

SB

64

Senator Hollis French

Capitol Room 504
465-3892
465-6595 fax



MEMORANDUM

Date: March 14, 2007

To: Leg. Legal

From: Cindy Smith 465-6641

RE: CS for SB64

Please prepare a Judiciary work draft CS for SB64, Ethics and Disclosures, as follows:

To Bill version 1059\E:

Amendment 1059\E.5

Amendment 1059\E.7 with the following language amendments: on page 2, starting at line 16, delete the comma after AS 39.52.210 and insert the word "or", on line 17, delete the phrase "or 39.52.230", and on line 18, after the word "for" insert the phrase "the proportionate share of".

Renumber sections and internal references accordingly.

Thanks!

#1

25-GS1059E.5
Wayne
3/14/07

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR FRENCH

TO: CSSB 64(JUD), Draft Version "E"

1 Page 1, line 1, following "Act":

2 Insert "relating to bribery, receiving a bribe, and receiving unlawful gratuities;"

3

4 Page 1, following line 9:

5 Insert a new bill section to read:

6 **** Section 1.** AS 11.56.130 is amended to read:

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

9 (1) political campaign contributions reported in accordance with
10 AS 15.13 unless the contribution is made or received in exchange for an
11 agreement to alter an elected official's or candidate's vote or position on a state
12 administrative matter or a legislative or municipal matter:

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

15 (3) support, including a vote, solicited by a public servant or offered by
16 any person in an election."
17

18 Page 1, line 10:

19 Delete "Section 1"

20 Insert "Sec. 2"

21

22 Renumber the following bill sections accordingly.

23

1 Page 5, following line 10:

2 Insert a new bill section to read:

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

5 **APPLICABILITY.** Section 1 of this Act applies to offenses occurring on or after the
6 effective date of section 1 of this Act."

new sec
10

7
8 Renumber the following bill sections accordingly.

9

10 Page 5, line 11:

11 Delete "Section 2"

12 Insert "Section 3"

13

14 Page 5, line 12:

15 Delete "Section 4"

16 Insert "Section 5"

17

18 Page 5, line 13:

19 Delete "secs. 7 and 8"

20 Insert "secs. 9 and 10"

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR FRENCH

TO: CSSB 64(JUD), Draft Version "E"

1 Page 1, line 3, following "Commission;":

2 Insert "relating to the use of state government assets and resources when there is
3 no charge to the state for their use, and to the use of state aircraft for partisan political
4 purposes;"

5
6 Page 4, following line 30:

7 Insert new bill sections to read:

8 **"* Sec. 6. AS 39.52.120(b) is amended to read:**

9 (b) A public officer may not

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

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

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

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

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

21 (6) use or authorize the use of state funds, facilities, equipment,
22 services, or another government asset or resource for partisan political purposes; this
23 paragraph does not prohibit use of the governor's residence for meetings to discuss

*new
sect.
17*

1 political strategy and does not prohibit use of state aircraft or the communications
 2 equipment in the governor's residence so long as there is no [SPECIAL] charge to the
 3 state for the use; in this paragraph, "for partisan political purposes"

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

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

6 or

7 (ii) political party or group;

8 (B) but does not include having the intent to benefit the public

9 interest at large through the normal performance of official duties.

10 * Sec. 7. AS 39.52.120 is amended by adding a new subsection to read:

11 (f) Use of state aircraft for partisan political purposes is permitted under (b) of
 12 this section only when the use is collateral or incidental to the normal performance of
 13 official duties and does not exceed 10 percent of the total of the use of the aircraft for
 14 official purposes and partisan political purposes, combined, on a single trip. A public
 15 officer who authorizes or makes any partisan political use of a state aircraft under (b)
 16 of this section shall disclose the authorization and use under AS 39.52.210, ^{39.52.220,}
 17 ~~or 39.52.230~~ for each trip, and the person who uses the aircraft shall reimburse the
 18 state for the actual cost of the use."

19 *the proportionate share of*

20 Renumber the following bill sections accordingly.

21
 22 Page 5, line 13:

23 Delete "secs. 7 and 8"

24 Insert "secs. 9 and 10"

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR FRENCH

TO: CSSB 64(JUD), Draft Version "E"

1 Page 1, line 1, following "Act":

2 Insert "relating to bribery, receiving a bribe, and receiving unlawful gratuities;"

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6 **** Section 1.** AS 11.56.130 is amended to read:

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

9 (1) political campaign contributions reported in accordance with
10 AS 15.13 unless the contribution is made or received in exchange for an
11 agreement to alter an elected official's or candidate's vote or position on a state
12 administrative matter or a legislative or municipal matter;

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

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

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18 Page 1, line 10:

19 Delete "Section 1"

20 Insert "Sec. 2"

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22 Renumber the following bill sections accordingly.

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1 Page 5, following line 10:

2 Insert a new bill section to read:

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

5 **APPLICABILITY. Section 1 of this Act applies to offenses occurring on or after the**
6 **effective date of section 1 of this Act."**

7

8 **Renumber the following bill sections accordingly.**

9

10 Page 5, line 11:

11 Delete "Section 2"

12 Insert "Section 3"

13

14 Page 5, line 12:

15 Delete "Section 4"

16 Insert "Section 5"

17

18 Page 5, line 13:

19 Delete "secs. 7 and 8"

20 Insert "secs. 9 and 10"

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR FRENCH

TO: CSSB 64(JUD), Draft Version "E"

1 Page 1, line 3, following "Commission;":

2 Insert "relating to the use of state government assets and resources when there is
3 no charge to the state for their use, and to the use of state aircraft for partisan political
4 purposes;"

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6 Page 4, following line 30:

7 Insert new bill sections to read:

8 "* Sec. 6. AS 39.52.120(b) is amended to read:

9 (b) A public officer may not

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

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

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

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

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

21 (6) use or authorize the use of state funds, facilities, equipment,
22 services, or another government asset or resource for partisan political purposes; this
23 paragraph does not prohibit use of the governor's residence for meetings to discuss

1 political strategy and does not prohibit use of state aircraft or the communications
 2 equipment in the governor's residence so long as there is no [SPECIAL] charge to the
 3 state for the use; in this paragraph, "for partisan political purposes"

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

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

6 or

7 (ii) political party or group;

8 (B) but does not include having the intent to benefit the public

9 interest at large through the normal performance of official duties.

10 * Sec. 7. AS 39.52.120 is amended by adding a new subsection to read:

11 (f) Use of state aircraft for partisan political purposes is permitted under (b) of
 12 this section only when the use is collateral or incidental to the normal performance of
 13 official duties and does not exceed 10 percent of the total of the use of the aircraft for
 14 official purposes and partisan political purposes, combined, on a single trip. A public
 15 officer who authorizes or makes any partisan political use of a state aircraft under (b)
 16 of this section shall disclose the authorization and use under AS 39.52.210, 39.52.220,
 17 or 39.52.230 for each trip, and the person who uses the aircraft shall reimburse the
 18 state for the actual cost of the use."

19
 20 Renumber the following bill sections accordingly.

21
 22 Page 5, line 13:

23 Delete "secs. 7 and 8"

24 Insert "secs. 9 and 10"

25-GS1059E
Wayne
3/9/07

CS FOR SENATE BILL NO. 64(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

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

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the requirement for candidates, groups, legislators, public officials,**
2 **and other persons to submit reports electronically to the Alaska Public Offices**
3 **Commission; relating to disclosures by public officials and certain candidates for public**
4 **office concerning services performed for compensation and concerning certain income,**
5 **gifts, and other financial matters; relating to gifts received by a public officer or a public**
6 **officer's immediate family; expanding the number of boards and commissions whose**
7 **members and chairs are required to disclose certain financial information to the Alaska**
8 **Public Offices Commission; and providing for an effective date."**

9 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 *** Section 1. AS 15.13.040(m) is repealed and reenacted to read:**

11 (m) Information required under this chapter shall be submitted to the
12 commission electronically. However, the following information may be submitted in

1 clear and legible black typeface or hand-printed in dark ink on paper in a format
2 approved by the commission or on forms provided by the commission:

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

5 (A) mayor;

6 (B) planning commissioner;

7 (C) utility board member; or

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

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

11 (3) information submitted before May 1, 2009, by a candidate for the
12 legislature.

13 * Sec. 2. AS 24.60.210 is amended by adding a new subsection to read:

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

20 * Sec. 3. AS 39.50.030(b) is amended to read:

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

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

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

28 (B) the receipt of the income or gift;

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

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

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

7 * Sec. 4. AS 39.50.050(a) is amended to read:

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

22 * Sec. 5. AS 39.50.200(b) is amended by adding new paragraphs to read:

- 23 (59) Alaska Industrial Development and Export Authority (AS 44.88);
24 (60) the board of directors of the Knik Arm Bridge and Toll Authority
25 (AS 19.75.031 and 19.75.041);
26 (61) Alaska labor relations agency (AS 23.05.360 - 23.05.390);
27 (62) the Board of Trustees of the Alaska Mental Health Trust
28 Authority (AS 47.30.016);
29 (63) the board of directors of the Alaska Railroad Corporation
30 (AS 42.40.020 - 42.40.060).

31 * Sec. 6. AS 39.52.130(a) is amended to read:

1 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
2 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
3 employment, promise, or in any other form, that is a benefit to the officer's personal or
4 financial interests, under circumstances in which it could reasonably be inferred that
5 the gift is intended to influence the performance of official duties, actions, or
6 judgment. A gift from a person required to register as a lobbyist under
7 AS 24.45.041 to a public officer or a public officer's immediate family member is
8 presumed to be intended to influence the performance of official duties, actions,
9 or judgment unless the giver is an immediate family member of the person
10 receiving the gift.

11 * Sec. 7. Section 2 of this Act takes effect July 1, 2008.

12 * Sec. 8. Section 4 of this Act takes effect July 1, 2007.

13 * Sec. 9. Except as provided in secs. 7 and 8 of this Act, this Act takes effect immediately
14 under AS 01.10.070(c).

Cindy Smith

From: Daniel Wayne
Sent: Thursday, February 15, 2007 4:02 PM
To: Cindy Smith
Subject: office holders, presumption language

Cindy, I've been tied up preparing for the House State Affairs subcommittee meeting at 5pm, but here are my immediate responses (in bold) to points raised (not in bold) by Dave Jones:

1. Section 1 (electronic filing for campaign reports) includes an exemption from the electronic filing requirement for any "holder of" or "candidate for" municipal elective office. Shouldn't it really be just a candidate, since AS 15.13 applies to candidates' campaign disclosures?
Response: Good point, Dave might be right.

If we included a "holder of" municipal office in the exemption, wouldn't a sitting mayor be able to run for the legislature or governor without complying with the electronic filing requirement?

Response: I think that would be an unreasonable interpretation of the language, too much of a stretch. But, since "holder of" may not belong there in the first place, moot point.

2. Perhaps the reason section 1 includes the "holder of" language is to cover annual financial disclosures. However, I suspect that should be addressed in section 5, which covers the annual financial disclosures to APOC from "public officials." Because municipal officers are "public officials" under AS 39.50.200(a)(9)(I), as it currently stands, the draft substitute bill would seem to exempt municipal officers from electronic filing for campaign disclosures, but not for their annual financial disclosures. I thought we intended to exempt them for both, but maybe I misunderstood. If we include an electronic-filing exemption for municipal officers in section 5, it might be appropriate to use both "holder of" and "candidate for" in that exemption, since AS 39.50.020(a) requires financial disclosures from both candidates for and holders of certain municipal offices. **Response: Dave's right, if you want to exempt municipal folks from electronic requirement re financial disclosures under AS 39.50.020 this looks like the way to do it.**

3. Section 4 includes a typographical error on page 3, line 27; it should be "recipient," rather than "receipt." **Response: Dave's right, again.**

4. As it appears in the draft substitute bill, section 7 (presumption of insignificance of financial interest) really wouldn't achieve the result we sought. Tying the presumption to disclosure requirements in "this chapter" is troubling because "this chapter" (i.e., the Executive Branch Ethics Act) only requires disclosure of (1) gifts exceeding \$150 in value (AS 39.52.130(b)); (2) interests in state grants, contracts, leases, or loans that are awarded, executed, or administered by the public officer's employing agency (AS 39.52.150(d)); and (3) outside employment (AS 39.52.170(b)). Other interests are reportable only when a public officer believes the interests may create a potential violation of the Ethics Act (see AS 39.52.210 and 39.52.220). Consequently, I'm not sure that the references to loan guarantees, interests in a business, or interests in real or personal property make sense here (those phrases relate more to the annual financial disclosures required only of high-ranking public officials under AS

39.50.030). **Response:** From this I am not sure Dave is aware of the instructions I was given, but he obviously has given this much thought and it might be helpful if I have permission to consult with him on any future draft or if you consult him directly.

I'm not sure that, as written, section 7 would have much useful effect at all. I haven't put my mind to substitute language that would get where I think we want to go, but I'm wondering whether it might be necessary to include the presumption language in CSSB 19(FIN) instead, if the committee is unwilling to take the presumption language in section 8 of the governor's bill. **Response:** Dave is the best interpreter of where the administration wants to go with the "presumption" idea, at this point I'm only guessing. With your permission I would be glad to confer with him and give the language another shot.

Thanks so much for giving me the chance to look over the draft. You're wonderful to work with. **Response:** Ditto.

Dan Wayne, Legal Counsel
Phone: (907) 465-6654
personal email: danwayne@gci.net

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Alaska State Legislature

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595



Committee Members:
Senator Charlie Huggins
Senator Bill Wielechowski
Senator Lesil McGuire
Senator Gene Therriault

Senate Judiciary Committee

Date: February 13, 2001

TO: Legislative Legal

FROM: Senator Hollis French, *hsf*

RE: Senate Bill 64

Please prepare a Judiciary Committee CS to Senate Bill 64 as follows:

Delete sections 2, 3, 10, and 11.

Add language to sections 1 and 7 to exclude municipal officials from the online reporting requirements (NOT the reporting requirements-- Just the online requirement).

Add a new section as outlined in the document titled "Amendment", attached.

Delete the word "extraordinary" on Page 2, line 4
On Page 3, line 22
On page 6, line 19

Delete language in current Section 8, and replace with a new provision for (d) that states that the any interests under specified amounts listed in 39.52.110 are presumed to be insignificant. (NOTE to drafter: the Department of Law is looking for language that will allow them to examine interests under the \$5000 if the person's action could, for instance, make it worth more than \$5,000. This "presumption" language is their suggested remedy).

In Section 13: Section 1 will go into effect May 1, 2009
Section 4 will go into effect July 1, 2008
Section 7 will go into effect July 1, 2007

Re-number sections and title changes as needed.

Call Cindy Smith at 6641 with any questions. Is it possible to get a draft for review by Thursday?

AMENDMENT

OFFERED IN THE SENATE

BY _____

JUDICIARY COMMITTEE

TO: SB64 (23-GS1059\A; 1/26/07)

1 Page 6, following line 23:

2 Insert a new bill section to read:

3 **“* Sec. 8. AS 39.50.200(b) is amended by adding new paragraphs to read:**

4 **(59) Alaska Industrial Development and Export Authority;**

5 **(60) Knik Arm Bridge and Toll Authority board of directors;**

6 **(61) Alaska Labor Relations Agency;**

7 **(62) Alaska Mental Health Trust Authority board of trustees;**

8 **(63) Alaska Railroad Corporation board of directors.”**

9

10 **Renumber the following bill sections accordingly.**

Paragraphs Previously Repealed from AS 39.50.200(b)

- (1) Agricultural Revolving Loan Fund Board (AS 03.10.050) – replaced in 2000 by the Board of Agriculture and Conservation (AS 03.09.010), which now appears in paragraph (56)
- (5) Capital Selection Committee (AS 44.06.110) – eliminated, as former AS 44.06.196(j) provided, based on the rejection in 1982 of a ballot proposition regarding the relocation of the state capital to Willow
- (9) Employment Security Advisory Council (AS 23.20.025) – replaced in 1995 by the Alaska Human Resource Investment Council and then in 2002 by the Alaska Workforce Investment Board (AS 23.15.550), which now appears in paragraph (55)
- (12) Alaska State Housing Authority (AS 18.55.020) – merged in 1992 into the Alaska Housing Finance Corporation, which appears in paragraph (37)
- (14) State Investment Advisory Committee (AS 37.10.070(f)) – eliminated in 1980 and reference repealed in 1982 by the revisor
- (17) Governor's Commission on the Administration of Justice (AS 44.19.110) – reference repealed in 2001 by the revisor
- (22) Alaska Pipeline Commission (AS 42.06.020) – merged in 1981 into the Alaska Public Utilities Commission, which was replaced by the Regulatory Commission of Alaska and now appears in paragraph (24)
- (23) Public Employees' Retirement Board (AS 39.35.030) – replaced in 2005 by the Alaska Retirement Management Board, which now appears in paragraph (54)
- (27) Small Business Development Corporation of Alaska (AS 44.87.020, formerly AS 44.60.020) – eliminated in 1980 and reference repealed in 1982 by the revisor
- (28) Alaska State Development Corporation (AS 44.86.010, formerly AS 44.59.010) – eliminated in 1980 and reference repealed in 1982 by the revisor
- (29) Alaska Teachers' Retirement Board (AS 14.25.035) – replaced in 2005 by the Alaska Retirement Management Board, which now appears in paragraph (54)
- (30) Alaska Transportation Commission (AS 42.07.011) – eliminated in 1984 by initiative

- (34) New Capital Site Planning Commission (AS 44.06.200) – eliminated, as former AS 44.06.196(j) provided, based on the rejection in 1982 of a ballot proposition regarding the relocation of the state capital to Willow
- (38) Alaska Coastal Policy Council (AS 44.19.155) – eliminated in 2003
- (39) Alaska Agricultural Action Council (AS 44.33.450) – eliminated in 1984, pursuant to section 4 of the act establishing it
- (43) Alaska Energy Center (AS 46.12.010 – 46.12.500) – eliminated in 1986 and reference repealed in 1987 by the revisor
- (46) Alaska Energy Authority (AS 44.83.030) – moved in 1993 into the Alaska Industrial Development and Export Authority, which does not currently appear in AS 39.50 200(b)
- (47) Alaska Resources Corporation (AS 37.12.010) – eliminated in 1984 and reference repealed by the revisor in 1990
- (48) Big Game Commercial Services Board (AS 08.54.300) – licensing functions transferred in 1996 to the Department of Commerce[, Community] and Economic Development, but the board returned to the list in 2005 and now appears as paragraph (58)
- (49) Alaska Tourism Marketing Council (AS 44.33.700) – eliminated in 1999
- (50) Alaska Commission on Children and Youth (AS 44.19.521) – functions consolidated in 1993 in the Alaska Human Relations Commission, which does not currently appear in AS 39.50.200(b)
- (51) Hazardous Substance Spill Technology Review Council (AS 46.13.110) – eliminated in 1995 and reference repealed in 2000 by the revisor
- (52) Correctional Industries Commission (AS 33.32.070) – eliminated in 2005 and reference repealed in 2006

Boards & Commissions

State of Alaska > Governor > Boards and Commissions

List of Boards and Commissions: Fact Sheets, Rosters and Websites = covered in AS 39.50.200(b)

Accountancy, Alaska State Board of Public	Fact Sheet Roster Website
Aerospace Development Corporation Board of Directors, Alaska	Fact Sheet Roster Website
Aging, Alaska Commission on	Fact Sheet Roster Website
Agriculture and Conservation Board	Fact Sheet Roster Website
Alaska Health Care Strategies Planning Council	Fact Sheet
Alaska Retirement Management Board	Fact Sheet Roster
Alaska Statehood Celebration Commission	Fact Sheet Roster Website
Alaska-Alberta Bilateral Council	Fact Sheet Roster
Alcoholic Beverage Control Board	Fact Sheet Roster Website
Alcoholism and Drug Abuse, Advisory Board on	Fact Sheet Roster Website
Architects, Engineers, & Land Surveyors, State Board of Registration for	Fact Sheet Roster Website
Arts, Alaska State Council on the	Fact Sheet Roster Website
Assessment Review Board, State	Fact Sheet Roster
Aviation Advisory Board	Fact Sheet Roster
Bald Eagle Preserve Advisory Council, Alaska Chilkat	Fact Sheet Roster Website
Bar, Board of Governors of the Alaska	Fact Sheet Roster Website
Barbers and Hairdressers, Board of	Fact Sheet Roster Website
Big Game Commercial Services Board	Fact Sheet Roster Website
Boating Safety Advisory Board	Fact Sheet Roster Website
Broadcasting Commission, Alaska Public	Fact Sheet Roster Website
Children's Trust Board, Alaska	Fact Sheet Roster Website
Chiropractic Examiners, Board of	Fact Sheet Roster Website
Clemency Advisory Committee	Fact Sheet Roster
Commemorative Coin Commission, Alaska	Fact Sheet Roster Website
Commercial Fisheries Entry Commission, Alaska	Fact Sheet Roster Website
Commercial Fishing and Agriculture Bank Board of Directors	Fact Sheet Roster Website
Community Service Commission, Alaska	Fact Sheet Roster Website
Denali Access System Advisory Committee	Fact Sheet Roster Website
Dental Examiners, Board of - Fact Sheet Roster Website	
Disabilities and Special Education, Governor's Council on	Fact Sheet Roster Website
Domestic Violence and Sexual Assault, Council on	Fact Sheet Roster Website
Education and Early Development, Board of	Fact Sheet Roster Website
Education Commission of the States	Fact Sheet Roster Website
Emergency Medical Services, Alaska Council on	Fact Sheet Roster Website
Emergency Response Commission, Alaska State	Fact Sheet Roster Website
Employment and Rehabilitation of People With Disabilities, Governor's Committee on	Fact Sheet Roster Website
Exxon Valdez Oil Spill Settlement Trustees	Fact Sheet Roster Website
Faith-Based and Community Initiatives Advisory Council	Fact Sheet Roster Website
Fire Standards Council	Fact Sheet Roster Website
Fisheries, Board of	Fact Sheet Roster Website
Fishermen's Fund Advisory and Appeals Council	Fact Sheet Roster Website
Forestry, Board of	Fact Sheet Roster Website
Game, Board of	Fact Sheet Roster Website
Historical Commission, Alaska	Fact Sheet Roster Website
Historical Records Advisory Board, State	Fact Sheet Roster Website
Homeless Council	Fact Sheet Roster
Housing Finance Corporation, Alaska	Fact Sheet Roster Website



Quick Links

- [Contacts/locations](#)
- [Office of the Lt. Governor Management & Budget](#)
- [Administrative Orders](#)
- [FY'07 Enacted Budget](#)
- [Proclamations](#)
- [Official Portraits](#)

Of Interest

- [Alaska Export Report](#)
- [Status of the Flags](#)
- [Boards and Commissions](#)
- [Human Rights Commission](#)
- [Homeland Security](#)
- [Same-sex Benefits Info](#)
- [Denali Awards](#)
- [USMC Roll of Honor](#)
- [Avian/Pandemic Flu Info](#)

Human Rights, State Commission for	Fact Sheet Roster Website
Humanities Forum, Alaska	Fact Sheet Roster Website
Independent Living Council, Statewide	Fact Sheet Roster Website
Industrial Development and Export Authority, Alaska	Fact Sheet Roster Website
Interstate Oil and Gas Compact Commission	Fact Sheet Roster Website
Judicial Conduct, Commission on	Fact Sheet Roster Website
Judicial Council, Alaska	Fact Sheet Roster Website
Juvenile Justice Advisory Committee, Alaska	Fact Sheet Roster Website
Knik Arm Bridge And Toll Authority, Alaska	Fact Sheet Roster Website
Labor Relations Agency	Fact Sheet Roster Website
Libraries, Advisory Council on	Fact Sheet Roster Website
Local Boundary Commission - Fact Sheet Roster Website	
Marine Pilots, Board of	Fact Sheet Roster Website
Marine Transportation Advisory, Board of	Fact Sheet Roster
Marital and Family Therapy, Board of	Fact Sheet Roster Website
Medical Board, State	Fact Sheet Roster Website
Mental Health Board, Alaska	Fact Sheet Roster Website
Mental Health Trust Authority Board of Trustees, Alaska	Fact Sheet Roster Website
Midwives - Board of Certified Direct-Entry	Fact Sheet Roster Website
Minerals Commission, Alaska	Fact Sheet Roster Website
Municipal Bond Bank Authority, Alaska	Fact Sheet Roster Website
Natural Gas Development Authority, Alaska	Fact Sheet Roster
Natural Resources Conservation & Development Board	Fact Sheet Roster Website
North Pacific Anadromous Fish Commission - Advisory Panel to the U.S. Section	Fact Sheet Roster Website
North Pacific and Bering Sea Fisheries Advisory Body	Fact Sheet Roster
North Pacific Fishery Management Council	Fact Sheet Roster Website
North Pacific Research Board	Fact Sheet Roster
Nursing, Board of	Fact Sheet Roster Website
Occupational Safety and Health Review Board	Fact Sheet Roster Website
Oil and Gas Conservation Commission, Alaska	Fact Sheet Roster Website
Optometry, Board of Examiners in	Fact Sheet Roster Website
Pacific Marine Fisheries Commission	Fact Sheet Roster Website
Pacific Salmon Commission, Commissioners Panel	Fact Sheet Roster Website
Pacific Salmon Commission, Northern Panel	Fact Sheet Roster Website
Pacific Salmon Commission, Transboundary Panel	Fact Sheet Roster Website
Parole, State Board of	Fact Sheet Roster Website
Permanent Fund Corporation Board of Trustees, Alaska	Fact Sheet Roster Website
Personnel Board	Fact Sheet Roster
Pharmacy, Board of	Fact Sheet Roster Website
Physical Therapy and Occupational Therapy Board, State	Fact Sheet Roster Website
Pioneers' Homes Advisory Board, Alaska	Fact Sheet Roster Website
Police Standards Council, Alaska	Fact Sheet Roster Website
Postsecondary Education, Alaska Commission on	Fact Sheet Roster Website
Prince William Sound Oil Spill Recovery Institute Advisory Board	Fact Sheet Roster Website
Professional Counselors	Fact Sheet Roster Website
Professional Teaching Practices Commission	Fact Sheet Roster Website
Psychologist and Psychological Associate Examiners, Board of	Fact Sheet Roster Website
Public Offices Commission, Alaska	Fact Sheet Roster Website
Railroad Corporation, Board of Directors of the Alaska	Fact Sheet Roster Website
Real Estate Appraisers, Board of Certified	Fact Sheet Roster Website
Real Estate Commission	Fact Sheet Roster Website
Regents, University of Alaska Board of	Fact Sheet Roster Website
Regulatory Commission of Alaska	Fact Sheet Roster Website
Royalty Oil and Gas Development Advisory Board, Alaska	Fact Sheet Roster Website
Safety Advisory Council, Alaska	Fact Sheet Roster Website

Seafood Marketing Institute, Alaska	Fact Sheet Roster Website
Seismic Hazards Safety Commission, Alaska	Fact Sheet Roster Website
Social Work Examiners, Board of	Fact Sheet Roster Website
Student Loan Corporation, Alaska	Fact Sheet Roster Website
Subsistence Resource Commissions, National Park and Park Monument	Fact Sheet Roster Website
Suicide Prevention Council - Fact Sheet Roster Website	
Uniform State Laws, National Conference of Commissioners on	Fact Sheet Roster Website
Veterans Advisory Council, Alaska	Fact Sheet Roster Website
Veterinary Examiners, Board of	Fact Sheet Roster Website
Violent Crimes Compensation Board	Fact Sheet Roster Website
Water and Wastewater Works Advisory Board	Fact Sheet Roster Website
Western Interstate Commission for Higher Education	Fact Sheet Roster Website
Wood-Tikchik State Park Management Council	Fact Sheet Roster Website
Workers' Compensation Appeals Commission	Fact Sheet Roster Website
Workers' Compensation Board, Alaska	Fact Sheet Roster Website
Workforce Investment Board (formerly AHRIC), Alaska	Fact Sheet Roster Website
Yukon River Panel	Fact Sheet Roster Website

We appreciate your interest in boards and commissions. For further information contact the boards and commissions staff at (907) 465-3500 or at B&C@gov.state.ak.us.

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Sec. 39.50.200. Definitions.

(a) In this chapter,

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

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

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

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

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

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

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

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

(9) "public official" means

(A) a judicial officer;

(B) the governor or the lieutenant governor;

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

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

(ii) the director or deputy director of a division;

(iii) a special assistant to the head of the department;

(iv) a person serving as the legislative liaison for the department;

(D) an assistant to the governor or the lieutenant governor;

(E) the chair or a member of a state commission or board;

(F) state investment officers and the state comptroller in the Department of Revenue;

(G) the chief procurement officer appointed under AS 36.30.010;

(H) the executive director of the Alaska Workforce Investment Board;

(I) each appointed or elected municipal officer; and

(J) the members of the board of trustees, the executive director, and the investment officers of the Alaska Permanent Fund Corporation;

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

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

(1) *[Repealed, Sec. 30 ch 81 SLA 2000]*.

(2) Alaska State Council on the Arts (AS 44.27.040.);

(3) Alcoholic Beverage Control Board (AS 04.06.010.);

(4) State Assessment Review Board (AS 43.56.040.);

(5) *[Repealed, Sec. 1 ch 54 SLA 1981]*.

(6) Board of Education and Early Development (AS 14.07.075);

(7) Alaska Public Broadcasting Commission (AS 44.21.256);

(8) Alaska Public Offices Commission (AS 15.13.020.);

(9) *[Repealed, Sec. 16 ch 61 SLA 1995]*.

(10) Alaska Commercial Fisheries Entry Commission (AS 16.43.020.);

(11) Fishermen's Fund Advisory and Appeals Council (AS 23.35.010);

(12) *[Repealed, Sec. 140 ch 4 FSSLA 1992]*.

(13) State Commission for Human Rights (AS 18.80.010);

(14) *[Repealed, Sec. 86 ch 59 SLA 1982]*.

(15) Alaska Judicial Council (art. IV, Sec. 8, Alaska Constitution);

(16) Commission on Judicial Conduct (art. IV, Sec. 10, Alaska Constitution);

(17) *[Repealed, Sec. 24 ch 22 SLA 2001]*.

- (18) Local Boundary Commission (AS 44.33.810.);
- (19) Occupational Safety and Health Review Board (AS 18.60.057.);
- (20) Board of Parole (AS 33.16.020);
- (21) State Personnel Board (AS 39.25.060.);
- (22) *[Repealed, Sec. 20 ch 110 SLA 1981].*
- (23) *[Repealed, Sec. 132 ch 9 FSSLA 2005].*
- (24) Regulatory Commission of Alaska (AS 42.04.010.);
- (25) University of Alaska Board of Regents (AS 14.40.120.);
- (26) Alaska Royalty Oil and Gas Development Advisory Board (AS 38.06.020);
- (27), (28) *[Repealed, Sec. 86 ch 59 SLA 1982].*
- (29) *[Repealed, Sec. 132 ch 9 FSSLA 2005].*
- (30) *[Repealed, 1983 Initiative Proposal No. 2, Sec. 6].*
- (31) Workers' Compensation Board (AS 23.30.005) and Workers' Compensation Appeals Commission (AS 23.30.007.);
- (32) Alaska Commission on Postsecondary Education (AS 14.42.015.);
- (33) Alaska Municipal Bond Bank Authority (AS 44.85.020.);
- (34) *[Repealed, Sec. 1 ch 54 SLA 1981].*
- (35) Alaska Medical Facility Authority (AS 18.26);
- (36) Alaska Oil and Gas Conservation Commission (AS 31.05);
- (37) Alaska Housing Finance Corporation (AS 18.56.010 - 18.56.900);
- (38) *[Repealed, Sec. 44 ch 24 SLA 2003].*
- (39) *[Repealed, Sec. 4 ch 75 SLA 1979].*
- (40) Board of Fisheries (AS 16.05.221 (a));
- (41) Board of Game (AS 16.05.221.(b));
- (42) Alaska Permanent Fund Corporation (AS 37.13.040);
- (43) *[Repealed, Sec. 69 ch 14 SLA 1987].*
- (44) Alaska Seafood Marketing Institute (AS 16.51.010.);

- (45) Council on Domestic Violence and Sexual Assault (AS 18.66.010);
- (46) [Repealed, Sec. 27 ch 18 SLA 1993].
- (47) [Repealed, Sec. 38 ch 168 SLA 1990].
- (48) [Repealed, Sec. 16 ch 33 SLA 1996].
- (49) [Repealed, Sec. 10 ch 29 SLA 1999].
- (50) [Repealed, Sec. 9 E.O. No. 84 (1993)].
- (51) [Repealed, Sec. 102 ch 21 SLA 2000].
- (52) [Repealed, Sec. 10 ch 58 SLA 2006].
- (53) the board of directors and the executive director of the Alaska Aerospace Development Corporation (AS 14.40.821);
- (54) Alaska Retirement Management Board (AS 37.10.210);
- (55) Alaska Workforce Investment Board (AS 23.15.550);
- (56) Board of Agriculture and Conservation (AS 03.09.010);
- (57) the board of directors and chief executive officer of the Alaska Natural Gas Development Authority (AS 41.41.020);
- (58) Big Game Commercial Services Board (AS 08.54.591).

STATE OF ALASKA

Department of Administration

Alaska Public Offices Commission

February 10, 2007

The Honorable Hollis French
Chair, Senate Judiciary Committee
Alaska State Senate
Juneau, Alaska

Re: SB 64, Ethics and Disclosure

Dear Senator French:

This letter is to correct one of the statements I made yesterday during the hearing on SB 64. I stated that just under 50% of the candidates in the last election cycle filed electronically. That was an error. The actual number of candidates who filed electronically was 78 out of 511, or 15% of the candidates. Enclosed is the 2006 Election Year Filing Statistics page from APOC's website.

In addition to the 2,828 campaign disclosure reports covering the 2006 election year cycle, APOC receives reports from public officials, legislators, lobbyists and employers of lobbyists. The number of those reports for 2006 break down as follows:

2006 Public Official Financial Disclosure Filers, one annual report:
615 State public officials, members of boards and commissions

2006 Legislative Financial Disclosure Filers, one annual report:
60 Legislators
5 Public member of the Select Committee on Legislative Ethics
4 Legislative directors

2006 Lobbying Law Filers:
145 Lobbyists filed 11 monthly reports = 1,595 reports
379 Employers of lobbyists filed 4 quarterly reports = 1,516 reports

You asked the number of hours required to enter the campaign disclosure reports into the on-line database. Unfortunately, it is not possible to determine the hours because, in addition to the temporary data entry clerks, the rest of the APOC staff also does campaign disclosure data entry as their time permits. We have no way of tracking how many staff hours were spent on data entry.

SARAH PALIN, GOVERNOR

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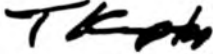
February 10, 2007

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Please let me know if you have any questions or would like any additional information

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION



Tammy L. Kempton
Juneau Branch Administrator

c: Brooke Miles, Executive Director

Alaska Public Offices Commission

State of Alaska > Departments > Administration > APOC > APOC-IQ > Filing Statistics

2006 Election Year Filing Statistics

Based on Report Summaries filed as of February 2, 2007

Filers		Reports	
Total Registered Filers:	698 100%	Total Reports Expected:	2828 100%
Exempt Filers:	304 43%	Reports Missing:	81 2%
Candidates:	511 73%	Reports Filed on Paper:	1209 42%
Groups:	187 26%	Reports Filed Electronically:	1172 41%
Electronic Filers:	178 25%	Reports Outstanding:	447 15%
Candidates Filing Electronically:	78 15%	Reports Filed Late:	0 0%
Groups Filing Electronically:	100 53%	Reports Filed Total:	2381 84%

Campaign Finance	
Total \$ Raised to Date by Candidates:	\$12,031,592.00
Total \$ Raised to Date by Groups:	\$5,315,171.00
Total \$ Spent to Date by Candidates:	\$10,150,391.00
Total \$ Spent to Date by Groups:	\$5,321,853.00

Statistics Legend

Term:	Description:
Exempt Filers	The candidate has filed an exemption because campaign finances are not expected to exceed a specified threshold, and reporting is not required.
Reports Missing	Reports which have not been filed for which the due date has passed.
Reports Outstanding	Reports which have not been filed for which the due date is future.
Reports Filed Late	Reports which have been filed after the required due date.

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Alaska Public Offices Commission

State of Alaska > Departments > Administration > APOC > APOC-IO > Search by Election

Search by Election

2006 Municipal Elections

List All Report Due Dates for 2006 Municipal Elections

Select Reporting Cycle

Election Cycle:	Election Date:
2006 Anchorage Municipal	04/04/2006
2006 City of Ketchikan Special	04/11/2006
2006 MAT-SU Borough Special	05/02/2006
2006 Aleutians East Borough Municipal	10/03/2006
2006 Barrow Municipal	10/03/2006
2006 Bethel Municipal	10/03/2006
2006 City North Pole Municipal	10/03/2006
2006 City of Fairbanks Municipal	10/03/2006
2006 City of Ketchikan Municipal	10/03/2006
2006 Craig Municipal	10/03/2006
2006 Fairbanks North Star Borough Municipal	10/03/2006
2006 Group Municipal	10/03/2006
2006 Haines Borough Municipal	10/03/2006
2006 Homer Municipal	10/03/2006
2006 Houston Municipal	10/03/2006
2006 Juneau Borough Municipal	10/03/2006
2006 Kenai Municipal	10/03/2006
2006 Kenai Peninsula Borough Municipal	10/03/2006
2006 Ketchikan Gateway Borough Municipal	10/03/2006
2006 Kodiak Island Borough Municipal	10/03/2006
2006 Kodiak Municipal	10/03/2006
2006 Lake & Peninsula Borough Municipal	10/03/2006
2006 MAT-SU Borough Municipal	10/03/2006
2006 North Slope Borough Municipal	10/03/2006
2006 Northwest Arctic Borough Municipal	10/03/2006
2006 Palmer Municipal	10/03/2006
2006 Seward Municipal	10/03/2006
2006 Sitka Borough Municipal	10/03/2006
2006 Soldotna Municipal	10/03/2006
2006 Unalaska Municipal	10/03/2006
2006 Valdez Municipal	10/03/2006
2006 Wasilla Municipal	10/03/2006
2006 Denali Borough Municipal	11/07/2006

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Alaska Public Offices Commission

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Candidate Summary by Office and Report

2006 Fairbanks North Star Borough Municipal

- Select Office
- Mayor
 - Assembly
 - School Board

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STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR
2221 EAST NORTHERN LIGHTS, RM 128
ANCHORAGE ALASKA 99508-4148

Department of Admini

Alaska Public Offices Comm

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October 31, 2006

Linda Perez
Administrative Director
Office of the Governor
PO Box 110001
Juneau, Alaska 99811-0001

RE: Request for an advisory opinion about reporting and allocating the cost of collateral use of state-owned equipment in connection with a public officer's official duties and a public officer's political candidate campaign activities.
AO-08-03-CD

Dear Ms Perez:

As you are aware the Commission, by a vote of 4-1, adopted this advisory opinion at a special meeting held today, October 31, 2006. The opinion is set out below.

You have requested an advisory opinion regarding whether APOC reporting and allocating are required when a public official, using state equipment, combines official state business with campaign activity. You have represented that the principal purpose of the travel is state business and any campaign activity is secondary or collateral to the principal official business purpose of the trip. Although unstated in your letter, it was clear from your statements to the Commission on September 20 that your request concerns the Governor's activities.

Short Answer

The short answer is that reimbursement and some reporting is required. The ban in AS 15.13.145 against the use of state money to influence the outcome of an election of a candidate for state office is not violated when a public official seeking reelection makes a detour during travel on official business for a campaign activity if the official's campaign reimburses the expense of that travel at a commercially reasonable rate within a commercially reasonable time. The state is not required to report the transaction as a campaign contribution or expenditure, but the campaign must report the reimbursement as a campaign expense. Although the law does not provide expressly for allocation, we do not rule out the possibility of allocating the expense between the official business and campaign activity to determine a rate for reimbursement if the amount and timing can be defended as commercially reasonable.

Law

AS 15.13.074. Prohibited contributions.

....
(f) A corporation, company, partnership, firm, association, entity recognized as tax-exempt under 26 U.S.C. 501(c)(3) (Internal Revenue Code), organization, business trust or surety, labor union, or publicly funded entity that does not satisfy the definition of group or nongroup entity in AS 15.13.400 may not make a contribution to a candidate, group, or nongroup entity.

AS 15.13.145. Money of the state and its political subdivisions.

(a) Except as provided in (b) and (c) of this section, each of the following may not use money held by the entity to influence the outcome of the election of a candidate to a state or municipal office:

- (1) the state, its agencies, and its corporations;
- (2) the University of Alaska and its Board of Regents;
- (3) municipalities, school districts, and regional education attendance areas, or another political subdivision of the state; and
- (4) an officer or employee of an entity identified in (1) – (3) of this subsection.

(b) Money held by an entity identified in (a)(1) – (3) of this section may be used to influence the outcome of an election concerning a ballot proposition or question, but only if the funds have been specifically appropriated for that purpose by a state law or a municipal ordinance.

(c) Money held by an entity identified in (a)(1) – (3) of this section may be used

- (1) to disseminate information about the time and place of an election and to hold an election;
- (2) to provide the public with nonpartisan information about a ballot proposition or question

(d) When expenditure of money is authorized by (b) or (c) of this section and is used to influence the outcome of an election, the expenditures shall be reported to the commission in the same manner as an individual is required to report under AS 15.13.040.

AS 15.13.400. Definitions.

....
(4) "contribution"

(A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made and that is made for the purpose of influencing the nomination or election of a candidate, and in AS 15.13.010(b) for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that are rendered to the candidate or political party;

(B) does not include

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party, candidate, or ballot proposition or question;

(ii) ordinary hospitality in a home;

- (iii) two or fewer mass mailings before each election by each political party describing the party's slate of candidates for election, which may include photographs, biographies, and information about the party's candidates;
- (iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate; or
- (v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee;

.....

(16) "public funded entity" means a person, other than an individual, that receives half or more of the money on which it operates during a calendar year from government, including a public corporation.

2 AAC 50.250. Contributions.

(a) In AS 15.13 and this chapter, except as otherwise provided in this section, "contribution"

(1) has the meaning given in AS 15.13.400;

(2) includes a

(A) subscription, advance, transfer, forgiveness of all or part of a debt, relaxation of credit, or anything of value made or provided by a person, group, or nongroup entity for the purpose of influencing an election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; and

(B) personal contribution as described in 2 AAC 50.254; and

(3) does not include

...

(G) provision of a service or facility to a candidate, group, or nongroup entity if the entity providing the service or facility is paid at a commercially reasonable rate within a commercially reasonable time or makes the service or facility available to all candidates for a particular office;

2 AAC 50.356. Use of public money.

(a) Funds are specifically appropriated for the purposes of AS 15.13.145(b) if the appropriating body provides notice on the public record that the funds will be used to influence the outcome of an election.

(b) In the absence of a specific appropriation, an officer or employee of an entity who is identified in AS 15.13.145(a)(4) may use money held by that entity to communicate about a ballot proposition

or question if the communication is made in the usual and customary performance of the officer's or employee's duties.

(c) For the purposes of AS 15.13.145(c)(2), information is nonpartisan if it does not advocate a position in an election. Nonpartisan information includes the official language of a ballot question, a neutral ballot summary, if provided for all candidates seeking a particular office, the candidates' names, contact information, or statements.

(d) If an entity or individual identified in AS 15.13.145(a)(1) - (4) uses money held by the entity to make an election-related expenditures, the expenditure must be disclosed on a report of contributions or independent expenditures under AS 15.13.040(d) and (e) unless the expenditure is made only to disseminate information about the time and place of an election or to hold an election.

Facts

We understand that the Governor has traveled for mixed purposes, combining official business with partisan campaign activity during his reelection campaign. Allowing the Governor to travel for both official and campaign business reconciles the need for the Governor to be available at all times to conduct the public's business with the political reality of running for reelection. The question of the Governor's travel for mixed purposes was addressed under the Alaska Executive Branch Ethics Act ("the Ethics Act") earlier this year. The Department of Law issued an opinion providing that the Ethics Act's prohibition against the use of state equipment for partisan political activity did not stop a public officer from participating in collateral partisan political activity after traveling on state aircraft for official business if the principal purpose of the travel was the performance of official duties. However, it also indicated that travel for the principal purpose of partisan political activity would violate the Act and that reimbursement to the state would not cure the violation. Your question now is how travel allowed under the Ethics Act should be reported, and whether the expenses should be allocated, under the campaign disclosure law. Thus, for purposes of this opinion, we assume that the principal purpose of the travel is official business and that campaign activity is secondary or collateral to that principal purpose.

Analysis

The Alaska Public Offices Commission administers the campaign disclosure law, and it is empowered to issue advisory opinions concerning the application of that law. AS 15.13.030.

The campaign disclosure law, similar to the Ethics Act, limits the use of state resources for election campaigns. The limitation, which appears in AS 15.13.145(a), is on the use of "money held by" the state and its agencies to influence the outcome of the election of a candidate. The limitation clearly prohibits cash contributions and expenditures to influence the election of a candidate. Whether it extends to in-kind contributions, such as the use of state equipment or services, is less clear.¹ Although the legislative history on AS 15.13.145 is not particularly helpful,² we were able to rely upon

¹ In contrast to AS 15.13.145(a), the limitation in the Ethics Act is quite explicit. AS 30.52.120(b)(6) prohibits "the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes."

² During a hearing before the House State Affairs Committee on House Bill 366, Representative David Finstad explained the intent of proposed section 15.13.145:

other provisions of the law to guide our interpretation of AS 15.13.145(a). We have concluded that AS 15.13.145(a) prohibits the use of state equipment or services if the use would be prohibited in the campaign finance law as a contribution or expenditure.

The campaign disclosure law lists the entities that may make contributions and expenditures for or against candidates and the state is not listed. AS 15.13.065 names only individuals, groups, nongroup entities,³ and political parties as able to make contributions.⁴ "Contribution" is broadly defined in AS 15.13.400(4)(A) to include the provision of goods and services, among other things, if the purpose is to influence the nomination or election of a candidate.⁵ The meaning of "contribution" is further defined in 2 AAC 50.250(a)(3), which states, in part, that the term "contribution" excludes the

provision of a service or facility to a candidate, group, or nongroup entity if the entity providing the service or facility is paid at a commercially reasonable rate within a commercially reasonable time or makes the service or facility available to all candidates for a particular office⁶

Because other sections of the campaign disclosure laws prohibit the state from making contributions and expenditures, to be consistent, the restriction on the "use of [state] money" in AS 15.13.145(a) to influence the election of a candidate also should prohibit the state from providing an in-kind contribution such as travel. Relying on AS 15.13.400(4)(A) and 2 AAC 50.250, we conclude that the state may not provide travel services benefitting the governor's reelection campaign unless the campaign pays for the service or unless the state makes the service available to all candidates. From this analysis it follows that, if the governor's reelection campaign reimburses the state at a reasonably commercial rate within a commercially reasonable time for state-provided travel, state-provided travel would not be a prohibited contribution under AS 15.13.145(a).

Because reimbursement is required to avoid a violation of AS 15.13.145(a), we must address what constitutes a commercially reasonable rate for reimbursement. There are probably many possibilities. One obvious method might be to determine the state's actual costs and reimburse those costs. Another method is suggested in federal regulation, which addresses how to evaluate the cost of noncommercial travel for purposes of determining its value as a contribution in federal elections. The regulation applies commercial travel rates. A candidate using an airplane owned or leased by a corporation or individual has not received a contribution from the corporation or individual if the candidate pays for that travel at the prescribed rate within seven days of traveling. The rate

REPRESENTATIVE FINKELSTEIN moving forward referred the committee members to Sec. 15.13.145, "MONEY OF THE STATE AND ITS POLITICAL SUBDIVISION." He explained the approach was to allow money spent by a government entity on ballot propositions based on the approval of the local government body. He cited a civic concern was a possible issue, however. The subsection banned contributions from government entities to candidates. He explained there was a case where a local government body gave a contribution to a candidate. He explained most felt it was inappropriate.

(See St. Affairs Comm. (Feb. 29, 1995) (considering the House version of SB 191, which became Ch. 48 SLA 96).)

³ "Groups" and "nongroup entities" are defined in AS 15.13.400 and do not include government subdivisions.

⁴ AS 15.13.067 limits the making of expenditures to elect candidates to candidates, individuals, groups, and nongroup entities.

⁵ "Expenditure" for the purpose of influencing the nomination or election of a candidate is defined as the "transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value." AS 15.13.400(8)(f).

⁶ 2 AAC 50.250(a)(3)(G). The origin of the exclusion in 2 AAC 50.250(a)(3)(G) was Advisory Opinion AO07-09-CD at 2 (approved June 18, 1997). That opinion considered a labor union's questions about how the limits on union and corporate political activities (newly enacted in 1995) would be applied, and the Commission determined that the prohibition against a labor union's contributions to candidates did not prohibit the union from providing a service to a candidate if the union were reimbursed at a commercially reasonable rate and time or, alternatively, made the service available equally to any candidate.

paid is the cost of the lowest unrestricted and non-discounted first class air fare, if first class air fare is available. If first class air fare is unavailable, the rate is the lowest unrestricted and non-discounted coach class air fare. If neither first class nor coach commercial travel is available, the campaign must pay the charter rate for a comparable aircraft. 11 CFR § 100.93(c). Failure to pay for the travel results in an in-kind contribution from the provider. Using either of these methods for determining the value of state-provided travel would satisfy the requirement of payment at a commercially reasonable rate.

Both of these methods require the campaign to absorb the full cost of the travel, even though the purpose of the travel was mixed. You asked whether allocation is required. It is not. The campaign finance laws do not address allocating the expenses between official and campaign activities when paying for a service or facility, but we do not believe the law's silence necessarily precludes allocation. The question under 2 AAC 50.250(a)(3)(G) is whether, under the circumstances, allocation is commercially reasonable. We believe that it could be. For example, determining the actual expenses and allocating those expenses between activities and reimbursing the state for the campaign's share should satisfy the requirement in the regulation that payment be at a commercially reasonable rate.

In this opinion we have considered a couple of options to compute payment for state travel that would satisfy 2 AAC 50.250(a)(3)(G) and avoid AS 15.13.145(a)'s prohibition against the state's use of money to influence the election of a candidate. There are likely other payment methods that would be reasonable. Determining a method for computing payment seems better suited to the regulatory process, but until the Commission is able to adopt regulations, we provide the following method as commercially reasonable: an unrestricted, nondiscounted first class fare for any traveler who participates in the secondary or collateral campaign activity. If first class commercial travel is unavailable, payment should be at the fare for unrestricted, nondiscounted coach commercial travel. Charter rates for a comparable aircraft would be appropriate if commercial travel is unavailable to the particular destination. We do not preclude other methods, however, and leave the option open to the campaign and affected state agency to propose a rate for reimbursement that can be defended as commercially reasonable.

The final question is whether the use of, and reimbursement for, state equipment must be reported. AS 15.13.145(d) requires the state to report any authorized use of state money "to influence an election." We have concluded that the use of state equipment for an official purpose that may have the collateral or incidental effect of assisting an official's reelection campaign is not prohibited under AS 15.13.145(a) if it is reimbursed at a commercially reasonable rate and time. Because the expenditure is not intended or used "to influence an election," the state is not required to report it under AS 15.13.145(d).⁷

This does not mean, however, that the campaign fund or candidate paying for the travel is exempt from reporting. The reimbursement would be covered as a campaign expenditure and be reported as provided in AS 15.13.040.

⁷ But see Advisory Opinion AO97-03-CD (approved Feb. 27, 1997), which interpreted AS 15.13.145(d) to require the Alaska Judicial Council to report to the Commission as expenditures the costs of the judicial evaluations that AS 22.10.150 requires the Council to conduct and distribute before judicial retention elections. The approval notice notes that "the advice in this opinion applies only to the specific activity for which the advice was requested."

Conclusion

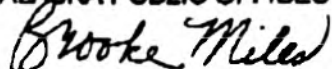
If an elected public official travels for the principal purpose of official business and also engages in collateral campaign business while traveling, the prohibition in AS 15.13.145(a) against the use of state money to influence an election is not violated if the campaign pays a commercially reasonable rate for the travel within a commercially reasonable time.

Only the Commission has the authority to approve an advisory opinion. 2 AAC 50.905. The Commission will rule on staff's proposed advice at a teleconferenced meeting on Tuesday, October 31. If you wish to testify when the Commission considers this matter, please let me know. The Commission may approve, disapprove, or modify the proposed advice. An advisory opinion must be approved by an affirmative vote of at least four members or it will be considered disapproved. Both staff's proposed advice and the Commission's final advisory opinion apply only to the specific facts and activity for which the advice was requested.

If you rely on staff's proposed advisory opinion in good faith, and the Commission subsequently rejects the proposed advice, staff will take no enforcement action on activities up to that point if you acted under the specific facts described. If you have any additional questions or would like to discuss this proposed advice, please contact me at (907) 276-4176.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION



Brooke Miles, Executive Director

cc: Commission Members
Jan DeYoung, Asst. Atty. General
Senior Staff

AO-06-03-CD



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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

August 7, 2006

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AUG 09 2006

Ms. Brooke Miles
Director
Alaska Public Offices Commission
2221 E. Northern Lights Blvd. Room 128
Anchorage, AK 99508-4149

APOC - ANCH
PM/HC FAX
8-7-06

Dear Ms. Miles:

This is a request for an advisory opinion from the Alaska Public Offices Commission (APOC) regarding whether APOC reporting and allocation are necessary for that portion of a trip in which a public officer participates in political activities which are collateral official duties which are the primary purpose of the trip.

On June 12, 2006 I received the enclosed memorandum from David T. Jones, Senior Assistant Attorney General-Opinions, Appeals, and Ethics section:

Jones opined:

"If performance of official duties is truly the purpose of a trip, the public officer will not violate the Ethics Act by using state aircraft for the trip. That is true even if the officer also participates in collateral partisan political activities while at the destination."

We are thus seeking an advisory opinion from APOC regarding how such partisan political activities collateral to the primary, official purpose of such a trip should be reported.

We would appreciate your prompt attention to this matter.

Very truly yours,

Linda Perez
Administrative Director

Enclosure

MEMORANDUM

State of Alaska Department of Law


TO: Linda Perez
Director
Division of Administrative Services
Office of the Governor

DATE: June 12, 2006
FILE NO.: 661-06-0042
TEL. NO.: (907) 269-5169

THROUGH: David W. Márquez
Attorney General

SUBJECT: Use of State Aircraft

FROM:


David I. Jones
Senior Assistant Attorney General
Opinions, Appeals, and Ethics Section, Anchorage

You asked whether the Alaska Executive Branch Ethics Act prohibits the use of state aircraft to travel for campaign or partisan political activities. In short, it does.

The Ethics Act provides that a public officer may not "use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes."¹ The only two exceptions to this prohibition are that (1) meetings to discuss political strategy may be held at the governor's residence, and (2) communications equipment in the governor's residence may be used so long as there is no special charge to the state for the use.²

The fact that the legislature provided only these two narrow exceptions demonstrates an intention to establish a broad ban against the use of state assets for partisan political purposes. That ban includes prohibiting the use of state aircraft for campaign and other partisan political activities.

¹ AS 39.52.120(t)(6). The Act defines "partisan political purposes" as "having the intent to differentially benefit or harm a (i) candidate or potential candidate for elective office; or (ii) political party or group," but it "does not include having the intent to benefit the public interest at large through the normal performance of official duties." AS 39.52.120(b)(6)(A) and (B).

² AS 39.52.120(b)(6).

AUG 09 2006

Because the Ethics Act prohibits the use of state equipment for these purposes, a public officer could not avoid a violation simply by reimbursing the state for the cost of using state aircraft. We approved reimbursement to avoid ethics violations in other contexts, but that option is unavailable for partisan political activities. We previously advised that spouses of administration officials may accompany the officials when they travel on state aircraft for state business so long as the spouses reimburse the state for the benefit provided.³ However, that conclusion was based on an analysis of the Ethics Act's provision prohibiting grants of unwarranted benefits.⁴ By contrast, the provision relevant here bars the use of state equipment for partisan political activities, subject only to the two exceptions noted previously. Consequently, reimbursement would not avoid a violation.

Travel undertaken for mixed purposes may present some close questions, and exercising good judgment in those situations is especially important. If performance of official duties is truly the primary purpose of a trip, a public officer will not violate the Ethics Act by using state aircraft for the trip. That is true even if the officer also participates in collateral partisan political activities while at the destination.⁵ However, it is important to apply careful judgment in determining the primary purpose of a trip. Indiscriminate use of state aircraft for trips combining official duties and partisan political activities will risk both violating the Ethics Act and inviting public criticism.

Accordingly, individuals traveling for the primary purpose of participating in partisan political activities should not use state aircraft for that travel. Likewise, it would be inappropriate to use state aircraft to transport more than incidental amounts of partisan political materials, such as campaign bumper stickers, buttons, or brochures.

If we can assist further in addressing these issues, please contact us.

³ Memorandum from B. Ritchie to J. Clark (Sept. 30, 2004).

⁴ *Id.* at 1 (citing AS 39.52.120(a)).

⁵ Public officers other than the governor and lieutenant governor may participate in partisan political activities only while on approved leave or otherwise off government time. AS 39.52.120(d); *see also* AS 39.25.160(j) (prohibiting campaigning on government time by state employees other than governor, lieutenant governor, and members of legislature).

MEMORANDUM

STATE OF ALASKA DEPARTMENT OF LAW

TO: Jim Clark
Chief of Staff

DATE: September 30, 2004

THROUGH: Gregg D. Renkes
Attorney General

FILE NO:

TEL. NO: (907) 465-2133

FROM: Barbara J. Ritchie
Chief Assistant Attorney General
Opinions, Appeals and Ethics

SUBJECT: Spousal Travel on King Air

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION CONFIDENTIAL ETHICS ACT ADVICE (AS 39.52.240)

Linda Perez, Administrative Services Director and Designated Ethics Supervisor for the Office of the Governor, asked me to prepare a memorandum addressing travel on the state's King Air aircraft by spouses of administration officials. At present, spouses of administration officials may accompany the officials on the King Air if they reimburse the state the cost of the flight at the lowest coach fare available on a commercial flight for that trip.

Question

What would need to be done to enable spouses of administration officials who are traveling with the Governor on the King Air at his request to fly free of charge?

Answer

The present reimbursement policy is required by the Executive Branch Ethics Act. A change to that policy would require the legislature to amend the Ethics Act.

Legal Analysis

AS 39.52.120(a) provides in pertinent part: "A public officer may not...intentionally secure or grant unwarranted benefits or treatment for any person." The current reimbursement policy is based on this section of the Ethics Act and related regulations.

“Unwarranted benefits or treatment” is defined by regulation to include “a deviation from normal procedures for the award of a benefit, regardless of whether the procedures were established formally or informally, if the deviation is based on the improper motivation.” 9 AAC 52.040(a)(1)(emphasis added).

The term “benefit” means

anything that is to a person’s advantage or self-interest, or from which a person profits, regardless of the financial gain including any . . . service, privilege, . . . advantage, . . . or anything of value;

AS 39.52.960(3).

The term “improper motivation means

a motivation not related to the best interests of the state, and includes giving primary consideration to a person’s (A) kinship or relationship with a public officer; (B) financial association with a public officer; (C) potential for conferring a future benefit on a public officer; or (D) political affiliation.

9 AAC 52.990(4).

In order to determine whether the Governor would be granting “unwarranted benefits or treatment” by allowing the spouses of state officials to travel for free on the King Air, we must examine each of these definitions in turn.

(a) Is free travel for spouses on the King Air a “benefit”?

If the Governor were to allow the spouse of an administration official to accompany the official on the King Air at no cost, the Governor would be granting a benefit to that official. Free air travel is a valuable “privilege” or “service” or “advantage” because the state official would avoid the cost of paying airfare for his or her spouse to undertake what is essentially a personal trip for the spouse. Thus, free air travel on the King Air for the spouses of administration officials would be a “benefit” under the Ethics Act.

(b) *Is the benefit "unwarranted"?*

As stated above, 9 AAC 52.040(a)(1) defines an unwarranted benefit as one conferred through (i) any deviation from formally or informally established procedures that is (ii) based upon an improper motive.

(i) *Deviation from Procedures*

Normal procedure requires people traveling on the King Air to reimburse the state if they are not traveling on official business. Providing this service free of charge for the spouses of administration officials would be a deviation from normal procedures.

(ii) *Improper Motivation*

A deviation is based upon an "improper motivation" if the deviation is unrelated to the state's best interests and the deviation gives primary consideration to kinship or relationship with a public officer. In this instance, the motivation would not be related to the best interests of the state: There would be no public purpose for an official's spouse to travel on the King Air for personal reasons (*i.e.*, not for official business). The primary consideration in granting the benefit would be the spouse's relationship with the administration official and the official's relationship with the Governor – precisely the type of motivations that are prohibited by the Ethics Act.

For purposes of the Ethics Act, it is irrelevant that it does not cost the state more to fly the King Air with more of its seats occupied. The focus of the Ethics Act is on the *benefit* being conferred on the administration official who would not have to pay the cost of a commercial air ticket to fly his or her spouse to a location, not the cost to the state.

Therefore, under current law, the Ethics Act precludes the spouses of administration officials from flying on the King Air unless the official reimburses the state the cost of a coach fare ticket for the spouse.

(c) *How would the law need to be changed?*

An amendment to the Ethics Act would be required to enable the Governor to allow spouses of administration officials to accompany the official on King Air flights free of charge. An exception to the general rule would need to provide something along the following lines:

It is not a violation of the Act for spouses of public officials to travel with the public official on state-owned aircraft for no

charge if the travel by the public official is required by the Governor and the travel by the spouse is authorized by the Governor, provided the cost to the state is the same regardless of whether the spouse is or is not on the aircraft.¹

Please let me know if you have further questions on this matter.

**cc: Linda Perez
Administrative Services Director
Office of the Governor**

**Mike Nizich
Deputy Chief of Staff
Office of the Governor**

¹ Such a change might have implications for the listed officials under the travel and compensation reporting requirements set out in AS 37.05.210. The billing and reporting methodology and requirements associated with useage of the King Air were examined by the Legislative Auditor in Audit No. 12-30014-02 (November 9, 2001).

AO-06-03-CD



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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

August 7, 2006

ARRIVED

AUG 9 2006

APOC - ANCH
PM/HC FAX
8-7-06

Ms. Brooke Miles
Director
Alaska Public Offices Commission
2221 E. Northern Lights Blvd. Room 128
Anchorage, AK 99508-4149

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Administrative Director

Enclosure

10-50-02 PA
Consideration PA: what is state activity or campaign?
7 ex. photo op vs. campaign.

2004 use of King Air. waived cont. last week.
~~2004~~ flying commercial vs. → monetary value
could be reported & fair.

- no legislative purpose. state jet
- IRS rules ~~on~~ valuing corporate jet
travel

2006. campaign & state business. 2 trips is option.
but gov's avail to do other duties + security:
add'l personnel or vehicles. be careful abt how
quickly - we move.

LMC: a percentage approach. to determining jet use
reimbursement for time.

Senator Higgins: title 10 provisions. Nat'l Guard
helicopters? ISJ. need add'l time. state business
presumption.

GS: amendment loss of retirement benefits? →
DJ: hard to argue over principal, but details?
no amendment for today -

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