of a candidate or a newsletter or material in a
8 newsletter that is clearly only for the private benefit of a legislator or a
9 legislative employee; or

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

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

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

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

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

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

1 (C) telephone or facsimile use that does not carry a special
2 charge;

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

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

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

15 * Sec. 8. AS 24.60.050(c) is amended to read:

16 c) A legislator or legislative employee who participates in a program or
17 receives a loan that is not exempt from disclosure under (a) of this section shall file [A
18 WRITTEN REPORT] with the committee by the date required under AS 24.60.105 a
19 disclosure stating the amounts of the loans outstanding or benefits received during the
20 preceding calendar year from nonqualifying programs. If the committee requests
21 additional information necessary to determine the propriety of participating in the
22 program or receiving the loan, it shall be promptly provided. The committee shall
23 promptly compile a list of the statements indicating the loans and programs and
24 amounts and send it to the presiding officer of each house who shall have it published
25 in the supplemental journals on or before the next regularly scheduled publication
26 of ethics disclosures. If a [WITHIN THREE WEEKS AFTER THE FILING DATE.
27 A] legislator or legislative employee asks [WHO BELIEVES THAT DISCLOSURE
28 OF PARTICIPATION IN A PROGRAM WOULD BE AN INVASION OF THE
29 PARTICIPANT'S RIGHT TO PRIVACY UNDER THE STATE CONSTITUTION
30 MAY REQUEST] the committee to keep any part of the disclosure confidential and
31 a quorum of the committee determines that making the entire disclosure public

1 would cause an unjustifiable invasion of personal privacy, the committee may
2 elect to [. IF THE COMMITTEE FINDS THAT PUBLICATION WOULD
3 CONSTITUTE AN INVASION OF PRIVACY, THE COMMITTEE SHALL] publish
4 only the fact that a person has participated in the program and the amount of benefit
5 that the unnamed person received. The committee shall maintain the disclosure of the
6 name of the person as confidential and may only use the disclosure in a proceeding
7 under AS 24.60.170. If the disclosure becomes part of the record of a proceeding
8 under AS 24.60.170, the disclosure may be made public as provided in that section.

9 * Sec. 9. AS 24.60.070(c) is amended to read:

10 (c) When making a disclosure under (a) of this section concerning a
11 relationship with a lobbyist to whom the [LEGISLATOR OR] legislative employee is
12 married or who is the [LEGISLATOR'S OR] legislative employee's domestic partner,
13 the [LEGISLATOR OR] legislative employee shall also disclose the name and address
14 of each employer of the lobbyist and the total monetary value received by the lobbyist
15 from the lobbyist's employer. The [LEGISLATOR OR] legislative employee shall
16 report changes in the employer of the spouse or domestic partner within 48 hours after
17 the change. In this subsection, "employer of the lobbyist" means the person from
18 whom the lobbyist received amounts or things of value for engaging in lobbying on
19 behalf of the person.

20 * Sec. 10. AS 24.60.080(c) is amended to read:

21 (c) Notwithstanding (a) of this section, it is not a violation of this section for a
22 legislator or legislative employee to accept

23 (1) hospitality, other than hospitality described in (4) of this
24 subsection,

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

28 (B) at a social event or meal;

29 (2) discounts that are available

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

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

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

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

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

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

9 (7) a discount for all or part of a legislative session, including time
10 immediately preceding or following the session, or other gift to welcome a legislator
11 or legislative employee who is employed on the personal staff of a legislator or by a
12 standing or special committee to the capital city or in recognition of the beginning of a
13 legislative session if the gift or discount is available generally to all legislators and the
14 personal staff of legislators and staff of standing and special committees; this
15 paragraph does not apply to legislative employees who are employed by the
16 Legislative Affairs Agency, the office of the chief clerk, the office of the senate
17 secretary, the legislative budget and audit committee, the office of victims' rights, or
18 the office of the ombudsman;

19 (8) a gift of legal services in a matter of legislative concern and a gift
20 of other services related to the provision of legal services in a matter of legislative
21 concern;

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

27 (10) tickets from a lobbyist for a charity event at any time, including
28 during a legislative session, except that tickets to or gifts received at a charity event
29 under this paragraph are subject to the calendar year limit on the value of gifts
30 received by a legislator or legislative employee in (a) of this section; in this paragraph,
31 "charity event" means an event the proceeds of which go to a charitable organization

1 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council
2 has approved in advance; the tickets may entitle the bearer to admission to the event,
3 to entertainment, to food or beverages, or to other gifts or services involved in the
4 charity event; or

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

7 * **Sec. 11.** AS 24.60.080(d) is amended to read:

8 (d) A legislator or legislative employee who accepts a gift under (c)(4) of this
9 section that has a value of \$250 or more shall disclose to the committee, within 30
10 days after receipt of the gift, the name and occupation of the donor and the
11 approximate value of the gift. A legislator or legislative employee who accepts a gift
12 under (c)(8) of this section that the recipient expects will have a value of \$250 or more
13 in the calendar year shall disclose to the committee, within 30 days after receipt of the
14 gift, the name and occupation of the donor, a general description of the matter of
15 legislative concern with respect to which the gift is made, and the approximate value
16 of the gift. The committee shall maintain a public record of the disclosures it receives
17 relating to gifts under (c)(4), (c)(8), and (i) [AND (8)] of this section and shall
18 forward the disclosures to the appropriate house for inclusion in the journal. The
19 committee shall forward to the Alaska Public Offices Commission copies of the
20 disclosures concerning gifts under (c)(4), (c)(8), and (i) [AND (8)] of this section that
21 it receives from legislators and legislative directors. A legislator or legislative
22 employee who accepts a gift under (c)(6) of this section that has a value of \$250 or
23 more shall disclose to the committee annually on or before March 15 the name and
24 occupation of the donor and a description of the gift. The committee shall maintain
25 disclosures relating to gifts under (c)(6) of this section as confidential records and may
26 only use, or permit a committee employee or contractor to use, a disclosure under
27 (c)(6) of this section in the investigation of a possible violation of this section or in a
28 proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section becomes
29 part of the record of a proceeding under AS 24.60.170, the confidentiality provisions
30 of that section apply to the disclosure.

31 * **Sec. 12.** AS 24.60.080(i) is amended to read:

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

8 * Sec. 13. AS 24.60.100 is amended to read:

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

18 * Sec. 14. AS 24.60.105 is amended to read:

19 **Sec. 24.60.105. Deadline [DEADLINES] for filing disclosures.** (a) When a
20 legislator or legislative employee is required to file a disclosure under this chapter and
21 a date by which the disclosure must be filed is not otherwise set by statute, the
22 deadline for filing disclosure shall be 30 days [DEADLINES SET OUT IN THIS
23 SECTION SHALL APPLY. FOR DISCLOSURE OF A MATTER OR AN
24 INTEREST THAT BEGAN OR WAS ACQUIRED DURING THE INTERIM
25 BETWEEN REGULAR LEGISLATIVE SESSIONS, WHETHER OR NOT THE
26 REGULAR SESSION IS EXTENDED OR THERE IS A SPECIAL SESSION, OR
27 DURING THE LAST 30 DAYS OF A REGULAR SESSION, THE LEGISLATOR
28 OR LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE MATTER BY MARCH
29 15. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR
30 WAS ACQUIRED DURING A REGULAR LEGISLATIVE SESSION, BUT NOT
31 DURING THE LAST 30 DAYS OF THE REGULAR SESSION, THE

1 DISCLOSURE MUST BE MADE WITHIN 30 DAYS] after the commencement of
2 the matter, interest, or representation.

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

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

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

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

13 (4) formation or maintenance of a close economic association under
14 AS 24.60.070;

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

16 * Sec. 15. AS 24.60 is amended by adding a new section to article 2 to read:

17 **Sec. 24.60.115. Disclosure required of a legislator, legislative employee, or**
18 **public member of the committee after final day of service.** A person serving as a
19 legislator, legislative employee, or public member of the committee shall, not later
20 than 90 days after the person's final day of service as a legislator, legislative employee,
21 or public member, file a disclosure of every matter that was subject to disclosure under
22 this chapter while the person was serving.

23 * Sec. 16. AS 24.60.130(n) is amended to read:

24 (n) When appointing members of the legislature to serve on the committee, the
25 speaker of the house or the president of the senate, as appropriate, shall appoint an
26 alternate member for each regular member. An alternate must have the same
27 qualifications as the regular member for whom the alternate stands as alternate and is
28 subject to confirmation as required for the regular member. If a regular legislative
29 member of the committee or a subcommittee is unable to attend a meeting, the
30 chair of the committee or a subcommittee shall designate the regular member's
31 alternate to serve in place of the regular member at the meeting and the

1 designated alternate shall serve unless unable to serve for any reason. If a regular
2 legislative member of the committee or a subcommittee is disqualified under (h) of
3 this section from serving on the committee or the subcommittee concerning a
4 proceeding under AS 24.60.170 or if the regular member is unable to attend, the
5 chair of the committee or a subcommittee shall designate the regular member's
6 alternate to serve in place of the regular member in the proceeding unless the alternate
7 is also disqualified from serving. The designation shall be treated as confidential to the
8 same extent that the identity of the subject of a complaint is required to be kept
9 confidential.

10 * Sec. 17. AS 24.60.150(a) is amended to read:

11 (a) The committee shall

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

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

17 (3) publish legislative ethics materials, including an annually
18 update ' handbook on standards of ethical conduct and a bimonthly legislative
19 newsletter, to help educate legislators, legislative employees, and public members
20 of the committee on the subject of legislative ethics;

21 (4) in January of each year and at other times determined by the
22 committee, administer a legislative ethics course that teaches means of
23 compliance with this chapter and an understanding of this chapter's purpose
24 under AS 24.60.010.

25 * Sec. 18. AS 24.60 is amended by adding a new section to read:

26 Sec. 24.60.155. A person who is a legislator, legislative employee, or public
27 member of the committee shall complete the legislative ethics course administered by
28 the committee under AS 24.60.150(a) within 10 days of the first day of the first
29 regular session of each legislature. However, a person who first takes office or begins
30 employment after the 10th day of the first regular session of a legislature shall
31 complete the course required by this section within 30 days after the person's first day

1 of service. The committee may grant a person additional time to complete the course
2 required by this section.

3 * Sec. 19. AS 24.60.160 is amended to read:

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

13 (b) An opinion issued under this section is binding on the committee in any
14 subsequent proceedings concerning the facts and circumstances of the particular case
15 unless material facts were omitted or misstated in the request for the advisory opinion.
16 An opinion issued under this section must be issued with sufficient deletions to
17 prevent disclosing the identity of the person or persons involved. Advisory
18 opinion discussions and deliberations are confidential, unless the requester and
19 anyone else named in the request who is covered by this chapter waives
20 confidentiality. The committee's final vote on the advisory opinion is a public
21 record [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY OPINION
22 IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN REQUEST
23 BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH THE
24 COMMITTEE].

25 * Sec. 20. AS 24.60.170(j) is amended to read:

26 (j) If the committee has issued a formal charge under (h) of this section, and if
27 the person charged has not admitted the allegations of the charge, the committee shall
28 schedule a hearing on the charge. The committee may appoint an individual to present
29 the case against the person charged if that individual does not provide other [AND
30 HAS NOT PROVIDED] legal advice to the committee except in the course of
31 presenting cases under this subsection. The hearing shall be scheduled for a date more

1 than 20 and less than 90 days after service of the charge on the person charged, unless
2 the committee schedules [THE PERSON AGREES TO] a later hearing date. If the
3 complainant prevents the hearing from starting before the 90-day deadline passes
4 and a quorum of the committee determines the delay is not supported by a
5 compelling reason or will result in the person charged being deprived of a fair
6 hearing, the committee may dismiss the complaint with prejudice or enter some
7 other order the committee determines is appropriate. At the hearing, the person
8 charged shall have the right to appear personally before the committee, to subpoena
9 witnesses and require the production of books or papers relating to the proceedings, to
10 be represented by counsel, and to cross-examine witnesses. A witness shall testify
11 under oath. The committee is not bound by the rules of evidence, but the committee's
12 findings must be based upon clear and convincing evidence. Testimony taken at the
13 hearing shall be recorded, and evidence shall be maintained.

14 * Sec. 21. AS 24.60.176(b) is amended to read:

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

16 (1) the legislative council for employees of the Legislative Affairs
17 Agency and of the legislative council and for legislative employees not otherwise
18 covered under this subsection;

19 (2) the Legislative Budget and Audit Committee for the legislative
20 fiscal analyst and employees of the division of legislative finance, the legislative
21 auditor and employees of the division of legislative audit, and employees of the
22 Legislative Budget and Audit Committee;

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

25 (4) the appropriate rules committee for employees of

26 (A) standing committees of the legislature, other than the
27 finance committees;

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

30 (C) house records and senate records;

31 (5) the legislator who made the hiring decision for employees of

1 individual legislators; however, the legislator may request the appropriate rules
2 committee to act in the legislator's stead;

3 (6) the ombudsman for employees of the office of the ombudsman,
4 other than the ombudsman;

5 (7) the legislature for the ombudsman;

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

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

9 * Sec. 22. AS 24.60.210 is amended by adding a new subsection to read:

10 (c) The Alaska Public Offices Commission may request that the reports
11 required under this section be submitted electronically but shall accept any
12 information required under this section that is typed in clear and legible black typeface
13 or hand-printed in dark ink on paper in a format approved by the commission or on
14 forms provided by the commission and that is filed with the commission.

15 * Sec. 23. AS 24.60.250(c) is amended to read:

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

22 * Sec. 24. AS 39.50.020 is amended to read:

23 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
24 official other than the governor or the lieutenant governor shall file a statement giving
25 income sources and business interests, under oath and on penalty of perjury, within 30
26 days after taking office as a public official. Candidates for state elective office other
27 than a candidate who is subject to AS 24.60 shall file the statement with the director of
28 elections at the time of filing a declaration of candidacy or a nominating petition or
29 becoming a candidate by any other means. Candidates for elective municipal office
30 shall file the statement at the time of filing a nominating petition, declaration of
31 candidacy, or other required filing for the elective municipal office. Refusal or failure

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

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

18 * Sec. 25. AS 39.50.030(b) is amended to read:

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

21 (1) for [THE SOURCE OF] all sources of income over \$5,000 during
22 the preceding calendar year, including taxable [AND NONTAXABLE] capital gains,
23 and for all gifts from a single source with a cumulative value exceeding \$250 in a
24 calendar year, received by the person, the person's spouse or domestic partner, or the
25 person's dependent child.

26 (A) each source of the income or gift;

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

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

29 (D) a brief statement describing whether the income was
30 earned by commission, by the job, by the hour, or by some other method;

31 (E) if the income was earned by the hour, the approximate

1 number of hours worked; and

2 (F) unless required by law to be kept confidential, a
3 description sufficient to make clear to a person of ordinary understanding
4 the nature of each service performed and the date the service was
5 performed [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT
6 MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250];

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

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

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

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

29 (6) a list of all contracts and offers to contract with the state or an
30 instrumentality of the state during the preceding calendar year held, bid, or offered by
31 the person, the person's spouse or domestic partner, or the person's dependent child, a

1 partnership or professional corporation of which the person is a member, or a
2 corporation in which the person or the person's spouse, domestic partner, or dependent
3 child [CHILDREN], or a combination of them, hold a controlling interest; and

4 (7) a list of all mineral, timber, oil, or any other natural resource lease
5 held, or lease offer made, during the preceding calendar year by the person, the
6 person's spouse or domestic partner, or the person's dependent child, a partnership or
7 professional corporation of which the person is a member, or a corporation in which
8 the person or the person's spouse, [OR] domestic partner, or dependent child
9 [CHILDREN], or a combination of them, holds a controlling interest.

10 * Sec. 26. AS 39.50.050(a) is amended to read:

11 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
12 shall administer the provisions of this chapter. The commission shall prepare and keep
13 available for distribution standardized forms on which the reports required by this
14 chapter shall be filed. The commission shall print the forms provided under this
15 section so that the front and back of each page have the same orientation when the
16 page is rotated on the vertical axis of the page. The commission may request that the
17 information required under this chapter be submitted electronically but shall accept
18 any information required under this chapter that is typed in clear and legible black
19 typeface or hand-printed in dark ink on paper in a format approved by the commission
20 or on forms provided by the commission and that is filed with the commission.
21 However, the governor or lieutenant governor shall submit the information
22 required under this chapter electronically, but the commission may, when
23 extraordinary circumstances warrant an exception, accept any information
24 required from these public officers under this chapter that is typed in clear and
25 legible black typeface or hand-printed in dark ink on paper in a format approved
26 by the commission or on forms provided by the commission and that is filed with
27 the commission.

28 * Sec. 27. AS 39.52.110(b) is repealed and reenacted to read:

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

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

3 (2) if the public officer's

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

7 (B) personal interest is insignificant; or

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

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

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

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

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

21 (v) is an officer of the business;

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

24 (vii) has a contract or an option for a contract with the
25 business; or

26 (viii) is an employee of the business.

27 * Sec. 28. AS 39.52.130(a) is amended to read:

28 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
29 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
30 employment, promise, or in any other form, that is a benefit to the officer's personal or
31 financial interests, under circumstances in which it could reasonably be inferred that

1 the gift is intended to influence the performance of official duties, actions, or
2 judgment. A gift from a person required to register as a lobbyist under
3 AS 24.45.041 to a public officer or a public officer's immediate family member is
4 presumed to be intended to influence the performance of official duties, actions,
5 or judgment unless the giver is an immediate family member of the person
6 receiving the gift.

7 * Sec. 29. AS 39.52.180(a) is amended to read:

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

18 * Sec. 30. AS 39.52.180(d) is amended to read:

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

28 * Sec. 31. AS 39.52.180 is amended by adding a new subsection to read:

29 (e) A former head of a principal department in the executive branch may not,
30 for a period of one year after leaving service as the head of that department, serve on
31 the governing board of a company, organization, or other entity that was regulated by

1 that department or with which the former department head worked as part of an
2 official duty as the department head. A former employee of the Office of the Governor
3 in a policy-making position may not, for a period of one year after leaving
4 employment in that office, serve on the governing board of a company, organization,
5 or other entity with which the former employee worked as part of an official duty for
6 the Office of the Governor.

7 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 APPLICABILITY. (a) AS 39.52.180(a), as amended by sec. 29 of this Act, applies to
10 a person who leaves state service on or after the effective date of sec. 29 of this Act.

11 (b) AS 39.52.180(d), as amended by sec. 30 of this Act, applies to a person who
12 leaves service as governor, lieutenant governor, head or deputy head of a principal department
13 in the executive branch, or employee of the Office of the Governor in a policy-making
14 position on or after the effective date of sec. 30 of this Act.

15 (c) AS 39.52.180(e), as added by sec. 31 of this Act, applies to a department head or
16 employee of the Office of the Governor in a policy-making position who leaves employment
17 as a department head or employee of the Office of the Governor in a policy-making position
18 on or after the effective date of sec. 31 of this Act.

19 * **Sec. 33.** Sections 2, 22, and 26 of this Act take effect July 1, 2007.

20 * **Sec. 34.** Except as provided in sec. 33 of this Act, this Act takes effect immediately under
21 AS 01.10.070(e).

SARAH PALIN
GOVERNOR

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 24, 2007

The Honorable John Harris
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to reports to the Alaska Public Offices Commission and relating to the Alaska Executive Branch Ethics Act.

This bill would (1) generally require candidates, groups, legislators, public officials, and others to submit required reports electronically to the Alaska Public Offices Commission; (2) require legislators and other public officials to make financial disclosures when they leave office; (3) require candidates, legislators, and other public officials to disclose information about services performed for compensation and about certain income, gifts, and other financial matters; (4) establish a presumption that an interest of less than \$5,000 in a business is an "insignificant" interest for purposes of the Alaska Executive Branch Ethics Act; (5) establish a presumption that gifts from a lobbyist to a public officer and the public officer's immediate family members are prohibited under the Alaska Executive Branch Ethics Act, unless the lobbyist is an immediate family member of the gift recipient, and (6) tighten certain restrictions on employment after leaving state service for purposes of the Alaska Executive Branch Ethics Act.

The public's confidence in its government and governmental officials is essential. This bill would foster the openness in government that I have advocated as one means to increase that confidence.

In preparing this bill, I have taken into consideration the advice and counsel of numerous individual Alaskans. The issues addressed by the provisions within this bill have largely been publicly discussed, and may even be addressed in other bills currently pending in the Legislature. For example, provisions to establish a

The Honorable John Harris
January 24 2007
Page 2

presumption regarding "insignificant" interests were addressed in legislation last year that passed the Senate and moved all the way to the House Rules Committee.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Palin". The signature is written in dark ink and is positioned above the printed name and title.

Sarah Palin
Governor

Analysis of Governor Palin's Ethics Bill

To help restore public trust in government and make governance more open and transparent, Governor Palin's ethics bill addresses six major areas:

1 – Filing political campaign reports electronically

The bill requires candidates, groups, legislators, and public officials to file disclosure forms electronically with the Alaska Public Offices Commission. At the same time, it would allow the agency to grant exceptions under extraordinary circumstances. (Sections 1, 4, and 7)

2 – Requiring more detail in financial disclosures

If lawmakers get more than \$1,000 for work, they must specify how much they got, how many hours they worked to earn it, and describe in detail the nature of their work. (Section 2)

If candidates and public officials get more than \$1,000 for work or receive gifts worth more than \$250, they must disclose the source and amount of the income or gift. They must also report the number of hours of services performed, if any, and a detailed description of the nature of the services performed. The bill requires more extensive reports by reducing the reporting threshold from \$5,000 to \$1,000 – the same threshold that legislators must follow now. (Section 6)

3 – Disclosing financial and business interests promptly after leaving public office

The legislation requires lawmakers and other public officials who leave office to report financial and business interests within 90 days upon leaving office. (Sections 3 and 5)

4 – Conflict of interest

The measure helps clear up ambiguities about when public officials have a conflict of interest. Those who work for the executive branch would have standards defining when the value of their stock or an ownership interest in a business is significant. An official with an ownership interest worth \$5,000 or more would be presumed to have a disqualifying interest in any matter affecting that business. (Section 8)

5 – Banning gifts from lobbyists to public officials

The bill prohibits public officials from accepting gifts from a lobbyist unless the lobbyist is an immediate member of the family. (Section 9)

6 – Restricting lobbying and similar activities after leaving public office

The bill tightens restrictions that now apply for two years after leaving service in the executive branch by eliminating the existing exception to those restrictions for work on legislation or regulations. (Section 10)

It also extends the existing one-year ban on lobbying to apply to deputy heads of departments and to persons holding policy-making positions in the Office of the Governor. The lobbying ban now applies only to the governor, lieutenant governor, and heads of departments. (Section 11)

Sectional Analysis of Governor's Ethics Bill

Section 1: This section would amend AS 15.13.040(m) to require electronic filing of campaign disclosure reports that candidates, groups, and others file with the Alaska Public Offices Commission. The section would allow the APOC to grant an exception in extraordinary circumstances.

Section 2: This section would amend AS 24.60.200 to require more detail in the financial disclosures that legislators, public members of the Select Committee on Legislative Ethics, and legislative directors file with the APOC. It would require that, for all income exceeding \$1,000, the disclosures describe the amount received, the number of hours spent to earn the income, and details regarding the services provided.

Section 3: This section would amend AS 24.60.210 to require former legislators, former public members of the Select Committee on Legislative Ethics, and former legislative directors to file financial disclosures with the APOC within 90 days of leaving service in those positions.

Section 4: This section would amend AS 24.60.210 to require electronic filing of financial disclosures that legislators, public members of the Select Committee on Legislative Ethics, and legislative directors file with the APOC, but would allow the APOC to grant an exception in extraordinary circumstances.

Section 5: This section would amend AS 39.50.020 to require financial disclosures from former public officials within 90 days of leaving service in their official positions. This requirement would apply to the governor and other high-ranking executive branch officials, judges and other judicial officers, and certain municipal officers, as well as some others.

Section 6: This section would amend AS 39.50.030(b) to require more detail in the financial disclosures that candidates and public officials file with the APOC. The current law requires reporting of income and interests exceeding \$5,000 in value; this section would require more extensive reporting by reducing that reporting threshold to \$1,000. In addition, it would 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 services provided. It would also require disclosure of all stock holdings, trust or similar interests, loans, loan guarantees, and indebtedness exceeding \$1,000 in value.

Section 7: This section would amend AS 39.50.050(a) to 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.

Section 8: This section would amend AS 39.52.110 by defining an "insignificant financial interest" for purposes of the Executive Branch Ethics Act. It would make stock or an ownership interest in a business presumptively insignificant if the value of the interest is less than \$5,000.

Section 9: This section would amend the Executive Branch Ethics Act (AS 39.52.130(a)) to establish a presumption 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.

Section 10: This section would amend the Executive Branch Ethics Act (AS 39.52.180(a)) by deleting some of the language defining "matter" for purposes of the two-year restrictions that apply to employment after leaving state service. The deleted language excludes work on legislation and regulations from the definition of "matter." The effect of this section would be to make the post-state employment limitations more restrictive by precluding former public officials from working on particular legislation or regulations after leaving state service if they personally and substantially participated in work on the same legislation or regulations during their state service.

Section 11: This section would amend the Executive Branch Ethics Act (AS 39.52.180(d)) to extend 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.

Section 12: This section would restrict application of sections 10 (deletion of the legislation and regulations language from the post-state employment restrictions) and 11 (extension of the lobbying restrictions) to those who leave state service on or after the effective date of this enactment.

Section 13: This section would make sections 1, 4, and 7 (the sections addressing electronic filing with the APOC) effective on July 1, 2007.

Section 14: This section would make the remaining sections of the enactment effective immediately.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number _____
Bill Version 0059-DOA-APOC-1-23-07
() Publish Date _____

Revision Date/Time (Note if correction) _____ Dept Affected Administration
Title An Act relating to the requirement for candidates, RDU AK Public Offices Commission
groups, legislators, public officials. Component AK Public Offices Commission
Sponsor Rules by Request
Requester Governor's Office Component No 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	00	00	00	00	00	00
Travel	00	00	00	00	00	00
Contractual	00	00	00	00	00	00
Supplies	00	00	00	00	00	00
Equipment	00	00	00	00	00	00
Land & Structures	00	00	00	00	00	00
Grants & Claims	00	00	00	00	00	00
Miscellaneous	00	00	00	00	00	00
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	00	00	00	00	00	00
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CHANGE IN REVENUES ()	00	00	00	00	00	00
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	00	00	00	00	00	00
1003 GF Match	00	00	00	00	00	00
1004 GF	00	00	00	00	00	00
1005 GF/Program Receipts	00	00	00	00	00	00
1037 CF/Mental Health	00	00	00	00	00	00
Other (Specify Type--Do not abbreviate)	00	00	00	00	00	00
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires candidates, groups, legislators, public officials, and others to submit required reports electronically, requires legislators and public officials to file financial disclosures after leaving office, requires financial disclosure filers to provide a detailed description about services performed for compensation and about certain income, gifts, and other financial matters, establishes a presumption that an interest of less than \$5000 in a business is an "insignificant" interest for the purposes of the Executive Branch Ethics Act, prohibits gifts from lobbyists to public officers or the immediate family members of public officers, and tightens the restrictions on employment after leaving state service. It is not anticipated that this measure will add to the costs of the Public Offices Commission.

Prepared by Brooke Miles, Executive Director Phone 907-334-1726
Division Alaska Public Offices Commission Date/Time 1/23/07 12:00 AM
Approved by Melanie Millhorn, Deputy Commissioner Date 1/23/2007
Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number _____
Bill Version LL07-59-I AW-OAE-1-24
() Publish Date _____

Revision Date/Time (Note if correction) _____ Dept. Affected Law
Title An Act relating to disclosures to the APOC and RDU Civil Division
Legislative and Executive Branch ethics Component Opinions, Appeals & Ethics
Sponsor Rules Committee
Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type - Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 2007) cost 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends the state's election campaign laws, legislative standards of conduct, public official financial disclosure laws, and the Executive Branch Ethics Act in an effort to require more detailed disclosures from current and former legislators and public officials, restrict public officers' receipt of gifts from lobbyists, and extend existing restrictions on public employees' employment after leaving state service. It is unclear whether these amendments will change the department's workload. The amendments may result in increased assistance to the APOC or executive branch client agencies, however, the budget impact is indeterminable since it is impossible to predict with any certainty how many complaints or questions will arise.

Prepared by Robert Meiners, Acting Director Phone 465-5427
Division Administrative Services Division Date/Time 1/24/07 1:29 PM
Approved by Robert Meiners for Talis Colberg, Attorney General Date 1/24/2007
Agency Department of Law

Nancy Manly

To: Londi Ensor

Subject: STA fiscal notes

Attachments: HB006-DOA-APOC-2-1-07.pdf; HB003-DOA-DMV-2-23-07.pdf; HB038-DOA-APOC-1-29-07.pdf; HB038-LAW-CJL-1-31-07.pdf; HB109-DOA-APOC-1-29-07.pdf

Londi: Attached are fiscal notes for bills that have passed out of the House State Affairs Committee.

HB 6 (1 fiscal note)

HB 3 (1 fiscal note)

HB 38 (two fiscal notes)

HB 109 (1 revised note - you have the others)

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 5, 2007

SUBJECT: Comments by Drafter, regarding CSHB109(STA)
(Work Order No. 25-GH1059\L)

TO: Representative Bob Lynn
Chair of House State Affairs Committee
Attn: Mike Sica

FROM: Dan Wayne *DCW*
Legislative Counsel

Attached is the above-referenced bill draft for your review. In particular please note the following:

1. On page 28, line 11, I removed Sec. 2 from the list of sections that would become effective July 1, 2007. In drafting the amendment that eventually was adopted and became Sec. 2, I was permitted to discuss it with your staff, Representative Gruenberg's staff, and David Jones of the Department of Law. In those discussions I think it was generally understood that the effective date of the section, except as specifically noted otherwise in the language of the section itself, would be the same as the general effective date of the bill. Therefore, instead of giving a specific May 1, 2007 effective date for persons campaigning for or against a ballot proposition or initiative, as in the previous draft adopted by the committee (which was later rescinded for other reasons), I was able to accomplish the same thing but in much leaner and simpler language. By removing Sec. 2 from the list of sections that become effective July 1, 2007, the section becomes effective as I believe the committee intended.
2. Regarding the section amending AS 39.52.180(d) (page 26, lines 21 - 30), I modified the language of oral amendment 35 (by Representative Bob Roses) to conform with drafting requirements. I conformed the language of new subsection 39.52.180(e) (page 27, lines 1 - 9) and corresponding applicability sections as well, by adding the amended language.
3. On page 16, line 5, I believe the wrong cite is given for the definition of "caucus". The phrase "(o) of this section" should be deleted and replaced with "AS 24.60.037." I did not change the cite but I recommend doing so as the definition of caucus in the cite adopted by the committee does not sufficiently define the term "caucus" for the purposes of the newly adopted section.

DCW:lmb
07-043.lmb

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number _____
Bill Version LL07-59-LAW OAE-1-24
() Publish Date _____

Revision Date/Time (Note if correction) _____ Dept. Affected Law
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Legislative and Executive Branch ethics Component Opinions, Appeals & Ethics
Sponsor Rules Committee
Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends the state's election campaign laws, legislative standards of conduct, public official financial disclosure laws, and the Executive Branch Ethics Act in an effort to require more detailed disclosures from current and former legislators and public officials, restrict public officers' receipt of gifts from lobbyists, and extend existing restrictions on public employees' employment after leaving state service. It is unclear whether these amendments will change the department's workload. The amendments may result in increased assistance to the APOC or executive branch client agencies, however, the budget impact is indeterminable since it is impossible to predict with any certainty how many complaints or questions will arise.

Prepared by Robert Meiners, Acting Director Phone 465-5427
Division Administrative Services Division Date/Time 1/24/07 1:29 PM
Approved by Robert Meiners for Talis Colberg, Attorney General Date 1/24/2007
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number _____
Bill Version LL07-59-LAW-OAE-1-24
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CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost. 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends the state's election campaign laws, legislative standards of conduct, public official financial disclosure laws, and the Executive Branch Ethics Act in an effort to require more detailed disclosures from current and former legislators and public officials, restrict public officers' receipt of gifts from lobbyists and extend existing restrictions on public employees' employment after leaving state service. It is unclear whether these amendments will change the department's workload. The amendments may result in increased assistance to the APOC or executive branch client agencies, however, the budget impact is indeterminable since it is impossible to predict with any certainty how many complaints or questions will arise.

Prepared by Robert Meiners, Acting Director Phone 465-5427
Division Administrative Services Division Date/Time 1/24/07 1 29 PM
Approved by Robert Meiners for Talis Colberg, Attorney General Date 1/24/2007
Agency Department of Law

Alaska State Legislature



Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

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Anchorage, AK 99501-2133

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Phone: (907) 269-0205
Fax: (907) 269-0207

January 29, 2007

Governor Sarah Palin
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001

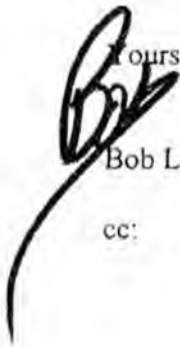
Dear Governor Palin,

During our State Affairs Committee hearing January 23, I named a State Affairs Sub-Committee to look at the various ethics bills. The sub-committee will review many of the ethics bills and recommend to the full committee what might be appropriate to include in your Governor's Bill HB 109. I named Rep. Coghill as the Sub-Committee Chair, and Representatives Roses and Gruenberg as members. A copy of my remarks to the Committee is attached.

HB 109 is scheduled to come before the State Affairs Committee on January 30. There will be no testimony on the bill on that date. The idea is to place your bill on the table so there will be no delay when the sub-committee reports back to the full committee. HB 10 and HB 20 have both been heard January 23 and referred to the sub-committee. HB 38 and HB 58 will be heard and referred to the sub-committee on February 1. This will facilitate the work of the sub-committee.

Both as Chair of the House State Affairs Committee and personally, I thank you for working toward improved ethics legislation. I agree that it is best to have one bill – and I believe it should be your governor's bill that moves good ethics legislation through the legislative process. As you said (and as I said during last Tuesday's State Affairs Committee meeting) it is best that no individual legislator's names appear on the ethics bill. The subject is too important for "pride of authorship," political grandstanding, or party agendas. I look forward to working with you on important ethics legislation, as well as other bills.

Sincerely,


Bob Lynn

cc: John Bitney, Governor's Legislative Liaison Director
Members of the State Affairs Sub-Committee

ALASKA STATE LEGISLATURE

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Representative Berta Gardner

House District 24

January 29, 2007

The Honorable Sarah Palin
Governor of Alaska
P.O. Box 11001
Juneau, AK 99811

Dear Governor Palin,

I appreciate your willingness to meet with me to talk about ethics reform. I also want to thank you for your commitment to this timeless issue and for introducing a bill that will lead the way for comprehensive ethics reform in Alaska's Legislative and Executive Branches. We both understand there is nothing more important for an effective government than the trust and respect of the people it serves.

I think House Bill 109 is a great start. It's right on track and it can be made even stronger. As promised I am providing you with a few items I believe should be included in comprehensive ethics reform. These additions are not new ideas; they are well known deficiencies in our ethics code.

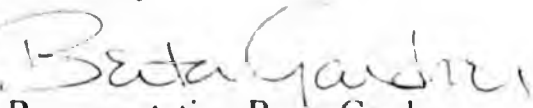
- **Campaign contributions:** It is currently not illegal in State law to offer, pay or accept a campaign contribution in return for promised actions. A.S. 11.56 should be amended to make it is illegal to offer, accept or pay a campaign contribution in return for a sitting legislator or candidate's agreement to change a position.
- **Restrictions on earned income:** Alaskan's too often suspect that their Legislator's outside work conflicts with his or her official duties. A.S. 24.60.085 should be amended to define which activities are strictly a function of the legislative office and may only be performed in an official capacity and never for outside compensation. This would include legislative, administrative and political actions.

- **Required annual financial disclosures:** There is a loophole in 24.60 and dividends received from an LLC as compensation for personal services do not have to be reported as income. A.S. 24.60 should be amended to require all forms of income, including dividends to be reported.

I am looking forward to seeing meaningful ethics reform move through the Legislature and I applaud your energy and vision. The leadership is long overdue and will provide the public with confidence that Alaska's ethics laws are clear and enforceable.

Thank you for taking the time to review my suggestions. I look forward to working with you to move our state forward.

Sincerely,


Representative Berta Gardner

Cc: Rep. Bob Lynn, Chair, House State Affairs Committee
Rep. John Coghill, Chair, Ethics Subcommittee, House State Affairs
Rep. Bob Roses, Ethics Subcommittee, House State Affairs
Rep. Max Gruenberg, Ethics Subcommittee, House State Affairs
John Bitney, Legislative Director, Office of Governor Sarah Palin