

HB

109

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
 MAY 09 2007
 SENATE FINANCE COMMITTEE

DATE: 5/8/07

FURTHER:

 DATE TURNED
 IN TO OFFICE: 9 May 2007

Finance Committee considered CS FOR HOUSE BILL NO. 109(JUD) am

HB 109 DISCLOSURES & ETHICS/BRIBERY/RETIREMENT

"An Act relating to bribery, receiving unlawful gratuities, and campaign contributions; denying public employee retirement pension benefits to certain legislators, legislative directors, and public officers who commit certain offenses, and adding to the duties of the Alaska Retirement Management Board and to the list of matters governed by the Administrative Procedure Act concerning that denial; relating to campaign financing and ethics, including disclosures, in state and municipal government, to lobbying, and to employment, service on boards, and disclosures by certain public officers and employees who leave state or municipal service or leave certain positions in state or municipal government; restricting representation of others by legislators and legislative employees; relating to blind trusts approved by the Alaska Public Offices Commission; and providing for an effective date."

and recommends:

- be replaced with SCS or CS CS HB 109 (FIN)
 adopt previous SCS or CS CS forthcoming
 attached amendment(s)
 adopt _____ Letter of Intent
 further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

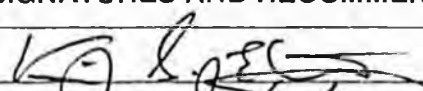

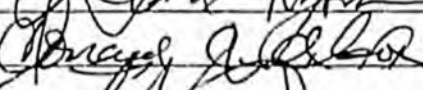
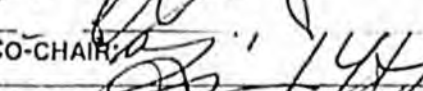
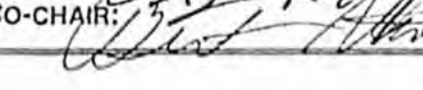

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Admin.	5/8/07	250.0			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	1/24/07			✓	#2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Dyson				✓
	Olson	✓			
	Huggins	✓			
CO-CHAIR: 	Hoffman	✓			
CO-CHAIR:	Stedman	✓			

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

May 9, 2007

SUBJECT: Prohibiting the appointment of former lobbyists to state positions (SCS CSHB 109(FIN), Work Order No. 25-GH1059(F))

TO: Senator Bert Stedman, Co-Chair, Senate Finance Committee
Senator Lyman Hoffman, Co-Chair, Senate Finance Committee
Attn: Mindy Rowland

FROM: Dan Wayne 
Legislative Counsel

The committee substitute you requested includes a provision prohibiting appointment of persons who have engaged in the activity of lobbying within the past year to a number of political positions, including boards and commissions. It is not clear whether the legislature has authority to impose this limitation.

As part of its law making power, the legislature may determine that the best way for a particular law to be implemented or enforced is by the establishment of a board or commission to administer the law. In creating the board or commission it seems only reasonable that the legislature may establish qualifications for the members of the board or commission who are going to be implementing the particular law enacted by the legislature. The legislature may want persons with experience in the field or area to be regulated, or with some other qualifications or training, to administer the law. By enacting qualifications for members of boards or commissions, the legislature is not selecting a particular person to be on the board or commission (which power is provided solely to the governor) but only specifying that certain qualifications are necessary for any person selected by the governor to serve on the particular board or commission. The governor may still select the individual the governor wants for the board or commission, provided the person has the qualifications the legislature has specified as being necessary. As such, it appears that the governor's appointment power is not invaded or restricted by the legislature's enactment of reasonable qualifications for membership on boards and commissions.

This view is consistent with the general rule of law concerning the prescription of qualifications for public office by the legislature:

Subject to such limitations as may be imposed by the constitution, the power to fix the qualifications of public officers or employees may be exercised by the legislature. The qualifications for, or conditions of,

Senator Bert Stedman
Senator Lyman Hoffman
May 9, 2007
Page 2

public employment may not be arbitrary, but must be reasonable and based on substantial grounds which are natural and inherent in the subject matter of the legislation.

67 C.J.S., Officers, § 22, at p. 173 - 74.

It therefore appears that under the common law, the legislature may prescribe reasonable qualifications for boards and commissions, that are reasonably related to the position or to the aim of the legislation and which do not interfere with the governor's appointment power or with qualifications set out in the constitution. Various state courts have reached this same conclusion and have upheld legislative designations of qualifications for public offices, such as, memberships on a board or commission. See, e.g., State v. Matassarini, 217 P. 930 (Kansas 1923); State v. Eischen, 76 N.W.2d 385 (Minn. 1956); Humane Society of the United States v. New Jersey Fish and Game Council, 362 A.2d 20 (1976); Hurd v. Freeland, 442 P.2d 344 (Okla. 1966); State v. Wells, 112 N.W.2d 601 (S.D. 1961); State v. Millsap, 605 S.W.2d 366 (Tex. App. 1980).

The power to appoint members of state boards, commissions, and councils is an executive function to be exercised by the governor. In Bradner v. Hammond, 553 P.2d 1, 5-6 (Alaska 1976), the Alaska Supreme Court recognized that the Alaska constitution envisioned a strong executive and "that the appointment of executive officers is an executive function. . . ." The Department of Law, which has generally taken a position very protective of the governor's prerogatives, has asserted that the legislature cannot restrict the governor's appointment powers, such as requiring the governor to select from a list of names provided by particular groups. The Department of Law has repeatedly argued that such limitations on the governor's appointment power are unconstitutional infringements upon the governor's authority. Letter to Walter J. Hickel, Governor, from Charles E. Cole, Attorney General, June 11, 1991 (file no. 883-91-0071); 1981 Inf. Alaska Atty. Gen. Op. (file no. J-66-698-81), April 23; 1980 Inf. Alaska Atty. Gen. Op. (file no. J-66-164-80), September 17. Nonetheless, at least three Alaska Attorney General opinions or letters of advice have accepted that the legislature may prescribe reasonable qualifications for gubernatorial appointments to boards or commissions. 1981 Inf. Alaska Atty. Gen. Op. (file no. J-66-698-81), April 23; Memorandum to Governor Hammond from R. Pegues, August 13, 1979; 1988 Inf. Alaska Atty. Gen. Op. (file no. 883-88-0079), May 24.

If I may be of further assistance, please advise.

DCW:lmb
07-120.lmb

Enclosure

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SCS CSHB 109(JUD) DOA-APOC-5-8-07
 Bill Version: SCS CSHB 109 (JUD)
 () Publish Date: 5/8/2007

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 of the Governor
 Requester _____ 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	60.0	80.0	60.0	80.0	60.0	80.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	100.0					
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	90.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	250.0	80.0	60.0	80.0	60.0	80.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	250.0	80.0	60.0	80.0	60.0	80.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	250.0	80.0	60.0	80.0	60.0	80.0

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	1	1	1	1	1	1
Part-time		1		1		1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill has been amended to require that (Alaska Public Offices Commission) APOC scan onto its website all campaign disclosure statements that are not received electronically within two working days of receiving the reports. This amendment will not support the relational database on which the public relies to review campaign disclosure information filed by the 725 candidates and groups which participate in Alaskan elections. It will increase the contractual costs for supporting the APOC website, require the purchase of high-speed scanners, and require one full-time and one part-time administrative support position to meet the required timeline. The need for administrative support alternates between one full-time and one full-time and a part-time person based on whether it is an election year or not.

The indeterminate contractual figure for FY09-FY13 is due to further research required moving forward for necessary data storage fees.

Prepared by: Brooke Miles, Executive Director
 Division: Alaska Public Offices Commission
 Approved by: Rachael Petro, Deputy Commissioner
 Agency: Department of Administration

Phone: 907/334-1726
 Date/Time: 5/8/07 10:30 AM
 Date: 5/8/07

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 109
(H) Publish Date: 1/25/07

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						
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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 Colborg, Attorney General Date: 1/24/2007
Agency: Department of Law

LEGAL SERVICES

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

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(SCS CSHB 109(FIN), Work Order No. 25-GH1059(F))

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If I may be of further assistance, please advise.

DCW:lmb
07-120.lmb

Enclosure

AMENDMENT

conceptual
to conform to
SCS CS HB 109 (JUD)

OFFERED IN THE HOUSE

TO: CSHB 109(JUD) am

1 Page 1, following line 12:

2 Insert a new bill section to read:

3 **"* Section 1.** AS 11.56 is amended by adding a new section to read:

4 **Sec. 11.56.124. Failure to report bribery or receiving a bribe.** (a) A public
5 servant commits the crime of failure to report bribery or receiving a bribe if the public
6 servant

7 (1) witnesses what the public servant knows or reasonably should
8 know is

9 (A) bribery of a public servant by another person; or

10 (B) receiving a bribe by another public servant; and

11 (2) does not as soon as reasonably practicable report that crime to a
12 peace officer or law enforcement agency.

13 (b) Failure to report bribery or receiving a bribe is a class A misdemeanor."
14

15 ~~Page 2, line 4:~~

16 ~~Delete "Section 1"~~

17 ~~Insert "Sec. 2"~~

18

19 ~~Remember the following bill sections accordingly.~~

20

21 ~~Page 3, line 14:~~

22 ~~Delete "sec. 5"~~

23 ~~Insert "sec. 6"~~

1

2 ~~Page 35, line 18:~~

3 ~~Delete "sec. 53"~~

4 ~~Insert "sec. 54"~~

5

6 Page 38, lines 26 - 27:

7 Delete all material and insert:

8 "APPLICABILITY. (a) AS 11.56.124, added by sec. 1 of this Act, and the amendment
9 of AS 11.56.130(1) made by sec. 2 of this Act apply to offenses occurring on or after the
10 effective date of secs. 1 and 2 of this Act."

11

12 ~~Page 38, line 28:~~

13 ~~Delete "sec. 59"~~

14 ~~Insert "sec. 60"~~

15

16 ~~Page 38, line 29:~~

17 ~~Delete "sec. 59"~~

18 ~~Insert "sec. 60"~~

19

20 ~~Page 38, line 30:~~

21 ~~Delete "sec. 60"~~

22 ~~Insert "sec. 61"~~

23

24 ~~Page 39, line 2:~~

25 ~~Delete "sec. 60"~~

26 ~~Insert "sec. 61"~~

27

28 ~~Page 39, line 3:~~

29 ~~Delete "sec. 61"~~

30 ~~Insert "sec. 62"~~

31

- 1 ~~Page 39, line 7:~~
- 2 ~~Delete "sec. 61"~~
- 3 ~~Insert "sec. 62"~~
- 4
- 5 ~~Page 39, line 11:~~
- 6 ~~Delete "sec. 45"~~
- 7 ~~Insert "sec. 46"~~
- 8
- 9 ~~Page 39, line 13:~~
- 10 ~~Delete "Sections 6, 41, and 54"~~
- 11 ~~Insert "Sections 7, 42, and 55"~~
- 12
- 13 ~~Page 39, line 14:~~
- 14 ~~Delete "Section 53"~~
- 15 ~~Insert "Section 54"~~
- 16
- 17 ~~Page 39, line 15:~~
- 18 ~~Delete "secs. 67 and 68"~~
- 19 ~~Insert "secs. 68 and 69"~~

“Public Servant” is defined in 11.81.900(54)

(54) "public servant" means each of the following, whether compensated or not, but does not include jurors or witnesses:

(A) an officer or employee of the state, a municipality or other political subdivision of the state, or a governmental instrumentality of the state, including legislators, members of the judiciary, and peace officers;

(B) a person acting as an advisor, consultant, or assistant at the request of, the direction of, or under contract with the state, a municipality or other political subdivision of the state, or another governmental instrumentality; in this subparagraph "person" includes an employee of the person;

(C) a person who serves as a member of the board or commission created by statute or by legislative, judicial, or administrative action by the state, a municipality or other political subdivision of the state, or a governmental instrumentality;

(D) a person nominated, elected, appointed, employed, or designated to act in a capacity defined in (A) - (C) of this paragraph, but who does not occupy the position;

SENATE FINANCE COMMITTEE

5/9/2007

COMMITTEE ACTION

Bill Number	HB 109		
Amendment	# 1		
Motion	adopt		
<u>Motion by</u>	Dyson		
<u>Objection by</u>	Dyson		
<u>Removed</u>	✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Thomas			
Senator Dyson			
Senator Elton			
Senator Huggins			
Senator Olson			
Co-Chair Hoffman			
Co-Chair Stedman			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	PASS		

SENATE FINANCE COMMITTEE
5/8/2007 COMMITTEE ACTION
 5:00pm

Bill Number	HB 109		
Amendment	#1		
Motion	adopt		
<u>Motion by</u>	Dyson		
<u>Objection by</u> Removed	Dyson ✓		
<u>Second Objection by</u> <u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Huggins			
Senator Olson			
Senator Thomas			
Senator Dyson			
Senator Elton			
Co-Chair Hoffman			
Co-Chair Stedman			
<u>Tally</u>			
Yea			
Nay			
Absent			
MOTION	Withdrawn		

AMENDMENT

OFFERED IN THE SENATE
TO: SCS to CSHB109 (JUD)

SENATE FINANCE
COMMITTEE # 2
Amendment # # 2
To Bill Number: HB 109
Sponsor: Stedman
Date 5/8/07 Logged by Mindy
Withdrawn

Page 6, Line 15, following "commission":

Insert "i"

(9) A sworn affirmation by the lobbyist that the lobbyist has not been previously convicted of a felony involving moral turpitude; in this paragraph "felony involving moral turpitude" has the meaning given in AS 15.60.010, and includes convictions for a violation of the law of this state or a violation of the law of another jurisdiction with similar elements to a felony involving moral turpitude in this state.

Page 6, following line 16:

Insert a new bill section to read:

** Sec. 12. AS 24.45.041 is amended by adding new subsections to read:

(i) A person may not register if the person has been previously convicted of a felony involving moral turpitude in violation of a law of this state or the law of another jurisdiction with elements similar to a felony involving moral turpitude in this state.

(j) In this section,

(1) "felony involving moral turpitude" has the meaning given in AS 15.60.010;

(2) "previously convicted" means the defendant entered a plea of guilty, no contest, or nolo contendere, or has been found guilty by a court or jury; "previously convicted" does not include a conviction that has been set aside under AS 12.55.085 or a similar procedure in another jurisdiction, or that has been reversed or vacated by a court.

SENATE FINANCE COMMITTEE
5/8/2007 COMMITTEE ACTION
 5:35 pm

Bill Number	HB 109		
Amendment	#2		
Motion	adopt		
<u>Motion by</u>	Stedman		
<u>Objection by</u>	Olson		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Elton			
Senator Huggins			
Senator Olson			
Senator Thomas			
Senator Dyson			
Co-Chair Hoffman			
Co-Chair Stedman			
<u>Tally</u>			
Yea			
Nay			
Absent			
MOTION	Withdrawn		

SENATE FINANCE
COMMITTEE
Amendment # #3
To Bill Number: HB 109
Sponsor: Olson
Date: 5/6/07 Logged by: Mindy

AMENDMENT

NOT OFFERED

IN SENATE FINANCE COMMITTEE

By Olson

To: SCS CS HB 109 (JUD) version R
Ethics

Page 18, lines 8 and 9:

Delete "travel described in (4) of this subsection or"

For legislators whose districts have communities that are only accessible by airplane or boat, this provision restricts opportunities for citizen meetings with legislators and staff on public matters.

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

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

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

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

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

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

17 * Sec. 11. AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

7 (7) the identification of a [LEGISLATOR,] legislative employee [,] or
8 public official to whom the lobbyist is married or who is the domestic partner of the
9 lobbyist;

10 (8) a sworn affirmation by the lobbyist that the lobbyist has
11 completed the training course administered by the commission under
12 AS 24.45.031(a) within the 12-month period preceding the date of registration or
13 registration renewal under this chapter, except this paragraph does not apply to
14 a person who is a representational lobbyist as defined under regulations of the
15 commission [IN THIS PARAGRAPH, "DOMESTIC PARTNER" HAS THE
16 MEANING GIVEN IN AS 39.50.200(a)].

17 * Sec. 12. AS 24.45.051 is amended by adding a new subsection to read:

18 (b) A lobbyist required to report to the commission under (a) of this section,
19 who provides or pays for food or beverage for immediate consumption by a legislator
20 or legislative employee or a member of the immediate family of a legislator or
21 legislative employee shall report the date the food or beverage was provided or paid
22 for and the recipient's name and relationship to the legislator or legislative employee,
23 unless the food and beverage

24 (1) cost ⁴⁵⁰~~50~~ or less; or

25 (2) are provided as part of an event that is open to all legislators and
26 legislative employees.

27 * Sec. 13. AS 24.45.121(a) is amended to read:

28 (a) A lobbyist may not

29 (1) engage in any activity as a lobbyist before registering under
30 AS 24.45.011;

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

SENATE FINANCE COMMITTEE
5/8/2007 COMMITTEE ACTION

Bill Number	HB 109		
Amendment	#4.		
Motion	adopt		
<u>Motion by</u>	Stedman		
<u>Objection by</u>	Elton		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Olson	✓		
Senator Thomas	✓		
Senator Dyson		→	
Senator Elton			✓
Senator Huggins	✓		
Co-Chair Hoffman	✓		
Co-Chair Stedman	✓		
<u>Tally</u>			
Yea		5	
Nay		1	
Absent		1	
MOTION	Pass		

* superceded
 by
 Amendment #6

SENATE FINANCE
COMMITTEE
Amendment # #5
To Bill Number: HB 109
Sponsor: Stedman
Date: 5/2/07 Logged by: Mindy

AMENDMENT

OFFERED IN THE SENATE
TO: SCS to CSHB109 (JUD)

ADOPTED

Page 6, Line 15, following "commission":

Insert ";

(9) A sworn affirmation by the lobbyist that the lobbyist has not been previously convicted of a felony involving moral turpitude; in this paragraph "felony involving moral turpitude" has the meaning given in AS 15.60.010, and includes convictions for a violation of the law of this state or a violation of the law of another jurisdiction with similar elements to a felony involving moral turpitude in this state."

Page 6, following line 16:

Insert a new bill section to read:

**** Sec. 12.** AS 24.45.041 is amended by adding new subsections to read:

(i) A person may not register if the person has been previously convicted of a felony involving moral turpitude in violation of a law of this state or the law of another jurisdiction with elements similar to a felony involving moral turpitude in this state.

(j) In this section,

(1) "felony involving moral turpitude" has the meaning given in AS 15.60.010;

(2) "previously convicted" means the defendant entered a plea of guilty, no contest, or nolo contendere, or has been found guilty by a court or jury; "previously convicted" does not include a conviction that has been set aside under AS 12.55.085 or a similar procedure in another jurisdiction, or that has been reversed or vacated by a court.

SENATE FINANCE COMMITTEE
SA / 2007 COMMITTEE ACTION

Bill Number	HB 109		
Amendment	#5		
Motion	subpt		
<u>Motion by</u>	Stedman		
<u>Objection by</u>	Stedman		
Removed	✓		
<u>Second Objection by</u>	Dyson ✓		
<u>Committee Member</u>	Y	Vote	N
Senator Dyson			
Senator Elton			
Senator Huggins			
Senator Olson			
Senator Thomas			
Co-Chair Hoffman			
Co-Chair Stedman			
<u>Tally</u>			
Yea			
Nay			
Absent			
MOTION	Pass		

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

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

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

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

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

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

17 * Sec. 11. AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

7 (7) the identification of a [LEGISLATOR,] legislative employee [,] or
8 public official to whom the lobbyist is married or who is the domestic partner of the
9 lobbyist;

10 (8) a sworn affirmation by the lobbyist that the lobbyist has
11 completed the training course administered by the commission under
12 AS 24.45.031(a) within the 12-month period preceding the date of registration or
13 registration renewal under this chapter, except this paragraph does not apply to
14 a person who is a representational lobbyist as defined under regulations of the
15 commission [IN THIS PARAGRAPH, "DOMESTIC PARTNER" HAS THE
16 MEANING GIVEN IN AS 39.50.200(a)].

17 * Sec. 12. AS 24.45.051 is amended by adding a new subsection to read:

18 (b) A lobbyist required to report to the commission under (a) of this section,
19 who provides or pays for food or beverage for immediate consumption by a legislator
20 or legislative employee or a member of the immediate family of a legislator or
21 legislative employee shall report the date the food or beverage was provided or paid
22 for and the recipient's name and relationship to the legislator or legislative employee,
23 unless the food and beverage

24 (1) cost ³⁰~~\$10~~ or less; or

25 (2) are provided as part of an event that is open to all legislators and
26 legislative employees.

27 * Sec. 13. AS 24.45.121(a) is amended to read:

28 (a) A lobbyist may not

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

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

1 or

2 (ii) political party or group;

3 (B) but does not include having the intent to benefit the public
4 interest at large through the normal performance of official duties.

5 * Sec. 63. AS 39.52.120 is amended by adding a new subsection to read:

6 (f) Use of state aircraft for partisan political purposes is permitted under (b) of
7 this section only when the use is collateral or incidental to the normal performance of
8 official duties and does not exceed 10 percent of the total of the use of the aircraft for
9 official purposes and partisan political purposes, combined, on a single trip. A public
10 officer who authorizes or makes any partisan political use of a state aircraft under (b)
11 of this section shall disclose the authorization and use under AS 39.52.210 or
12 39.52.220 for each trip, and the person who uses the aircraft shall reimburse the state
13 for the proportionate share of the actual cost of the use.

14 * Sec. 64. AS 39.52.130(a) is amended to read:

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

25 * Sec. 65. AS 39.52.180(a) is amended to read:

26 (a) A public officer who leaves state service may not, for two years after
27 leaving state service, represent, advise, or assist a person for compensation regarding a
28 matter that was under consideration by the administrative unit served by that public
29 officer, and in which the officer participated personally and substantially through the
30 exercise of official action. For the purposes of this subsection, "matter" includes a
31 case, preceeding, application, contract, [OR] determination, [BUT DOES NOT

1 INCLUDE THE] proposal or consideration of a legislative bill [BILLS], a resolution.
2 a [RESOLUTIONS AND] constitutional amendment [AMENDMENTS], or other
3 legislative measure, [MEASURES;] or [THE] proposal, consideration, or adoption of
4 an administrative regulation [REGULATIONS].

5 * Sec. 66. AS 39.52.180(d) is amended to read:

6 (d) An individual who formerly held a position listed in this subsection [A
7 FORMER GOVERNOR, LIEUTENANT GOVERNOR, OR HEAD OF A
8 PRINCIPAL DEPARTMENT IN THE EXECUTIVE BRANCH] may not engage in
9 activity as a lobbyist under AS 24.45 for a period of one year ^{before or} after leaving that
10 position [SERVICE AS THE GOVERNOR, LIEUTENANT GOVERNOR, OR
11 DEPARTMENT HEAD, AS APPROPRIATE]. This subsection does not prohibit
12 service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational
13 lobbyist as defined under regulations of the Alaska Public Offices Commission. This
14 subsection applies to the position of

15 (1) governor;

16 (2) lieutenant governor;

17 (3) head or deputy head of a principal department in the executive
18 branch;

19 (4) director of a division or legislative liaison within a principal
20 department in the executive branch;

21 (5) legislative liaison, administrative assistant, or other employee
22 of the Office of the Governor or Office of the Lieutenant Governor in a policy-
23 making position;

24 (6) member of a state board or commission that has the authority
25 to adopt regulations, other than a board or commission named in AS 08.01.010;

26 (7) member of the governing board and executive officer of a state
27 public corporation.

28 * Sec. 67. AS 39.52.180 is amended by adding new subsections 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

SENATE FINANCE COMMITTEE
5/9/2007 COMMITTEE ACTION

Bill Number	HB 109		
Amendment	#7		
Motion	adopt		
<u>Motion by</u>	Huggins		
<u>Objection by</u>	Dyson		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Huggins			
Senator Olson			
Senator Thomas			
Senator Dyson			
Senator Elton			
Co-Chair Hoffman			
Co-Chair Stedman			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Withdrawn		

SENATE FINANCE COMMITTEE
5/9/2007 COMMITTEE ACTION

Bill Number	HB 109		
Amendment	#8		
Motion	adopt as amended		
<u>Motion by</u>	Huggins		
<u>Objection by</u>	Elton		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	Vote	N
Senator Dyson			✓
Senator Elton			✓
Senator Huggins	✓		
Senator Olson	✓		
Senator Thomas	✓		
Co-Chair Hoffman	✓		
Co-Chair Stedman	✓		
<u>Tally</u>			
Yea	5		
Nay	2		
Absent			
<u>MOTION</u>	Pass		

Conceptual
 Prohibit a person from being
 elected or appointed to a position
 listed in Sec. 66 AS 39.52.180(d)(3) thru (7)
 of SCS CS HB 109 (JUD) for a
 period of 1 year after engaging in
 activity as a lobbyist.

SENATE FINANCE COMMITTEE

5/9/2007

COMMITTEE ACTION

Bill Number	HB 109		
Amendment	#8		
Motion	Amend		
<u>Motion by</u>	Huggins		
<u>Objection by</u>	Stedman		
<u>Removed</u>	✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Thomas			
Senator Dyson			
Senator Elton			
Senator Huggins			
Senator Olson			
Co-Chair Hoffman			
Co-Chair Stedman			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Pass		

exclude gov & H. gov.
positions

SENATE FINANCE COMMITTEE
5/19/2007 COMMITTEE ACTION

Bill Number	HB 109		
Amendment	#8		
Motion	adopt		
<u>Motion by</u>	Huggins		
<u>Objection by</u>	Stedman		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Olson			
Senator Thomas			
Senator Dyson			
Senator Elton			
Senator Huggins			
Co-Chair Hoffman			
Co-Chair Stedman			
<u>Tally</u>			
Yea			
Nay			
Absent			
MOTION			

Prohibited from being elected
or appointed to a position
in ~~A~~ Sec. 66 AS 39.52.180(d) (1) thru (7)
for a period of 1 year after
engaging in activity as a lobbyist



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

** RUSH **
Scheduled for 11:00am Floor
FAX COVER SHEET Session

DATE: 9 May 2007 TIME: 10:10 am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 7

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please
SCS CS HB 109 (FIN) 25-GH10591R

Plus 4 amendments - attached

Rush

Thx
Mindy

Typo found pg 7 line 12 ^{25-GH1059AF}
Corrected version "X"

SENATE CS FOR CS FOR HOUSE BILL NO. 109(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to bribery, receiving unlawful gratuities, and campaign contributions;
2 denying public employee retirement pension benefits to certain legislators, legislative
3 directors, and public officers who commit certain offenses, and adding to the duties of
4 the Alaska Retirement Management Board and to the list of matters governed by the
5 Administrative Procedure Act concerning that denial; relating to campaign financing
6 and ethics, including disclosures, in state and municipal government, to lobbying, and to
7 employment, service on boards, and disclosures by certain public officers and employees
8 who leave state or municipal service or leave certain positions in state or municipal
9 government; restricting representation of others by legislators; relating to blind trusts
10 approved by the Alaska Public Offices Commission; and providing for an effective
11 date."

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

Amendment #1

* Section 1. AS 11.56 is amended by adding a new section to read:

Sec. 11.56.124. Failure to report bribery or receiving a bribe. (a) A public servant commits the crime of failure to report bribery or receiving a bribe if the public servant

(1) witnesses what the public servant knows or reasonably should know is

(A) bribery of a public servant by another person; or

(B) receiving a bribe by another public servant; and

(2) does not as soon as reasonably practicable report that crime to a peace officer or a law enforcement agency.

(b) Failure to report bribery or receiving a bribe is a class A misdemeanor.

* Sec. 2. AS 11.56.130 is amended to read:

Sec. 11.56.130. Definition. In AS 11.56.100 - 11.56.130, "benefit" has the meaning ascribed to it in AS 11.81.900 but does not include

(1) political campaign contributions reported in accordance with AS 15.13 unless the contribution is made or received in exchange for an agreement to alter an elected official's or candidate's vote or position on a matter the elected official has, or the candidate on election would have, the authority to take official action on; in this paragraph, "official action" means advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction;

(2) concurrence in official action in the cause of legitimate compromise between public servants; or

(3) support, including a vote, solicited by a public servant or offered by any person in an election.

* Sec. 3. AS 14.25 is amended by adding a new section to read:

Sec. 14.25.212. Pension forfeiture. The provisions of AS 37.10.310 apply to pension benefits under AS 14.25.009 - 14.25.220.

* Sec. 4. AS 14.25.040(c) is amended to read:

(c) A state legislator is not entitled to elect membership under (b) of this section if the state legislator is covered for the same period of service under the public

1 employees' retirement system (AS 39.35). An election of membership under (b) of this
 2 section is retroactive to the date the state legislator took the oath of office. A state
 3 legislator may not receive membership credit under (b) of this section for legislative
 4 service performed before the legislative session during which the state legislator
 5 elected membership under (b) of this section. In order to continue in membership
 6 service under (b) of this section, the state legislator must earn at least 0.3 years of
 7 membership service under other sections of AS 14.25.009 - 14.25.220 during each
 8 five-year period. A state legislator may not receive membership credit under
 9 AS 14.25.009 - 14.25.220 for legislative service on or after the date the legislator
 10 commits a criminal offense from which a pension forfeiture under AS 37.10.310
 11 results.

12 * Sec. 5. AS 14.25 is amended by adding a new section to read:

13 Sec. 14.25.532. Pension forfeiture. The provisions of AS 37.10.310 apply to
 14 pension benefits under AS 14.25.310 - 14.25.590.

15 * Sec. 6. AS 15.13.040(g) is amended to read:

16 (g) The provisions of (a) and (b) of this section do not apply to a delegate to a
 17 constitutional convention, a judge seeking judicial retention, or a candidate for
 18 election to a municipal office under AS 15.13.010, if that delegate, judge, or [If A]
 19 candidate

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

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

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

27 * Sec. 7. AS 15.13.040(m) is repealed and reenacted to read:

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

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

3 (A) mayor; or

4 (B) assembly, council, or school board member;

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

7 (3) information submitted by a candidate for election to state office
8 other than the legislature who meets the requirements of (g)(1) - (3) of this section;

9 (4) information submitted before January 1, 2009, by a candidate for
10 the legislature.

11 * Sec. 8. AS 15.13.040(m), as amended by sec. 7 of this Act, is amended to read:

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

16 (1) information submitted by

17 (A) a candidate for election to a borough or city office of
18 mayor, membership on a borough assembly, city council, or school board,
19 or any state office, who meets the requirements of (g)(1) - (3) of this
20 section; or

21 (B) a candidate for municipal office for a municipality with a
22 population of less than 15,000; in this subparagraph [PARAGRAPH],
23 "municipal office" means the office of an elected borough or city

24 (i) [(A)] mayor; or

25 (ii) [(B)] assembly, council, or school board member;

26 (2) any information if the commission determines that circumstances
27 warrant an exception to the electronic submission requirement [;

28 (3) INFORMATION SUBMITTED BY A CANDIDATE FOR
29 ELECTION TO STATE OFFICE OTHER THAN THE LEGISLATURE WHO
30 MEETS THE REQUIREMENTS OF (g)(1) - (3) OF THIS SECTION;

31 (4) INFORMATION SUBMITTED BEFORE JANUARY 1, 2009, BY

1 A CANDIDATE FOR THE LEGISLATURE].

2 * Sec. 9. AS 15.13.040 is amended by adding a new subsection to read:

3 (p) Information required by this chapter that is submitted to the commission
4 on paper and not electronically shall be electronically scanned and published on the
5 Internet by the commission, in a format accessible to the general public, within two
6 working days after the commission receives the information.

7 * Sec. 10. AS 22.25 is amended by adding a new section to read:

8 **Sec. 22.25.800. Pension forfeiture.** The provisions of AS 37.10.310 apply to
9 pension benefits under this chapter.

10 * Sec. 11. AS 24.45.031(a) is amended to read:

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

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

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

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

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

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

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

28 * Sec. 12. AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

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

18 (7) the identification of a [LEGISLATOR,] legislative employee [,] or
19 public official to whom the lobbyist is married or who is the domestic partner of the
20 lobbyist;

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

27 (9) a sworn affirmation by the lobbyist that the lobbyist has not
28 been previously convicted of a felony involving moral turpitude; in this
29 paragraph, "felony involving moral turpitude" has the meaning given in
30 AS 15.60.010, and includes convictions for a violation of the law of this state or a
31 violation of the law of another jurisdiction with elements similar to a felony

#5

1 involving moral turpitude in this state [IN THIS PARAGRAPH, "DOMESTIC
2 PARTNER" HAS THE MEANING GIVEN IN AS 39.50.200(a)].

3 * Sec. 13. AS 24.45.041 is amended by adding new subsections to read:

4 (i) A person may not register if the person has been previously convicted of a
5 felony involving moral turpitude in violation of a law of this state or the law of
6 another jurisdiction with elements similar to a felony involving moral turpitude in this
7 state.

8 (j) In this section,

9 (1) "felony involving moral turpitude" has the meaning given in
10 AS 15.60.010;

11 (2) "previously convicted" means the defendant entered a plea of
12 guilty, not contest, or nolo contendere, or has been found guilty by a court or jury;
13 "previously convicted" does not include a conviction that has been set aside under
14 AS 12.55.085 or a similar procedure in another jurisdiction, or that has been reversed
15 or vacated by a court.

16 * Sec. 14. AS 24.45.051 is amended by adding a new subsection to read:

17 (b) A lobbyist required to report to the commission under (a) of this section,
18 who provides or pays for food or beverage for immediate consumption by a legislator
19 or legislative employee or a member of the immediate family of a legislator or
20 legislative employee shall report the date the food or beverage was provided or paid
21 for and the recipient's name and relationship to the legislator or legislative employee,
22 unless the food and beverage

23 (1) cost \$30 or less; or

24 (2) are provided as part of an event that is open to all legislators and
25 legislative employees.

26 * Sec. 15. AS 24.45.121(a) is amended to read:

27 (a) A lobbyist may not

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

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

#5

Should
be
"no"

#6

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

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

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

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

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

14 (8) serve as a campaign manager or director, serve as a campaign
15 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a
16 fund-raising event, directly or indirectly collect contributions for, or deliver
17 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
18 legislative campaign or campaign for governor or lieutenant governor if the lobbyist
19 has registered, or is required to register, as a lobbyist under this chapter, during the
20 calendar year; this paragraph does not apply to a representational lobbyist as defined
21 in the regulations of the Alaska Public Offices Commission, and does not prohibit a
22 lobbyist from making personal contributions to a candidate as authorized by AS 15.13
23 or personally advocating on behalf of a candidate;

24 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a
25 person covered by AS 24.60 [, DURING A LEGISLATIVE SESSION], a gift, other
26 than food or beverage for immediate consumption; however, this paragraph does not
27 prohibit a lobbyist from providing [, DURING A LEGISLATIVE SESSION OR AT
28 ANY OTHER TIME OF THE YEAR,] tickets to a charity event described in
29 AS 24.60.080(a)(2)(B) [AS 24.60.080(c)(10)], or a contribution to a charity event
30 under AS 24.60.080(c)(10) [AS 24.60.080(c)(11)];

31 (10) make or offer a gift or a campaign contribution whose acceptance

1 by the person to whom it is offered would violate AS 24.60 or AS 39.52.

2 * Sec. 16. AS 24.45.121 is amended by adding new subsections to read:

3 (d) An individual may not, at any time that AS 39.52 prohibits that individual
4 from engaging in activity as a lobbyist, register as a lobbyist under this chapter or
5 engage in any activity as a lobbyist. This subsection does not prohibit registration or
6 service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational
7 lobbyist, as defined in regulation by the commission.

8 (e) The spouse or domestic partner of a legislator may not engage in activity
9 as a lobbyist. This subsection does not prohibit the spouse or domestic partner from
10 acting as a volunteer lobbyist under AS 24.45.161(a)(1) or a representational lobbyist,
11 as defined in regulation by the commission.

12 * Sec. 17. AS 24.45.171 is amended by adding a new paragraph to read:

13 (15) "domestic partner" has the meaning given in AS 39.50.200(a).

14 * Sec. 18. AS 24.60.020(a) is amended to read:

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

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

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

23 * Sec. 19. AS 24.60.030(a) is amended to read:

24 (a) A legislator or legislative employee may not

25 (1) solicit, agree to accept, or accept a benefit other than official
26 compensation for the performance of public duties; this paragraph may not be
27 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
28 solicitation or acceptance of contributions for a charity event, as defined in
29 AS 24.60.080(a)(2)(B) [AS 24.60.080(e)(10)], or the acceptance of a lawful gratuity
30 under AS 24.60.080;

31 (2) use public funds, facilities, equipment, services, or another

1 government asset or resource for a nonlegislative purpose, for involvement in or
 2 support of or opposition to partisan political activity, or for the private benefit of either
 3 the legislator, legislative employee, or another person; this paragraph does not prohibit

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

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

11 (C) ~~TELEPHONE OR FACSIMILE USE THAT DOES NOT~~
 12 ~~CARRY A SPECIAL CHARGE;~~

13 (D) the legislative council, notwithstanding AS 24.05.190,
 14 from designating a public facility for use by legislators and legislative
 15 employees for health or fitness purposes; when the council designates a facility
 16 to be used by legislators and legislative employees for health or fitness
 17 purposes, it shall adopt guidelines governing access to and use of the facility;
 18 the guidelines may establish times in which use of the facility is limited to
 19 specific groups;

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

29 (E) ~~(F)~~ a legislator from use of legislative employees to
 30 prepare and send out seasonal greeting cards;

31 (F) ~~(G)~~ a legislator from using state resources to transport

1 computers or other office equipment owned by the legislator but primarily used
2 for a state function;

3 (G) [(H)] use by a legislator of photographs of that legislator;

4 (H) [(I)] reasonable use of the Internet by a legislator or a
5 legislative employee except if the use is for election campaign purposes;

6 (I) [(J)] a legislator or legislative employee from soliciting,
7 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
8 organization in a state facility;

9 (J) [(K)] a legislator from sending any communication in the
10 form of a newsletter to the legislator's constituents, except a communication
11 expressly advocating the election or defeat of a candidate or a newsletter or
12 material in a newsletter that is clearly only for the private benefit of a legislator
13 or a legislative employee; or

14 (K) [(L)] full participation in a charity event approved in
15 advance by the Alaska Legislative Council;

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

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

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

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

1 legislative employee reimburses the state for the cost of the use;

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

5 (C) [TELEPHONE OR FACSIMILE USE THAT DOES NOT
6 CARRY A SPECIAL CHARGE;

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

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

19 (E) [(F)] use by a legislator of photographs of that legislator.

20 * Sec. 20. AS 24.60.030(c) is amended to read:

21 (c) Unless approved by the committee, during a campaign period for an
22 election in which the legislator or legislative employee is a candidate, a legislator or
23 legislative employee may not use or permit another to use state funds, other than funds
24 to which the legislator is entitled under AS 24.10.110, to print or distribute a political
25 mass mailing to individuals eligible to vote for the candidate. In this subsection,

26 (1) a "campaign period" is the period that

27 (A) begins 60 [90] days before the date of an election to the
28 board of an electric or telephone cooperative organized under AS 10.25, a
29 municipal election, or a primary election, or that begins on the date of the
30 governor's proclamation calling a special election; and

31 (B) ends the day after the cooperative election, municipal

1 election, or general or special election;

2 (2) a mass mailing is considered to be political if it is from or about a
3 legislator, legislative employee, or another person who is a candidate for election or
4 reelection to the legislature or another federal, state, or municipal office or to the
5 board of an electric or telephone cooperative.

6 * Sec. 21. AS 24.60.030(f) is amended to read:

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

2 * Sec. 22. AS 24.60.040(a) is amended to read:

3 (a) A legislator or legislative employee, or a member of the immediate family
4 of a legislator or legislative employee, may not be a party to or have an interest in a
5 state contract or lease unless the contract or lease is let under AS 36.30 (State
6 Procurement Code) or, for agencies that are not subject to AS 36.30, under similar
7 procedures, or the total annual amount of the state contract or lease is \$5,000 or less,
8 or is a standardized contract or lease that was developed under publicly established
9 guidelines and is generally available to the public at large, members of a profession,
10 occupation, or group. A person has an interest in a state contract or lease under this
11 section if the person receives direct or indirect financial benefits. A legislator or
12

1 legislative employee who participates in, or who knows or reasonably should know
 2 that a family member is participating in, a state contract or lease that has an annual
 3 value of \$5,000 or more shall disclose the participation to the committee by the date
 4 required under AS 24.60.105. The committee shall promptly forward the
 5 disclosure to the appropriate house for inclusion in the journal, and the presiding
 6 officer shall cause the disclosure to be published in the journal or in the
 7 supplemental journal not later than the next regularly scheduled publication of
 8 ethics disclosures. The legislator or legislative employee shall also disclose the
 9 renegotiation of a state contract or lease if the original had to be disclosed under this
 10 section or if, as a result of renegotiation, disclosure is required under this section. The
 11 disclosure must state the amount of the contract or lease and the name of the state
 12 agency issuing the contract or lease and must identify the procedures under which the
 13 contract or lease was issued. If the disclosure concerns a contract or lease in which a
 14 family member of the discloser is participating, the disclosure must identify the
 15 relationship between the participant and the discloser.

16 * Sec. 23. AS 24.60.050(c) is amended to read:

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

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

11 * Sec. 24. AS 24.60.070(a) is amended to read:

12 (a) A legislator or legislative employee shall disclose to the committee, which
 13 shall maintain a public record of the disclosure and forward the disclosure to the
 14 respective house for inclusion in the journal, the formation or maintenance of a close
 15 economic association involving a substantial financial matter with

16 (1) a supervisor who is not a member of the legislature who has
 17 responsibility or authority, either directly or indirectly, over the person's employment,
 18 including preparing or reviewing performance evaluations, or granting or approving
 19 pay raises or promotions; this paragraph does not apply to a public member of the
 20 committee;

21 (2) legislators;

22 (3) a public official as that term is defined in [WHO IS REQUIRED
 23 TO FILE A FINANCIAL DISCLOSURE STATEMENT UNDER] AS 39.50 [AND
 24 IS NOT AN APPOINTED MUNICIPAL OFFICER];

25 (4) a registered lobbyist; or

26 (5) a legislative employee if the person required to make the disclosure
 27 is a legislator.

28 * Sec. 25. AS 24.60.070(c) is amended to read:

29 (c) When making a disclosure under (a) of this section concerning a
 30 relationship with a lobbyist to whom the [LEGISLATOR OR] legislative employee is
 31 married or who is the [LEGISLATOR'S OR] legislative employee's domestic partner,

1 the [LEGISLATOR OR] legislative employee shall also disclose the name and address
 2 of each employer of the lobbyist and the total monetary value received by the lobbyist
 3 from the lobbyist's employer. The [LEGISLATOR OR] legislative employee shall
 4 report changes in the employer of the spouse or domestic partner within 48 hours after
 5 the change. In this subsection, "employer of the lobbyist" means the person from
 6 whom the lobbyist received amounts or things of value for engaging in lobbying on
 7 behalf of the person.

8 * Sec. 26. AS 24.60 is amended by adding a new section to read:

9 Sec. 24.60.075. Compassionate gift exemption. (a) Notwithstanding
 10 AS 24.45.121 and AS 24.60.080, a person may give a compassionate gift to a
 11 legislator or legislative employee, and a legislator or a legislative employee may
 12 solicit, receive, or accept a compassionate gift from a person, subject to the limitations
 13 in (b) - (c) of this section.

14 (b) A compassionate gift may not be solicited, accepted, or received unless a
 15 written request has been approved in writing by the chair of the legislative council,
 16 and the committee chair or vice-chair has approved in writing the decision of the chair
 17 of the legislative council.

18 (c) A legislator or legislative employee may not solicit, accept, or receive,
 19 directly or indirectly, compassionate gifts worth less than \$250 that in a calendar year
 20 aggregate to \$250 or more in value and are from the same person. A legislator or
 21 legislative employee who receives a compassionate gift, directly or indirectly, shall
 22 disclose to the committee the name of the gift's source and the value of the gift within
 23 30 days after receipt.

24 (d) In this section, the value of a gift shall be determined by the fair market
 25 value of the gift, to the extent that the fair market value can be determined.

26 (e) In this section, "compassionate gift" means a solicited or unsolicited gift
 27 intended to aid or comfort a recipient or a member of the recipient's immediate family
 28 in contending with a catastrophe, a tragedy, or a health-related emergency.

29 * Sec. 27. AS 24.60.080(a) is amended to read:

30 (a) Except as otherwise provided in this section, a legislator or legislative
 31 employee may not

1 (1) solicit, accept, or receive, directly or indirectly, a gift worth \$250
2 or more, whether in the form of money, services, a loan, travel, entertainment,
3 hospitality, promise, or other form, or gifts from the same person worth less than \$250
4 that in a calendar year aggregate to \$250 or more in value;

5 (2) [EXCEPT FOR FOOD OR BEVERAGE FOR IMMEDIATE
6 CONSUMPTION, A LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT]
7 solicit, accept, or receive [DURING A LEGISLATIVE SESSION] a gift with any
8 monetary value from a lobbyist, an immediate family member of a lobbyist, or a
9 person acting on behalf of a lobbyist, except

10 (A) food or beverage for immediate consumption; or

11 (B) tickets for a charity event at any time, except that
12 tickets to or gifts received at a charity event under this subparagraph are
13 subject to the calendar year limit on the value of gifts received by a
14 legislator or legislative employee in (1) of this subsection; in this
15 subparagraph, "charity event" means an event the proceeds of which go
16 to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3)
17 and that the Alaska Legislative Council has approved in advance; the
18 tickets may entitle the bearer to admission to the event, to entertainment,
19 to food or beverages, or to other gifts or services involved in the charity
20 event.

21 * Sec. 28. AS 24.60.080(c) is amended to read:

22 (c) Notwithstanding (a)(1) [(a)] of this section, it is not a violation of this
23 section for a person who is a legislator or legislative employee to accept

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

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

29 (B) at a social event or meal;

30 (2) discounts that are available

31 (A) generally to the public or to a large class of persons to

1 which the person belongs; or

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

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

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

8 (5) gifts from the immediate family of the person; in this paragraph,
9 "immediate family" means

10 (A) the spouse of the person;

11 (B) the person's domestic partner;

12 (C) a child, including a stepchild and an adoptive child, of
13 the person or of the person's domestic partner;

14 (D) a parent, sibling, grandparent, aunt, or uncle of the
15 person;

16 (E) a parent, sibling, grandparent, aunt, or uncle of the
17 person's spouse or the person's domestic partner; and

18 (F) a stepparent, stepsister, stepbrother, step-grandparent,
19 step-aunt, or step-uncle of the person, the person's spouse, or the person's
20 domestic partner;

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

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

1 (8) a gift of legal services in a matter of legislative concern and a gift
2 of other services related to the provision of legal services in a matter of legislative
3 concern;

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

9 (10) [TICKETS FROM A LOBBYIST FOR A CHARITY EVENT AT
10 ANY TIME, INCLUDING DURING A LEGISLATIVE SESSION, EXCEPT THAT
11 TICKETS TO OR GIFTS RECEIVED AT A CHARITY EVENT UNDER THIS
12 PARAGRAPH ARE SUBJECT TO THE CALENDAR YEAR LIMIT ON THE
13 VALUE OF GIFTS RECEIVED BY A LEGISLATOR OR LEGISLATIVE
14 EMPLOYEE IN (a) OF THIS SECTION; IN THIS PARAGRAPH, "CHARITY
15 EVENT" MEANS AN EVENT THE PROCEEDS OF WHICH GO TO A
16 CHARITABLE ORGANIZATION WITH TAX-FREE STATUS UNDER 26 U.S.C.
17 501(c)(3) AND THAT THE ALASKA LEGISLATIVE COUNCIL HAS APPROVED
18 IN ADVANCE; THE TICKETS MAY ENTITLE THE BEARER TO ADMISSION
19 TO THE EVENT, TO ENTERTAINMENT, TO FOOD OR BEVERAGES, OR TO
20 OTHER GIFTS OR SERVICES INVOLVED IN THE CHARITY EVENT; OR

21 (11) a contribution to a charity event from any person at any time; in
22 this paragraph, "charity event" has the meaning given in (a)(2)(B) [(10)] of this
23 section.

24 * Sec. 29. AS 24.60.080(d) is amended to read:

25 (d) A legislator or legislative employee who accepts a gift under (c)(4) of this
26 section that has a value of \$250 or more shall disclose to the committee, within 30
27 days after receipt of the gift, the name and occupation of the donor and the
28 approximate value of the gift. A legislator or legislative employee who accepts a gift
29 under (c)(8) of this section that the recipient expects will have a value of \$250 or more
30 in the calendar year shall disclose to the committee, within 30 days after receipt of the
31 gift, the name and occupation of the donor, a general description of the matter of

1 legislative concern with respect to which the gift is made, and the approximate value
 2 of the gift. The committee shall maintain a public record of the disclosures it receives
 3 relating to gifts under (c)(4), (c)(8), and (i) [AND (8)] of this section and shall
 4 forward the disclosures to the appropriate house for inclusion in the journal. The
 5 committee shall forward to the Alaska Public Offices Commission copies of the
 6 disclosures concerning gifts under (c)(4), (c)(8), and (i) [AND (8)] of this section that
 7 it receives from legislators and legislative directors. A legislator or legislative
 8 employee who accepts a gift under (c)(6) of this section that has a value of \$250 or
 9 more shall, within 30 days after receiving the gift, disclose to the committee
 10 [ANNUALLY ON OR BEFORE MARCH 15] the name and occupation of the donor
 11 and a description of the gift. The committee shall maintain disclosures relating to gifts
 12 under (c)(6) of this section as confidential records and may only use, or permit a
 13 committee employee or contractor to use, a disclosure under (c)(6) of this section in
 14 the investigation of a possible violation of this section or in a proceeding under
 15 AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record
 16 of a proceeding under AS 24.60.170, the confidentiality provisions of that section
 17 apply to the disclosure.

18 * Sec. 30. AS 24.60.080(i) is amended to read:

19 (i) A legislator or legislative employee who knows or reasonably should know
 20 that an immediate [A] family member has received a gift because of the family
 21 member's connection with the legislator or legislative employee shall disclose for
 22 publication under (d) of this section [REPORT] the receipt of the gift by the family
 23 member to the committee if the gift would have to be disclosed [REPORTED] under
 24 this section if it had been received by the legislator or legislative employee. If [OR IF]
 25 receipt of the gift by a person who is a legislator or legislative employee would be
 26 prohibited under this section, a member of the person's immediate family may not
 27 receive the gift.

28 * Sec. 31. AS 24.60.085 is amended by adding a new subsection to read:

29 (c) During the term for which elected or appointed, a legislator may not,
 30 directly or by authorizing another to act on the legislator's behalf, accept or agree to
 31 accept compensation, except from the State of Alaska, for work associated with

1 legislative action, administrative action, or political action. Notwithstanding
 2 AS 24.60.990, in this subsection, "administrative action" and "legislative action" have
 3 the meanings given in AS 24.45.171.

4 * Sec. 32. AS 24.60.105(a) is amended to read:

5 (a) When a legislator or legislative employee is required to file a disclosure
 6 under this chapter and a date by which the disclosure must be filed is not otherwise set
 7 by statute, the deadline for filing the disclosure shall be 30 days [DEADLINES SET
 8 OUT IN THIS SECTION SHALL APPLY. FOR DISCLOSURE OF A MATTER OR
 9 AN INTEREST THAT BEGAN OR WAS ACQUIRED DURING THE INTERIM
 10 BETWEEN REGULAR LEGISLATIVE SESSIONS, WHETHER OR NOT THE
 11 REGULAR SESSION IS EXTENDED OR THERE IS A SPECIAL SESSION, OR
 12 DURING THE LAST 30 DAYS OF A REGULAR SESSION, THE LEGISLATOR
 13 OR LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE MATTER BY MARCH
 14 15. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR
 15 WAS ACQUIRED DURING A REGULAR LEGISLATIVE SESSION, BUT NOT
 16 DURING THE LAST 30 DAYS OF THE REGULAR SESSION, THE
 17 DISCLOSURE MUST BE MADE WITHIN 30 DAYS] after the commencement of
 18 the matter or interest or the date the legislator or legislative employee first
 19 becomes subject to this chapter, whichever comes later [OR
 20 REPRESENTATION].

21 * Sec. 33. AS 24.60.105 is amended by adding a new subsection to read:

22 (c) In addition to the filing requirements under (a) and (b) of this section, the
 23 disclosures under (b) of this section shall be made annually, in a report filed with the
 24 committee within 30 days after the first day of the regular legislative session.

25 * Sec. 34. AS 24.60 is amended by adding a new section to article 2 to read:

26 **Sec. 24.60.115. Disclosure required of a legislator, legislative employee, or**
 27 **public member of the committee after final day of service.** A person serving as a
 28 legislator, legislative employee, or public member of the committee shall, not later
 29 than 90 days after the person's final day of service as a legislator, legislative employee,
 30 or public member, file a final disclosure of every matter or interest, except for a matter
 31 or interest subject to disclosure under AS 24.60.200, that was subject to disclosure

1 under this chapter while the person was serving, unless the person previously
 2 disclosed the matter or interest and, for that reason, the matter or interest is no longer
 3 subject to disclosure. Nothing in this section excuses the filing of a disclosure or report
 4 as may be required by another section of this chapter.

5 * Sec. 35. AS 24.60.130(n) is amended to read:

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

23 * Sec. 36. AS 24.60.130(o) is amended to read:

24 (o) In this section,

25 (1) "majority organizational caucus" means a group of legislators
 26 who have organized and elected a majority leader and constitute more than 50
 27 percent of the total membership of the house or senate, as appropriate;

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

31 * Sec. 37. AS 24.60.130 is amended by adding a new subsection to read:

1 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
 2 committee alleges a violation of this chapter by a group of legislators that includes a
 3 legislative member of the committee and that member's alternate, the member and
 4 alternate member are disqualified from serving on the committee with regard to the
 5 complaint. If the two disqualified members of the committee are members of the
 6 majority organizational caucus, the presiding officer of the house in which the two
 7 disqualified members serve shall appoint from that house an alternate to serve with
 8 regard to the complaint. If one of the two disqualified legislative members of the
 9 committee is not a member of the majority organizational caucus, the leader of the
 10 minority organizational caucus with the greatest number of members shall appoint
 11 from that house an alternate to serve with regard to the complaint. If a complaint
 12 alleges a violation of this chapter that includes all legislative members of the majority
 13 organizational caucus of one house, the presiding officer of that house shall appoint
 14 from the other house an alternate to serve with regard to the complaint. If the
 15 complaint alleges a violation of this chapter that includes all legislative members of a
 16 minority organizational caucus of one house, the leader of that minority organizational
 17 caucus shall appoint from the other house an alternate to serve with regard to the
 18 complaint.

19 * Sec. 38. AS 24.60.150(a) is amended to read:

20 (a) The committee shall

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

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

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

30 (4) within 10 days of the first day of each regular session of the
 31 legislature and at other times determined by the committee, administer two types

1 of legislative ethics courses that teach means of compliance with this chapter and
 2 are designed to give an understanding of this chapter's purpose under
 3 AS 24.60.010; one course, for returning legislators, legislative employees, or
 4 public members of the committee, shall refresh knowledge and review
 5 compliance issues; a separate course shall be designed to give first-time
 6 legislators, legislative employees, or public members of the committee a
 7 fundamental understanding of this chapter and how to comply with it.

8 * Sec. 39. AS 24.60 is amended by adding a new section to read:

9 Sec. 24.60.155. Legislative ethics course. A person who is a legislator,
 10 legislative employee, or public member of the committee shall complete a legislative
 11 ethics course administered by the committee under AS 24.60.150(a)(4) within 10 days
 12 of the first day of the first regular session of each legislature. However, a person who
 13 first takes office or begins employment after the 10th day of the first regular session of
 14 a legislature shall complete the course required by this section within 30 days after the
 15 person's first day of service and, thereafter, as required by this section. The committee
 16 may grant a person additional time to complete the course required by this section.

17 * Sec. 40. AS 24.60.160 is amended to read:

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

27 (b) An opinion issued under this section is binding on the committee in any
 28 subsequent proceedings concerning the facts and circumstances of the particular case
 29 unless material facts were omitted or misstated in the request for the advisory opinion.
 30 An opinion issued under this section must be issued with sufficient deletions to
 31 prevent disclosing the identity of the person or persons involved. Advisory

1 opinion discussions and deliberations are confidential, unless the requester and
 2 anyone else named in the request who is covered by this chapter waives
 3 confidentiality. The committee's final vote on the advisory opinion is a public
 4 record [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY OPINION
 5 IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN REQUEST
 6 BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH THE
 7 COMMITTEE].

8 * Sec. 41. AS 24.60.170(j) is amended to read:

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

29 * Sec. 42. AS 24.60.176(b) is amended to read:

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

31 (1) the legislative council for employees of the Legislative Affairs

1 Agency and of the legislative council and for legislative employees not otherwise
2 covered under this subsection;

3 (2) the Legislative Budget and Audit Committee for the legislative
4 fiscal analyst and employees of the division of legislative finance, the legislative
5 auditor and employees of the division of legislative audit, and employees of the
6 Legislative Budget and Audit Committee;

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

9 (4) the appropriate rules committee for employees of

10 (A) standing committees of the legislature, other than the
11 finance committees;

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

14 (C) house records and senate records;

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

18 (6) the ombudsman for employees of the office of the ombudsman,
19 other than the ombudsman;

20 (7) the legislature for the ombudsman;

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

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

24 * Sec. 43. AS 24.60.200 is amended to read:

25 Sec. 24.60.200. Financial disclosure by legislators, public members of the
26 committee, and legislative directors. A legislator, a public member of the committee,
27 and a legislative director shall file a disclosure statement, under oath and on penalty of
28 perjury, with the Alaska Public Offices Commission giving the following information
29 about the income received or deferred income, earned or otherwise, to be received
30 by the discloser, the discloser's spouse or domestic partner, the discloser's dependent
31 children, and the discloser's nondependent children who are living with the discloser;

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

3 (A) income received as compensation for personal services;

4 (B) a loan or loan guarantee;

5 (C) gifts;

6 (2) as to income or deferred income in excess of \$1,000 earned or
7 received as compensation for personal services, and as to dividend income or
8 deferred compensation in excess of \$1,000 received from a limited liability
9 company as compensation or deferred compensation for personal services, a
10 statement describing

11 (A) the names [NAME] and addresses [ADDRESS] of the
12 source and the recipient;

13 (B) the amount;

14 (C) whether it was or will be earned by commission, by the
15 job, by the hour, or by some other method;

16 (D) the dates and approximate number of hours worked or
17 to be worked to earn it; and

18 (E) unless required by law to be kept confidential, a
19 description sufficient to make clear to a person of ordinary understanding
20 the nature of each service performed or to be performed and the date the
21 service was performed or will be performed [OF THE INCOME, AND A
22 STATEMENT DESCRIBING THE NATURE OF THE SERVICES
23 PERFORMED; IF THE SOURCE OF INCOME IS KNOWN OR
24 REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL
25 INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL
26 ACTION AND THE RECIPIENT OF THE INCOME IS A LEGISLATOR
27 OR LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME RECEIVED
28 FROM THE SOURCE SHALL BE DISCLOSED];

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

1 and conditions under which the loan or guarantee was given, the amount outstanding
2 at the time of filing, and whether or not a written loan agreement exists.

3 * Sec. 44. 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. In addition, a person subject to
10 this subsection shall, within 90 days after leaving service as a legislator, legislative
11 director, or public member of the committee, file a final report containing the
12 disclosures required of the person by AS 24.60.200 for the period that begins on
13 the last day of the last period for which the person filed a report required by that
14 section and ends on the date of the person's last day of service.

15 * Sec. 45. AS 24.60.210 is amended by adding a new subsection to read:

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

22 * Sec. 46. AS 24.60.250(c) is amended to read:

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

29 * Sec. 47. AS 24.60.990(a)(2) is amended to read:

30 (2) "anything of value," "benefit," or "thing of value" includes all
31 matters, whether tangible or intangible, that could reasonably be considered to be a

1 material advantage, of material worth, use, or service to the person to whom it is
 2 conferred; the terms are intended to be interpreted broadly and encompass all matters
 3 that the recipient might find sufficiently desirable to do something in exchange for;
 4 "anything of value," "benefit," or "thing of value" does not include

5 (A) an item listed in AS 24.60.080(a)(2)(B) or (c);

6 (B) campaign contributions, pledges, political endorsements,
 7 support in a political campaign, or a promise of endorsement or support;

8 (C) contributions to a cause or organization, including a
 9 charity, made in response to a direct solicitation from a legislator or a person
 10 acting at the legislator's direction; or

11 (D) grants under AS 37.05.316 to named recipients;

12 * Sec. 48. AS 24.60.990(a)(7) is amended to read:

13 (7) "income" means an asset that a person has received or expects
 14 to receive [ASSETS THAT ARE RECEIVED], regardless of whether it is [THEY
 15 ARE] earned or unearned; inheritances and other gifts are not income;

16 * Sec. 49. AS 37.10.220(a) is amended by adding a new paragraph to read:

17 (16) administer pension forfeitures required under AS 37.10.310 using
 18 the procedures of AS 44.62 (Administrative Procedure Act).

19 * Sec. 50. AS 37.10 is amended by adding a new section to read:

20 **Sec. 37.10.310. Pension forfeiture to preserve public trust in government.**

21 (a) A public officer, as defined in AS 39.52.960, a legislator, or a person employed as
 22 a legislative director, as that term is defined in AS 24.60.990, who is convicted of a
 23 federal or state felony offense of bribery, receiving a bribe, perjury, subornation of
 24 perjury, scheme to defraud, fraud, mail fraud, misuse of funds, corruption, or tax
 25 evasion may not receive a state pension benefit if the offense was committed on or
 26 after the effective date of this section and was in connection with the person's official
 27 duties.

28 (b) Pension benefits and employee contributions that accrue to a person before
 29 the date of the person's commission of the offense described in (a) of this section are
 30 not diminished or impaired by that subsection.

31 (c) A state pension benefit under (a) of this section does not include

1 (1) insurance, voluntary wage reductions, involuntary wage reductions,
2 or supplemental or health benefits under AS 39.30.090 - 39.30.495 or former
3 AS 39.37.145;

4 (2) member or employee contributions under AS 14.25.050, 14.25.055,
5 14.25.075, 14.25.340, 14.25.360(a), AS 22.25.011, AS 39.35.160, 39.35.165(f),
6 39.35.180, 39.35.730, 39.35.760(a), or former AS 39.37.070.

7 (d) In a pension forfeiture matter under this section, the board may award to a
8 spouse, dependent, or former spouse of the person governed by the limitations in (a) of
9 this section some or all of the amount that, but for the forfeiture under (a) of this
10 section, may otherwise be payable. In determining whether to make an award under
11 this subsection, the board shall consider the totality of circumstances, including

12 (1) the role, if any, of the person's spouse, dependent, or former spouse
13 in connection with the illegal conduct for which the person was convicted; and

14 (2) the degree of knowledge, if any, possessed by the person's spouse,
15 dependent, or former spouse in connection with the illegal conduct for which the
16 person was convicted.

17 * Sec. 51. AS 39.35.300(a) is amended to read:

18 (a) An active employee is entitled to credited service for periods of
19 employment with the state after January 1, 1961, regardless of the office, department,
20 division, or agency of the state in which the person was employed. For purposes of
21 AS 39.35.095 - 39.35.680, the University of Alaska is not an office, department,
22 division, or agency of the state. Service credit may not be granted under AS 39.35.095
23 - 39.35.680 for service that is creditable under the teachers' retirement system,
24 AS 14.25, or for a person's service as a public officer, as defined in AS 39.52.960,
25 a legislator, or a legislative director, if the service occurs on or after the date the
26 person commits a criminal offense from which a pension forfeiture under
27 AS 37.10.310 results.

28 * Sec. 52. AS 39.35 is amended by adding a new section to read:

29 **Sec. 39.35.672. Pension forfeiture.** The provisions of AS 37.10.310 apply to
30 pension benefits under AS 39.35.095 - 39.35.680.

31 * Sec. 53. AS 39.35 is amended by adding a new section to read:

1 **Sec. 39.35.932. Pension forfeiture.** The provisions of AS 37.10.310 apply to
2 pension benefits under AS 39.35.700 - 39.35.990.

3 * **Sec. 54.** AS 39.50.020 is amended to read:

4 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
5 official other than the governor or the lieutenant governor shall file a statement giving
6 income sources and business interests, under oath and on penalty of perjury, within 30
7 days after taking office as a public official. Candidates for state elective office other
8 than a candidate who is subject to AS 24.60 shall file the statement with the director of
9 elections at the time of filing a declaration of candidacy or a nominating petition or
10 becoming a candidate by any other means. Candidates for elective municipal office
11 shall file the statement at the time of filing a nominating petition, declaration of
12 candidacy, or other required filing for the elective municipal office. Refusal or failure
13 to file within the time prescribed shall require that the candidate's filing fees, if any,
14 and filing for office be refused or that a previously accepted filing fee be returned and
15 the candidate's name removed from the filing records. A statement shall also be filed
16 by public officials no later than March 15 in each following year. On or before the
17 90th day after leaving office, a former public official shall file a final statement
18 covering any period during the official's service in that office for which the public
19 official has not already filed a statement. Persons who are members of boards or
20 commissions not named in AS 39.50.200(b) are not required to file financial
21 statements.

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

30 * **Sec. 55.** AS 39.50.030(b) is amended to read:

31 (b) Each statement filed by a public official or candidate under this chapter

1 must include the following:

2 (1) for [THE SOURCE OF] all sources of income over \$1,000
 3 [\$5,000] during the preceding calendar year, including taxable [AND
 4 NONTAXABLE] capital gains, and for all gifts from a single source with a
 5 cumulative value exceeding \$250 in a calendar year, received by the person, the
 6 person's spouse or domestic partner, or the person's dependent child,

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

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

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

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

12 (E) the approximate number of hours worked to earn the
 13 income; and

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

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

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

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

1 (5) any loan or loan guarantee of more than \$1,000 [\$5,000] made to
 2 the person, the person's spouse or domestic partner, or the person's dependent child,
 3 and the identity of the maker of the loan or loan guarantor and the identity of each
 4 creditor to whom the person, the person's spouse or domestic partner, or the person's
 5 dependent child owed more than \$1,000 [\$5,000]; this paragraph requires disclosure of
 6 a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the
 7 indebtedness incurred, during the preceding calendar year, or if the amount still owing
 8 on the loan, loan guarantee, or indebtedness was more than \$1,000 [\$5,000] at any
 9 time during the preceding calendar year;

10 (6) a list of all contracts and offers to contract with the state or an
 11 instrumentality of the state during the preceding calendar year held, bid, or offered by
 12 the person, the person's spouse or domestic partner, or the person's dependent child, a
 13 partnership, limited liability company, or professional corporation of which the
 14 person is a member, or a corporation in which the person or the person's spouse,
 15 domestic partner, or dependent child [CHILDREN], or a combination of them, hold a
 16 controlling interest; and

17 (7) a list of all mineral, timber, oil, or any other natural resource lease
 18 held, or lease offer made, during the preceding calendar year by the person, the
 19 person's spouse or domestic partner, or the person's dependent child, a partnership,
 20 limited liability company, or professional corporation of which the person is a
 21 member, or a corporation in which the person or the person's spouse, [OR] domestic
 22 partner, or dependent child [CHILDREN], or a combination of them, holds a
 23 controlling interest.

24 * Sec. 56. AS 39.50.030(h) is amended to read:

25 (h) In this section,

26 (1) [REPEALED

27 (2)] "close economic association" means a financial relationship that
 28 exists between a public official required to disclose a close economic association
 29 under (d) of this section and some other person or entity, including a relationship
 30 where the public official serves as a consultant or advisor to, is a member or
 31 representative of, or has a financial interest in an association, partnership, limited

1 liability company, business, or corporation;

2 (2) [(5)] "lobbyist" has the meaning given in AS 24.60.990(a);

3 (3) [(4)] "public officer" has the meaning given in AS 39.52.960.

4 * Sec. 57. AS 39.50.040 is amended to read:

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

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

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

21 (2) the trustee shall be a bank, trust company, or other institutional
22 fiduciary;

23 (3) the trustee shall have full authority to manage the trust, including
24 the purchase, sale, and exchange of its assets in accordance with fiduciary principles
25 and, without exception under any circumstances, notwithstanding this section,
26 the prudent investment rule set out in AS 13.36.230 - 13.36.290;

27 (4) the trust instrument shall contain a clear statement that its
28 purpose is to remove from the settlor control and knowledge of investment of
29 trust assets so that conflicts between the settlor's responsibilities and duties as a
30 public official and the settlor's personal or financial interests will be eliminated
31 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS

1 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
2 DURATION OF THE TRUST];

3 (5) during the term of the trust, a settlor or other beneficiary of the
4 trust may not communicate with the trustee except in writing and only regarding
5 (A) a request for a distribution in cash or another unspecified asset of the trust,
6 (B) the general financial requirements regarding distributions from the trust as a
7 whole, (C) direction to the trustee that, because a law, executive order, or
8 regulation prohibits the settlor from holding an asset, the asset may not be held
9 by the trust. (D) direction to the trustee to sell all of an asset initially placed in the
10 trust because the settlor has determined the sale is necessary to avoid a conflict of
11 interest, the appearance of impropriety, or an ethical violation; quarterly the
12 trustee may provide to the settlor a written report of the aggregate market value
13 of the trust's assets and property but may not disclose to the settlor or other
14 beneficiary of the trust, or any other interested party, any information about the
15 identity and nature of any of the assets in the trust, and the trustee shall be
16 required to report any known breach of this confidentiality [OR THE
17 TERMINATION OF THE TRUST TO THE OFFICE WHERE THE TRUSTOR IS
18 REQUIRED TO FILE STATEMENTS UNDER THIS CHAPTER]; [AND]

19 (6) the trust shall terminate only upon order of the commission,
20 the death or incompetence of the settlor, the termination of the settlor's status as
21 a public official, or upon revocation approved in advance by the commission; the
22 trustee shall be required to promptly report any termination of the trust to the
23 commission;

24 (7) the trustee shall prepare the income tax return of the trust and
25 may participate in the audit of the trust's returns with authority to compromise :
26 tax liability of the trust, but may not disclose the return or information related to
27 the return, except promptly after the close of each taxable year of the trust the
28 trustee shall provide the settlor with an annual report summarizing information
29 concerning the trust, including net income or loss, expenses, capital gains, and
30 capital losses of the trust, as necessary to enable the settlor to prepare and file tax
31 returns required by law; however, the summary may not directly or indirectly

1 identify a security or other property that is an asset or former asset of the trust;

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

5 (9) for the duration of the trust, a settlor or other beneficiary may
6 not pledge, mortgage, or otherwise encumber a person's interests in an asset that
7 is part of the trust, the settlor may not retain control over the trustee, and the
8 settlor is not permitted to make any recommendations or suggestions as to the
9 trust property;

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

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

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

22 * Sec. 58. AS 39.50.040 is amended by adding new subsections to read:

23 (c) A quarterly report of aggregate market value under this section may
24 include, in addition to the aggregate market value of the trust's assets and property, the
25 percentage of that aggregate market value attributable to the settlor and each
26 beneficiary, by name. Within 30 days after receipt from the trustee of the quarterly
27 report of aggregate market value, the settlor may, notwithstanding the limitations on a
28 communication's subject under (b) of this section, provide a written instruction to the
29 trustee that, with respect to the trust as a whole and not a particular asset or property of
30 the trust, the settlor prefers that the trustee adopt an investment approach that is
31 conservative, moderate, or aggressive.

1 (d) A person initiating a written communication under this section shall cause
2 a copy of the communication to be filed with the commission within five days after the
3 date of the communication.

4 (e) The trustee shall maintain and make available for inspection by the
5 commission at the commission's request the trust's tax returns, books of account, and
6 other records and, on or before May 15 of each year, shall file with the commission a
7 notarized document certifying compliance with this section for the preceding calendar
8 year.

9 (f) Except as permitted by this section, the trustee shall make no accounting to
10 the settlor until the date the trust terminates, and, following the termination, the trustee
11 shall promptly make a full accounting to the settlor and turn over to the settlor all
12 assets remaining in the trust at termination.

13 (g) The trustee may not at any time be held liable for an act or omission of the
14 trustee or for any loss or depreciation of the value of an asset or property of the trust
15 unless the trustee fails to exercise good faith, due diligence, and the ordinary skill,
16 care, and judgment a prudent fiduciary would exercise.

17 * Sec. 59. AS 39.50.050(a) is amended to read:

18 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
19 shall administer the provisions of this chapter. The commission shall prepare and keep
20 available for distribution standardized forms on which the reports required by this
21 chapter shall be filed. The commission shall print the forms provided under this
22 section so that the front and back of each page have the same orientation when the
23 page is rotated on the vertical axis of the page. The commission shall require [MAY
24 REQUEST] that the information required under this chapter, unless it is information
25 required of a municipal officer, be submitted electronically but may, when
26 circumstances warrant an exception, [SHALL] accept any information required
27 under this chapter that is typed in clear and legible black typeface or hand-printed in
28 dark ink on paper in a format approved by the commission or on forms provided by
29 the commission and that is filed with the commission. A municipal officer shall
30 submit information required under this chapter electronically, typed, or hand-
31 printed in the manner described in this subsection.

1 * Sec. 60. AS 39.50.050(a), as amended by sec. 59 of this Act, is amended to read:

2 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
 3 shall administer the provisions of this chapter. The commission shall prepare and keep
 4 available for distribution standardized forms on which the reports required by this
 5 chapter shall be filed. The commission shall print the forms provided under this
 6 section so that the front and back of each page have the same orientation when the
 7 page is rotated on the vertical axis of the page. The commission shall require that the
 8 information required under this chapter [, UNLESS IT IS INFORMATION
 9 REQUIRED OF A MUNICIPAL OFFICER,] be submitted electronically but may,
 10 when circumstances warrant an exception, accept any information required under this
 11 chapter that is typed in clear and legible black typeface or hand-printed in dark ink on
 12 paper in a format approved by the commission or on forms provided by the
 13 commission and that is filed with the commission. A municipal officer for a
 14 municipality with a population of less than 15,000 shall submit information
 15 required under this chapter either electronically or typed or hand-printed in the manner
 16 described in this subsection.

17 * Sec. 61. AS 39.50.200(a), (10) is amended to read:

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

28 * Sec. 62. AS 39.50.200(b) is amended by adding new paragraphs to read:

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

30 (60) the board of directors of the Knik Arm Bridge and Toll Authority
 31 (AS 19.75.031 and 19.75.041);

1 (61) Alaska labor relations agency (AS 23.05.360 - 23.05.390);

2 (62) the Board of Trustees of the Alaska Mental Health Trust
3 Authority (AS 47.30.016);

4 (63) the board of directors of the Alaska Railroad Corporation
5 (AS 42.40.020 - 42.40.060).

6 * Sec. 63. AS 39.52.110 is amended by adding a new subsection to read:

7 (d) Stock or other ownership interest in a business is presumed insignificant if
8 the value of the stock or other ownership interest, including an option to purchase an
9 ownership interest, is less than \$5,000.

10 * Sec. 64. AS 39.52.120(b) is amended to read:

11 (b) A public officer may not

12 (1) seek other employment or contracts through the use or attempted
13 use of official position;

14 (2) accept, receive, or solicit compensation for the performance of
15 official duties or responsibilities from a person other than the state;

16 (3) use state time, property, equipment, or other facilities to benefit
17 personal or financial interests;

18 (4) take or withhold official action in order to affect a matter in which
19 the public officer has a personal or financial interest;

20 (5) attempt to benefit a personal or financial interest through coercion
21 of a subordinate or require another public officer to perform services for the private
22 benefit of the public officer at any time; or

23 (6) use or authorize the use of state funds, facilities, equipment,
24 services, or another government asset or resource for partisan political purposes; this
25 paragraph does not prohibit use of the governor's residence for meetings to discuss
26 political strategy and does not prohibit use of state aircraft or the communications
27 equipment in the governor's residence so long as there is no [SPECIAL] charge to the
28 state for the use; in this paragraph, "for partisan political purposes"

29 (A) means having the intent to differentially benefit or harm a

30 (i) candidate or potential candidate for elective office;

31 or

1 (ii) political party or group;

2 (B) but does not include having the intent to benefit the public
3 interest at large through the normal performance of official duties.

4 * Sec. 65. AS 39.52.120 is amended by adding a new subsection to read:

5 (f) Use of state aircraft for partisan political purposes is permitted under (b) of
6 this section only when the use is collateral or incidental to the normal performance of
7 official duties and does not exceed 10 percent of the total of the use of the aircraft for
8 official purposes and partisan political purposes, combined, on a single trip. A public
9 officer who authorizes or makes any partisan political use of a state aircraft under (b)
10 of this section shall disclose the authorization and use under AS 39.52.210 or
11 39.52.220 for each trip, and the person who uses the aircraft shall reimburse the state
12 for the proportionate share of the actual cost of the use.

13 * Sec. 66. AS 39.52.130(a) is amended to read:

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

24 * Sec. 67. AS 39.52.180(a) is amended to read:

25 (a) A public officer who leaves state service may not, for two years after
26 leaving state service, represent, advise, or assist a person for compensation regarding a
27 matter that was under consideration by the administrative unit served by that public
28 officer, and in which the officer participated personally and substantially through the
29 exercise of official action. For the purposes of this subsection, "matter" includes a
30 case, proceeding, application, contract, [OR] determination, [BUT DOES NOT
31 INCLUDE THE] proposal or consideration of a legislative bill [BILLS], a resolution,

1 a [RESOLUTIONS AND] constitutional amendment [AMENDMENTS], or other
2 legislative measure, [MEASURES;] or [THE] proposal, consideration, or adoption of
3 an administrative regulation [REGULATIONS].

4 * Sec. 68. AS 39.52.180(d) is amended to read:

5 (d) An individual who formerly held a position listed in this subsection [A
6 FORMER GOVERNOR, LIEUTENANT GOVERNOR, OR HEAD OF A
7 PRINCIPAL DEPARTMENT IN THE EXECUTIVE BRANCH] may not engage in
8 activity as a lobbyist under AS 24.45 for a period of one year after leaving that
9 position [SERVICE AS THE GOVERNOR, LIEUTENANT GOVERNOR, OR
10 DEPARTMENT HEAD, AS APPROPRIATE]. This subsection does not prohibit
11 service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational
12 lobbyist as defined under regulations of the Alaska Public Offices Commission. This
13 subsection applies to the position of

14 (1) governor;

15 (2) lieutenant governor;

16 (3) head or deputy head of a principal department in the executive
17 branch;

18 (4) director of a division or legislative liaison within a principal
19 department in the executive branch;

20 (5) legislative liaison, administrative assistant, or other employee
21 of the Office of the Governor or Office of the Lieutenant Governor in a policy-
22 making position;

23 (6) member of a state board or commission that has the authority
24 to adopt regulations, other than a board or commission named in AS 08.01.010;

25 (7) member of the governing board and executive officer of a state
26 public corporation.

27 * Sec. 69. AS 39.52.180 is amended by adding new subsections to read:

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

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

6 (f) In this section, "employee of the Office of the Governor in a policy-making
 7 position" means a person who is an employee required, because of the person's
 8 position in the Office of the Governor, to file a statement under AS 39.50.020.

9 * Sec. 70. AS 39.52 is amended by adding a new section to read:

10 **Sec. 39.52.225. Disclosures in connection with executive clemency.** Before
 11 granting executive clemency to an applicant for executive clemency, the governor
 12 shall disclose in writing to the attorney general whether granting the clemency would
 13 benefit a personal or financial interest of the governor. The attorney general shall
 14 publish a written determination whether granting executive clemency to the applicant
 15 would violate AS 39.52.110 - 39.52.190. The written determination of the attorney
 16 general is not confidential, but information set out in that determination identifying a
 17 person, other than the applicant for clemency, who is a victim or witness in a criminal
 18 matter may not be made public.

19 * Sec. 71. AS 39.52.910 is amended by adding a new subsection to read:

20 (d) Nothing in this chapter

21 (1) supersedes AS 39.90.020; or

22 (2) precludes an immediate family member of a public employee from
 23 employment in the same agency or administrative unit as that public employee, so
 24 long as the public employee does not have authority to take or withhold official action
 25 affecting the terms or conditions of the immediate family member's employment in a
 26 manner that violates state law.

27 * Sec. 72. AS 39.52.960(14) is amended to read:

28 (14) "official action" means advice, participation, or assistance,
 29 including, for example, a recommendation, decision, approval, disapproval, vote, or
 30 other similar action, including inaction, by a public officer;

31 * Sec. 73. AS 44.17 is amended by adding a new section to read:

1 **Sec. 44.17.090. Restriction on who may serve.** (a) An individual who is a
 2 lobbyist, or was a lobbyist at any time in the one year preceding the date the individual
 3 is appointed to serve in a state position, may not serve as a

4 (1) head or deputy head of a principal department in the executive
 5 branch;

6 (2) director of a division or legislative liaison within a principal
 7 department in the executive branch;

8 (3) legislative liaison, administrative assistant, or other employee of
 9 the Office of the Governor or Office of the Lieutenant Governor in a policy-making
 10 position;

11 (4) member of a state board or commission that has the authority to
 12 adopt regulations, other than a board or commission named in AS 08.01.010; or

13 (5) member of the governing board and executive officer of a state
 14 public corporation.

15 (b) This section does not prohibit an individual from serving in any state
 16 position solely because the individual was a representational lobbyist as defined under
 17 regulations of the Alaska Public Offices Commission or a volunteer lobbyist as
 18 defined in AS 24.45.161(a)(1) during the time period prescribed in (a) of this section.

19 (c) In this section, "lobbyist" has the meaning given in AS 24.45.171.

20 * **Sec. 74.** AS 44.62.330(a) is amended by adding a new paragraph to read:

21 (47) the Alaska Retirement Management Board for administration of
 -- pension forfeitures under AS 37.10.310.

23 * **Sec. 75.** AS 24.60.037(d) and 24.60.080(k) are repealed.

24 * **Sec. 76.** The uncodified law of the State of Alaska is amended by adding a new section to
 25 read:

26 **APPLICABILITY.** (a) AS 11.56.124, added by sec. 1 of this Act, and the amendment
 27 of AS 11.56.130(1) made by sec. 2 of this Act apply to offenses occurring on or after the
 28 effective date of secs. 1 and 2 of this Act.

29 (b) AS 39.52.180(a), as amended by sec. 67 of this Act, applies to a person who
 30 leaves state service on or after the effective date of sec. 67 of this Act.

31 (c) AS 39.52.180(d), as amended by sec. 68 of this Act, applies to a person who

#8

#1

1 leaves service in a position described in AS 39.52.180(d), as amended by sec. 68 of this Act,
2 on or after the effective date of sec. 68 of this Act.

3 (d) AS 39.52.180(e) and (f), as added by sec. 69 of this Act, apply to a department
4 head or employee of the Office of the Governor who is required to file a statement under
5 AS 39.50.020 who leaves employment as a department head or employee of the Office of the
6 Governor who is required to file a statement under AS 39.50.020 on or after the effective date
7 of sec. 69 of this Act.

8 (e) Notwithstanding AS 24.60.150(a), as amended by sec. 38 of this Act, the Select
9 Committee on Legislative Ethics is required to offer only one type of ethics course in 2008,
10 and all legislators, legislative employees, and public members of the committee shall attend as
11 required by AS 24.60.155, as added by sec. 39 of this Act.

12 * Sec. 77. The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 **APPLICABILITY TO ELECTED PUBLIC OFFICERS' RETIREMENT SYSTEM.**

15 The provisions of AS 37.10.310, added by sec. 50 of this Act, apply to benefits under former
16 AS 39.37 (elected public officers' retirement system).

17 * Sec. 78. Sections 8, 45, and 60 of this Act take effect January 1, 2009.

18 * Sec. 79. Section 59 of this Act takes effect July 1, 2007.

19 * Sec. 80. Except as provided in secs. 78 and 79 of this Act, this Act takes effect
20 immediately under AS 01.10.070(c).

SENATE CS FOR CS FOR HOUSE BILL NO. 109(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to bribery, receiving unlawful gratuities, and campaign contributions;
2 denying public employee retirement pension benefits to certain legislators, legislative
3 directors, and public officers who commit certain offenses, and adding to the duties of
4 the Alaska Retirement Management Board and to the list of matters governed by the
5 Administrative Procedure Act concerning that denial; relating to campaign financing
6 and ethics, including disclosures, in state and municipal government, to lobbying, and to
7 employment, service on boards, and disclosures by certain public officers and employees
8 who leave state or municipal service or leave certain positions in state or municipal
9 government; restricting representation of others by legislators; relating to blind trusts
10 approved by the Alaska Public Offices Commission; and providing for an effective
11 date."

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

1 involving moral turpitude in this state [IN THIS PARAGRAPH, "DOMESTIC
2 PARTNER" HAS THE MEANING GIVEN IN AS 39.50.200(a)].

3 * Sec. 13. AS 24.45.041 is amended by adding new subsections to read:

4 (i) A person may not register if the person has been previously convicted of a
5 felony involving moral turpitude in violation of a law of this state or the law of
6 another jurisdiction with elements similar to a felony involving moral turpitude in this
7 state.

8 (j) In this section,

9 (1) "felony involving moral turpitude" has the meaning given in
10 AS 15.60.010;

11 (2) "previously convicted" means the defendant entered a plea of
12 guilty, no contest, or nolo contendere, or has been found guilty by a court or jury;
13 "previously convicted" does not include a conviction that has been set aside under
14 AS 12.55.085 or a similar procedure in another jurisdiction, or that has been reversed
15 or vacated by a court.

16 * Sec. 14. AS 24.45.051 is amended by adding a new subsection to read:

17 (b) A lobbyist required to report to the commission under (a) of this section,
18 who provides or pays for food or beverage for immediate consumption by a legislator
19 or legislative employee or a member of the immediate family of a legislator or
20 legislative employee shall report the date the food or beverage was provided or paid
21 for and the recipient's name and relationship to the legislator or legislative employee,
22 unless the food and beverage

23 (1) cost \$30 or less; or

24 (2) are provided as part of an event that is open to all legislators and
25 legislative employees.

26 * Sec. 15. AS 24.45.121(a) is amended to read:

27 (a) A lobbyist may not

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

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

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.

SARAH PALIN
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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 black ink and is positioned above the printed name and title.

Sarah Palin
Governor

"camps" in paragraph (2) and "card" for "record" in paragraph (8) and made a stylistic change.

Legislative history reports. — For governor's

transmittal letter on SB 303, which became ch. 111, SLA 1994, and amended (10) [now paragraph (3)] of this section, see 1994 Senate Journal 2793 — 2796.

NOTES TO DECISIONS

I. General Consideration.

II. Residence Address.

I. GENERAL CONSIDERATION.

Military personnel as a class cannot be deprived of the right to vote, and they cannot be arbitrarily eliminated in a population base used to design an apportionment scheme. Egan v. Hammond, 502 P.2d 856 (Alaska 1972).

Therefore, civilian-military distinction in Alaska Const., art. VI, § 3 is unconstitutional. — See Egan v. Hammond, 502 P.2d 856 (Alaska 1972).

But some military may be excluded. — While the clause of Alaska Const., art. VI, § 3 seeking to exclude military as a class is unconstitutional, that is not to say that some military cannot be excluded as a permissible device for limiting the impact of transients and nonresidents on legislative districting. Egan v. Hammond, 502 P.2d 856 (Alaska 1972).

Exclusive use of census requirement for determining civilian population is void. — The provision in Alaska Const., art. VI, § 3, requiring exclusive use of the census in determining civilian population for reapportionment would not have been enacted independently of the void reference to "civilian population," and therefore also falls. Egan v. Hammond, 502 P.2d 856 (Alaska 1972).

Requirement for residency in district. — Votes for state representative cast by voters in an election district from which they had moved were not counted, where, even though they had failed to reregister in their new district, election officials had written notice of a change in their residency. Cissna v. Stout, 931 P.2d 363 (Alaska 1996).

When election officials have written notice of a change in residency, this notice suffices to rebut the presumption of voter residency at the district where that voter previously registered. Cissna v. Stout, 931 P.2d 363 (Alaska 1996).

II. RESIDENCE ADDRESS.

Paragraph (10) [now renumbered as paragraph (8)] does not apply to municipal elections. Miller v. North Pole City Council, 532 P.2d 1013 (Alaska 1975).

Post office box or private mail service address is clearly not a voter's fixed place of habitation and is therefore insufficient to fix a voter's residence within a voting district. Thus, any voter providing

such an address as his or her residence would be ineligible to vote unless he or she provided additional information regarding that voter's residence. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

Elmendorf Air Force Base is a bounded area wholly within Senate District II. Thus, merely listing "Elmendorf Air Force Base" is sufficient to fix a voter's residence to a specific locale within District II. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

Voter ineligibility because of failure to update official voter residence. — A voter who was originally registered outside the district who later moved within the district and never updated his official voter residence address may not vote within the district. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

A voter who moved to a residence outside his existing voting district in 1982 was not entitled to vote in his previous district in 1986. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

Disqualification of absentee ballots on basis of oath. — Absentee ballots must be returned in a special envelope which contains an oath that the voter is a qualified voter in all respects, which includes a space for the absentee voter to fill in his or her "permanent Alaskan residence." Since the absentee voter oath is a "form prepared by the director" where challenged absentee voters each had indicated on such an envelope oath a residence outside the district, these ballots should not have been counted. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

The federal government's absentee ballot application form is not considered an affidavit of change of residence under paragraph (10) [now renumbered as paragraph (8)] of this section. Willis v. Thomas, 600 P.2d 1079 (Alaska 1979).

There was no error in counting the votes of absentee voters who reported a nonmilitary permanent residence in a different district. Willis v. Thomas, 600 P.2d 1079 (Alaska 1979).

Where candidate contested a ballot of voter alleged to have registered using a nonexistent address, but no evidence was produced indicating that voter did not reside at her listed address at the time of registering, and the voter did not provide the affidavit required to rebut the presumption of residency provided by paragraph (10) [now renumbered as paragraph (8)], her ballot was properly counted. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

Collateral references. — State voting rights of residents of military establishments. 34 ALR2d 1193.

Residence of students for voting purposes. 44 ALR3d 797.

Propriety of using census data as basis for governmental regulations or activities. 56 ALR5th 171.

Sec. 15.05.030. Loss and restoration of voting rights. (a) A person convicted of a crime that constitutes a felony involving moral turpitude under state or federal law may not vote in a state, federal, or municipal election from the date of the conviction through

the date of the unconditional discharge of the person. Upon the unconditional discharge, the person may register under AS 15.07.

(b) The commissioner of corrections shall establish procedures by which a person unconditionally discharged is advised of the voter registration requirements and procedures. (§ 1.03 ch 83 SLA 1960; am § 4 ch 100 SLA 1980; am § 1 ch 85 SLA 1986; am § 3 ch 111 SLA 1994)

Revisor's notes. — Under § 48, E.O. 55, "commissioner of corrections" was substituted for "commissioner of health and social services" in 1984 in subsection (b) of this section.

Cross references. — For definition of "felony involving moral turpitude," see AS 15.60.010; for definition of "unconditional discharge," see AS 15.60.010.

Legislative history reports. — For governor's transmittal letter on SB 303, which became ch. 111, SLA 1994, and amended (a) of this section, see 1994 Senate Journal 2793 — 2796.

Opinions of attorney general. — For a list of crimes which constitute felonies involving moral turpitude, see Nov. 7, 1980 Op. Att'y Gen.

A person under a sentence of imprisonment, whose conviction of a felony involving moral turpitude is the subject of an appeal, may not be a candidate for a seat on the school board of a rural educational attendance area, August 17, 1982 Op. Att'y Gen.

One whose conviction is on appeal may neither vote nor run for public office, June 27, 1983 Op. Att'y Gen.

A member of an REAA school board loses his or her seat upon conviction pending appeal. Upon conviction, the board member loses voter status and is thereby disqualified from holding the seat. The members of

the board should entertain a motion to declare the seat vacant. If the motion passes, the remaining members may then fill the vacancy in accordance with former AS 14.08.041(e) and AS 14.12.070, June 27, 1983 Op. Att'y Gen.

The law currently prohibits the following classes of felons from voting or seeking elective office: (1) Persons convicted of crimes involving moral turpitude who are currently imprisoned; (2) Persons convicted of crimes involving moral turpitude who are on probation or parole; and (3) Persons convicted of crimes involving moral turpitude who received suspended sentences or suspended impositions of sentences that have not expired, January 29, 1985 Op. Att'y Gen.

Collateral references. — What constitutes "conviction" within constitutional or statutory provision disqualifying one convicted of crime. 36 ALR2d 1238.

Effect of conviction under federal law, or law of another state or country, on right to vote or hold public office. 39 ALR3d 303.

What constitutes conviction within statutory or constitutional provision making conviction of crime ground of disqualification for, removal from, or vacancy in, public office. 10 ALR5th 139.

Sec. 15.05.040. Voter disqualification for unsound mind. [Repealed, § 49 ch 86 SLA 1996.]

Chapter 07. Registration of Voters.

Section

- 10. Who may vote
- 30. Who may register
- 40. Time for registration
- 50. Manner of registration; party affiliation
- 55. Voter registration agencies
- 60. Required registration information
- 64. Information required for voter registration
- 70. Procedure for registration
- 75. Voters unaffiliated with a political party
- 81. Registration officers
- 90. Voting after change of name; reregistration; amendment or transfer of registration
- 100. Registration officials
- 120. Custody of registers

Section

- 125. Official registration list
- 127. Preparation of master register
- 130. Voter registration list maintenance
- 135. Cancellation of registration of convicted persons
- 137. Voting information from municipalities
- 140. General administrative supervision by director
- 150. Appeals from denial of registration
- 160. Unlawful action
- 180. Fees prohibited
- 190. Violation of AS 15.07.180
- 195. Certain information in voter registration records confidential
- 200. Registration supervision

Collateral references. — 25 Am. Jur. 2d, Elections, § 1 et seq.

29 C.J.S., Elections, §§ 36-52.

Sec. 15.07.010. Who may vote. The precinct election officials at any election shall allow a person to vote whose name is on the official registration list for that precinct and who is qualified under AS 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot. (§ 2 ch 211 SLA 1968; am § 5 ch 116 SLA 1972; am § 5 ch 100 SLA 1980; am § 3 ch 82 SLA 2000)

Sec. 15.60.005. Readability of certain election materials. (a) The policy of the state is to prepare a ballot proposition that is clear, concise, and easily readable. The form of each ballot proposition shall be scored under (c) of this section. The policy of the state is to prepare a ballot proposition that is scored at approximately 60.

(b) Each neutral summary prepared for the voter's pamphlet shall be scored under (c) of this section. The policy of the state is to prepare a neutral summary that is scored at approximately 60.

(c) A ballot proposition or neutral summary shall be scored using the following procedures:

- (1) disregard numbers;
- (2) multiply the average sentence length in words by 1.015;
- (3) multiply the average number of syllables for each 100 words by .846;
- (4) subtract the total of (2) and (3) from 206.835.

(d) A court may not enjoin the conduct or results of an election for a failure to comply with (a) or (b) of this section. (§ 4 ch 104 SLA 1988)

Sec. 15.60.007. Sale of voter registration and election management software. The director may sell voter registration and election management system data processing software. (§ 18 ch 36 SLA 1990)

Sec. 15.60.008. Recognized political party status. (a) A political group that the director has not recognized as a political party may obtain recognized political party status if, on or before May 31 of the election year for which the political group seeks recognition, the political group

- (1) files an application with the director;
- (2) submits bylaws to the director and the United States Department of Justice as required of political parties in AS 15.25.014; and
- (3) meets the definition of a political party in AS 15.60.010.

(b) The director shall verify that each political group seeking recognized political party status under (a) of this section and each recognized political party meets the definition of a political party in AS 15.60.010.

(c) The director shall perform a verification described in (b) of this section at least once a month after the date of certification of the preceding general election, except that the director may suspend the monthly verifications on and after June 1 and before November 30 of a general election year. For purposes of (b) of this section, the director shall verify that the voters who have submitted registration forms to the division of elections are qualified under AS 15.05.010 and have declared affiliation with the political group or recognized political party for which the verification is performed.

(d) Within 10 days after a verification under (c) of this section, the director shall provide to a political group seeking recognized political party status under (a) of this section written notification when the political group has obtained recognized political party status.

(e) The director may not withdraw recognized political party status from a political group that no longer qualifies as a political party until after the first verification after a general election at which a governor was elected. The director shall notify the political group in writing of the withdrawal of recognition. (§ 56 ch 2 FSSLA 2005)

Effective dates. — Section 56, ch. 2, FSSLA 2005, which enacted this section, took effect on September 22, 2005.

* **Sec. 15.60.010. Definitions.** In this title, unless the context otherwise requires, *

- (1) "absentee voting official" means a person appointed to serve as an absentee voting official in accordance with AS 15.20.045;

(2) "ballot" means any document provided by the director on which votes may be cast for candidates, propositions, or questions;

(3) "director" means the director of elections who is the chief elections officer of the state appointed in accordance with AS 15.10.105(a);

(4) "division" means the division of elections created under AS 15.10.105;

(5) "election board" means the board appointed in accordance with AS 15.10.120;

(6) "election official" means election board members, members of counting or review boards, employees of the division of elections, and absentee voting officials;

(7) "electronically generated ballot" means any ballot other than a paper ballot that is physically marked by the voter using a writing instrument or a mechanical device;

(8) "federal election" means a general, special, or primary election held solely or in part for the purpose of selecting, nominating or electing a candidate for the office of President, Vice-President, presidential elector, United States senator, or United States representative;

* (9) "felony involving moral turpitude" includes those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheme to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape, promoting contraband, interference with official proceedings, receiving a bribe by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical evidence, hindering prosecution, terroristic threatening, riot, criminal possession of explosives, unlawful furnishing of explosives, promoting prostitution, criminal mischief, misconduct involving a controlled substance or an imitation controlled substance, permitting an escape, promoting gambling, possession of gambling records, distribution of child pornography, and possession of child pornography;

(10) "general election" means the election held on the Tuesday after the first Monday in November of even-numbered years;

(11) "hand-counted ballot" means a ballot designated to be counted by hand in precincts where precinct tabulators are not available;

(12) "house district" means one of the districts described in art. VI, sec. 1, Constitution of the State of Alaska;

(13) "judicial district" means one of the districts defined in AS 22.10.010;

(14) "lieutenant governor" includes an appointed lieutenant governor, governor, or acting governor if a vacancy has occurred in the office of lieutenant governor or governor;

(15) "limited political party" means a political group which organizes for the purpose of selecting candidates for electors for President and Vice-President;

(16) "local election" means a regular or special election held by a borough, city, school district, or regional educational attendance area;

(17) "master register" means the list of all registered voters in the state which is maintained by the director of elections;

(18) "member of a political party" means a person who supports the political program of a party;

(19) "numerical identifier" means a voter's date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter identification number;

(20) "oath" includes affirmation;

(21) "official registration list" means the list of all voters qualified to vote at a particular election compiled in accordance with AS 15.07.125;

(22) "optically scanned ballot" means a paper ballot designed to be read by an optical scanning machine;

(23) "party district committee" means the political party committee that performs the executive function for a region representing an area larger than a precinct and smaller than the state;

(24) "political group" means a group of organized voters which represents a political program and which does not qualify as a political party;

(25) "political party" means an organized group of voters that represents a political program and

(A) that nominated a candidate for governor who received at least three percent of the total votes cast for governor at the preceding general election or has registered voters in the state equal in number to at least three percent of the total votes cast for governor at the preceding general election;

(B) if the office of governor was not on the ballot at the preceding general election but the office of United States senator was on that ballot, that nominated a candidate for United States senator who received at least three percent of the total votes cast for United States senator at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States senator at that general election; or

(C) if neither the office of governor nor the office of United States senator was on the ballot at the preceding general election, that nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States representative at that general election;

(26) "precinct" means the territory within which resident voters may cast votes at one polling place;

(27) "precinct tabulators" means an electronic optical scanning ballot tabulation system or other tabulator designated by the director to electronically count ballots;

(28) "presidential election year" means a year in which the presidential electors are elected;

(29) "proposition" means an initiative, referendum, or constitutional amendment submitted at an election to the public for vote;

(30) "qualified voter" means a person who has the qualification of a voter and is not disqualified as provided by art. V, § 2, of the state constitution and AS 15.05.030;

(31) "question" means an issue placed on the ballot to determine whether a judge or justice shall be accepted or rejected, whether a constitutional convention shall be called, whether a state debt shall be contracted, or whether a state official shall be recalled;

(32) "registration official" includes an employee of the division of elections when performing the task of voter registration and a person appointed to serve as a registration official in accordance with AS 15.07.081 or 15.07.100;

(33) "reregistration" means the submission of a registration form by a voter whose registration was inactivated on the master register maintained under AS 15.07 and the director's reactivation of that registration in accordance with that chapter; in this paragraph, "a voter whose registration was inactivated" does not include a voter whose registration was inactivated under AS 15.07.130 and whose ballot may be counted under AS 15.15.198;

(34) "senate district" means one of the districts described in art. VI, sec. 2, Constitution of the State of Alaska;

(35) "signature" or "subscription" includes a mark intended as a signature or subscription;

(36) "special election" means an election held at a time other than when the general or primary election is held and an election called to be held with, and at the time of, the general or primary election;

(37) "state chairperson" or "state party chairperson" means the political party official elected as the highest ranking statewide party executive;

(38) "sworn" includes affirmed;

(39) "unconditional discharge" means that a person is released from all disability arising under a conviction and sentence, including probation and parole;

(40) "vacancy" exists in an office when the person elected or appointed to the office resigns, retires, dies, is recalled, is rejected by majority vote on the question at an election, is convicted of a corrupt practice, is removed by impeachment, or is expelled;

(41) "voter" means a person who presents oneself for the purpose of voting either in person or by absentee ballot;

(42) "voter registration agency" means an agency designated in or under AS 15.07.055. (§ 12.01 ch 83 SLA 1960; am § 11 ch 71 SLA 1972; am § 13 ch 38 SLA 1974; am § 29 ch 197 SLA 1975; am § 9 ch 208 SLA 1975; am § 207 ch 100 SLA 1980; am § 64 ch 6 SLA 1984; am § 44 ch 85 SLA 1986; am § 14 ch 111 SLA 1994; am § 1 ch 31 SLA 1997; am §§ 66, 67, 102 ch 21 SLA 2000; am §§ 76 — 83, 92 ch 82 SLA 2000; am § 9 ch 50 SLA 2004; am § 6 ch 154 SLA 2004; am § 57 ch 2 FSSLA 2005; am § 15 ch 12 SLA 2006)

Revisor's notes. — Reorganized in 1988, 2000, 2004, 2005, and 2006.

The amendment made by sec. 66, ch. 21, SLA 2000 was not given effect because the amendment made by sec. 81, ch. 82, SLA 2000, substantially incorporated the changes made by the earlier enactment.

Effect of amendments. — The first 2000 amendment, effective April 28, 2000, repealed former paragraph (5); rewrote paragraph (33) [formerly (29) and (31)], which read: "senate district" means the territory included in the election districts as designated in art. XIV, sec. 2, of the state constitution, as may be modified under art. VI of the state constitution"; and added paragraph (10).

The second 2000 amendment, effective July 1, 2000, rewrote paragraph (2), which read: "ballot" means a hand-marked ballot and a punch-card ballot" and paragraph (4), which read: "election board" means the local precinct board composed of the three election judges"; repealed paragraphs (5) and former (24); substituted "election board members" for "election

judges, clerks, counters" in paragraph (7) [formerly (6)]; rewrote paragraphs (9), (11), (33), and (35) [formerly paragraphs (8), (10), (31) and (33)]; and added paragraphs (11), (12), and (26) [formerly paragraphs (10), (11), (23) and (25)].

The first 2004 amendment, effective November 3, 2004, in paragraph (24) [formerly (23)], added the subparagraph (A) designation, deleted "either" preceding "nominated a candidate" in subparagraph (A), and added subparagraphs (B) and (C).

The second 2004 amendment, effective July 4, 2004, added paragraphs (6) and (21) [formerly (20)].

The 2005 amendment, effective September 22, 2005, added paragraphs (40) and (41) [now (19) and (33)].

The 2006 amendment, effective April 4, 2006, added paragraph (42) [now paragraph (4)].

Opinions of attorney general. — For a list of crimes which constitute felonies involving moral turpitude, see Nov. 7, 1980 Op. Att'y Gen.

NOTES TO DECISIONS

Annotator's notes. — The definition of "political party," as amended by § 44, ch. 85, SLA 1986, includes as an element receipt of three percent of the votes cast in the preceding gubernatorial election. A ten percent polling requirement was in effect when *Vogler v. Miller*, Sup. Ct. Op. No. 2639 (File No. 6959), 660 P.2d 1192 (1983), annotated below, was decided.

Ten percent polling requirement for defining "political party" unconstitutional. — The eligibility of a party to nominate a candidate for governor through a primary election may not constitutionally be conditioned on that party's receipt of 10 percent of the votes cast in the preceding gubernatorial election. *Vogler v. Miller*, 660 P.2d 1192 (Alaska 1983).

The 10 percent polling requirement for defining "political party" may not be justified by the asserted state interests in promoting a two-party system in order to encourage compromise and political stability in ensuring that public officials are elected by a majority of the voters. *Vogler v. Miller*, 660 P.2d 1192 (Alaska 1983).

Constitutionality of three percent requirement. — Third-party candidate failed to show that the legislature acted unreasonably in setting a three percent requirement for political party status under

this section; preliminary injunction was improper where he did not establish a clear probability of success on the merits of his claim that state ballot access laws were unconstitutional. *State v. Metcalfe*, 110 P.3d 976 (Alaska 2005).

"Unconditional discharge" construed. — The definition of "unconditional discharge" in subsection (33) is functionally identical to the definition of the same term set out in AS 12.55.185(12). *Singleton v. State*, 921 P.2d 636 (Alaska Ct. App. 1996).

The 10 percent polling requirement for defining "political party" may not be justified by the state interest in requiring some preliminary showing of a significant modicum of support before printing the name of a political organization's candidate on the ballot since the state has not established that this interest could not have been served by a requirement substantially smaller than 10 percent. *Vogler v. Miller*, 660 P.2d 1192 (Alaska 1983).

Applied in *Vogler v. Miller*, 651 P.2d 1 (Alaska 1982).

Quoted in *Turkington v. City of Kachemak*, 380 P.2d 593 (Alaska 1963); *Meiners v. Bering Strait Sch. Dist.*, 687 P.2d 287 (Alaska 1984).

Stated in *Barry v. State*, 925 P.2d 255 (Alaska Ct. App. 1996).

SENATE COMMITTEE REPORT

DATE: 4/25/07

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5/8/07

Judiciary Committee considered CS FOR HOUSE BILL NO. 109(JUD) am

HB 109 DISCLOSURES & ETHICS/BRIBERY/RETIREMENT

"An Act relating to bribery, receiving unlawful gratuities, and campaign contributions; denying public employee retirement pension benefits to certain legislators, legislative directors, and public officers who commit certain offenses, and adding to the duties of the Alaska Retirement Management Board and to the list of matters governed by the Administrative Procedure Act concerning that denial; relating to campaign financing and ethics, including disclosures, in state and municipal government, to lobbying, and to employment, service on boards, and disclosures by certain public officers and employees who leave state or municipal service or leave certain positions in state or municipal government; restricting representation of others by legislators and legislative employees; relating to blind trusts approved by the Alaska Public Offices Commission; and providing for an effective date."

and recommends:

- be replaced with SCS or CS CS HB 109 (JUD)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/> Same Title	<input type="checkbox"/> New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/> Same Title	<input type="checkbox"/> Technical Title Change
<input checked="" type="checkbox"/> New Title w/ SCR # <u>pending</u>	

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADMIN	1/23			✓	1
LAW	1/24			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Therriault	✓			
	Wielechowski	✓			
	Huggins	✓			
	McIntyre	✓			
CHAIR:	French	✓			

SENATE COMMITTEE REPORT

DATE: 4/4/07

FURTHER: Judiciary
Finance

DATE TURNED IN TO OFFICE: 4/24/07

State Affairs Committee considered CS FOR HOUSE BILL NO. 109(JUD) am

HB 109 DISCLOSURES & ETHICS

"An Act relating to bribery, receiving unlawful gratuities, and campaign contributions; denying public employee retirement pension benefits to certain legislators, legislative directors, and public officers who commit certain offenses, and adding to the duties of the Alaska Retirement Management Board and to the list of matters governed by the Administrative Procedure Act concerning that denial; relating to campaign financing and ethics, including disclosures, in state and municipal government, to lobbying, and to employment, service on boards, and disclosures by certain public officers and employees who leave state or municipal service or leave certain positions in state or municipal government; restricting representation of others by legislators and legislative employees; relating to blind trusts approved by the Alaska Public Offices Commission; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

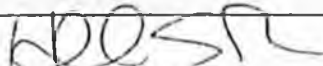

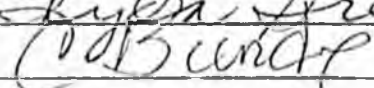
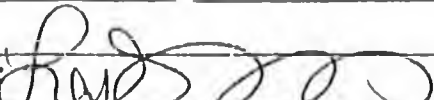
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADMIN.	4/23			✓	
LAW	4/24			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	1/23			✓	1
LAW	1/24			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	French			✓	
	Green			✓	
	Burde	✓			✓
CHAIR: 	Moore			✓	