

SB

89

<TARGET><BILL>SB 89</BILL><SUBJECT>SB
89</SUBJECT><COMM>HJUD27</COMM></TARGET>

HOUSE CS FOR CS FOR SENATE BILL NO. 89(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR COGHILL

A BILL

FOR AN ACT ENTITLED

1 **"An Act clarifying that a legislator or legislative employee is allowed to accept certain**
2 **compassionate gifts; allowing legislators and legislative employees who are representing**
3 **persons in an administrative hearing to contact hearing officers and attempt to influence**
4 **the outcome of the hearing if they are professionals licensed in the state, and allowing**
5 **legislators and legislative employees who are not professionals licensed in the state to**
6 **contact hearing officers for the purpose of influencing the outcome of the hearing in**
7 **certain instances; requiring the Select Committee on Legislative Ethics to maintain a**
8 **public record of certain ethics disclosures made by legislators and legislative employees;**
9 **prohibiting a public member of the Select Committee on Legislative Ethics from**
10 **disclosing confidential information without authorization; clarifying the ethics**
11 **disclosure requirements for tickets to or gifts in connection with charity events;**
12 **amending disclosure deadlines under the Legislative Ethics Act; relating to requests to**

1 **refrain from disclosure under the Legislative Ethics Act; relating to the applicability of**
 2 **certain provisions of the Legislative Ethics Act to certain legislative employees,**
 3 **volunteers, and interns; establishing a seat for an alternate public member on the Select**
 4 **Committee on Legislative Ethics; clarifying the requirements related to participation by**
 5 **alternate public members and alternate legislative members in the proceedings of the**
 6 **committee; amending the definition of 'legislative employee' in the Legislative Ethics**
 7 **Act; and repealing a procedure for appointment of alternate legislative members."**

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

9 * **Section 1.** AS 24.60.030(a) is amended to read:

10 (a) A legislator or legislative employee may not

11 (1) solicit, agree to accept, or accept a benefit other than official
 12 compensation for the performance of public duties; this paragraph may not be
 13 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
 14 solicitation or acceptance of contributions for a charity event, as defined in
 15 AS 24.60.080(a)(2)(B), or the acceptance of a gift [LAWFUL GRATUITY] under
 16 AS 24.60.075 or 24.60.080 [AS 24.60.080];

17 (2) use public funds, facilities, equipment, services, or another
 18 government asset or resource for a nonlegislative purpose, for involvement in or
 19 support of or opposition to partisan political activity, or for the private benefit of
 20 [EITHER] the legislator, legislative employee, or another person; this paragraph does
 21 not prohibit

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

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

1 (C) the legislative council, notwithstanding AS 24.05.190, from
2 designating a public facility for use by legislators and legislative employees for
3 health or fitness purposes; when the council designates a facility to be used by
4 legislators and legislative employees for health or fitness purposes, it shall
5 adopt guidelines governing access to and use of the facility; the guidelines may
6 establish times in which use of the facility is limited to specific groups;

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

16 (E) a legislator from use of legislative employees to prepare
17 and send out seasonal greeting cards;

18 (F) a legislator from using state resources to transport
19 computers or other office equipment owned by the legislator but primarily used
20 for a state function;

21 (G) use by a legislator of photographs of that legislator;

22 (H) reasonable use of the Internet by a legislator or a legislative
23 employee except if the use is for election campaign purposes;

24 (I) a legislator or legislative employee from soliciting,
25 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
26 organization in a state facility;

27 (J) a legislator from sending any communication in the form of
28 a newsletter to the legislator's constituents, except a communication expressly
29 advocating the election or defeat of a candidate or a newsletter or material in a
30 newsletter that is clearly only for the private benefit of a legislator or a
31 legislative employee; or

1 (K) full participation in a charity event approved in advance by
2 the Alaska Legislative Council;

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

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

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

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

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

23 (C) storing or maintaining, consistent with (b) of this section,
24 election campaign records in a legislator's office;

25 (D) a legislator from using the legislator's private office in the
26 capital city during a legislative session, and for the 10 days immediately before
27 and the 10 days immediately after a legislative session, for nonlegislative
28 purposes if the use does not interfere with the performance of public duties and
29 if there is no cost to the state for the use of the space and equipment, other than
30 utility costs and minimal wear and tear, or the legislator promptly reimburses
31 the state for the cost; an office is considered a legislator's private office under

1 this subparagraph if it is the primary space in the capital city reserved for use
2 by the legislator, whether or not it is shared with others; or

3 (E) use by a legislator of photographs of that legislator.

4 * Sec. 2. AS 24.60.030(i) is amended to read:

5 (i) A [EXCEPT FOR SUPPLYING INFORMATION REQUESTED BY THE
6 HEARING OFFICER OR THE INDIVIDUAL, BOARD, OR COMMISSION WITH
7 AUTHORITY TO MAKE THE FINAL DECISION IN THE CASE, OR WHEN
8 RESPONDING TO CONTACTS INITIATED BY THE HEARING OFFICER OR
9 THE INDIVIDUAL, BOARD, OR COMMISSION WITH AUTHORITY TO MAKE
10 THE FINAL DECISION IN THE CASE, A] legislator or legislative employee may
11 not attempt to influence the outcome of an administrative hearing by directly or
12 indirectly contacting or attempting to contact the hearing officer assigned to the
13 hearing or the individual, board, or commission with authority to make the final
14 decision in the matter [CASE] unless [THE]

15 (1) the legislator or legislative employee is representing another
16 person for compensation subject to AS 24.60.100 and as a professional who is
17 licensed in the state;

18 (2) the contact is made in the presence of all parties to the hearing or
19 the parties' representatives while the legislator or legislative employee is acting as a
20 party or a witness in the matter or responding to a question asked of the
21 legislator or legislative employee by the hearing officer, individual, board, or
22 commission and the contact is made a part of the record; or

23 (3) the contact is inadvertent and ex parte and the legislator or
24 legislative employee

25 (A) promptly discloses the [(2)] fact and substance of the
26 contact

27 (i) directly to each party to the hearing whose
28 identity as a party is public information; or

29 (ii) through the hearing officer for each party to the
30 hearing whose identity as a party is not public information; and

31 (B) makes the fact and substance of the contact [IS

1 PROMPTLY DISCLOSED BY THE LEGISLATOR OR LEGISLATIVE
2 EMPLOYEE TO ALL PARTIES TO THE HEARING AND THE CONTACT
3 IS MADE A] part of the record.

4 * Sec. 3. AS 24.60.030 is amended by adding a new subsection to read:

5 (j) In this section, "administrative hearing" means a quasi-judicial hearing
6 before an agency; "administrative hearing" does not include an informal conference or
7 review held by an agency before a final decision is issued or a rate-making proceeding
8 or other nonadjudicative public hearing.

9 * Sec. 4. AS 24.60.050(c) is amended to read:

10 (c) A legislator or legislative employee who participates in a program or
11 receives a loan that is not exempt from disclosure under (a) of this section shall file
12 with the committee by the date required under AS 24.60.105 a disclosure stating the
13 amounts of the loans outstanding or benefits received during the preceding calendar
14 year from nonqualifying programs. If the committee requests additional information
15 necessary to determine the propriety of participating in the program or receiving the
16 loan, it shall be promptly provided. The committee shall **maintain the disclosure as a**
17 **public record and promptly forward the information contained in the disclosure**
18 [PROMPTLY COMPILE A LIST OF THE STATEMENTS INDICATING THE
19 LOANS AND PROGRAMS AND AMOUNTS AND SEND IT] to the presiding
20 officer of each house who shall have it published in the supplemental journals on or
21 before the next regularly scheduled publication of ethics disclosures. If a legislator or
22 legislative employee asks the committee to keep any part of the disclosure confidential
23 and a quorum of the committee determines by vote of a majority of committee
24 members that making the entire disclosure public would cause an unjustifiable
25 invasion of personal privacy, the committee may elect to publish only the fact that a
26 person has participated in the program and the amount of benefit that the unnamed
27 person received. The committee shall maintain the disclosure of the name of the
28 person as confidential and may only use the disclosure in a proceeding under
29 AS 24.60.170. If the disclosure becomes part of the record of a proceeding under
30 AS 24.60.170, the disclosure may be made public as provided in that section.

31 * Sec. 5. AS 24.60.060(a) is amended to read:

1 (a) A legislator, [OR] legislative employee, or public member of the
 2 committee may not knowingly make an unauthorized disclosure of information that is
 3 made confidential by law and that the person acquired in the course of official duties.
 4 A person who violates this section is subject to a proceeding under AS 24.60.170 and
 5 may be subject to prosecution under AS 11.56.860 or another law.

6 * Sec. 6. AS 24.60.080(a) is amended to read:

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

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

13 (2) solicit, accept, or receive a gift with any monetary value from a
 14 lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a
 15 lobbyist, except

16 (A) food or beverage for immediate consumption;

17 (B) a contribution to a charity event, [FROM ANY PERSON
 18 AT ANY TIME, AND] tickets to [FOR] a charity event, and [AT ANY TIME,
 19 EXCEPT THAT TICKETS TO OR] gifts to which the tickets may entitle the
 20 bearer; however, under this subparagraph a legislator or legislative
 21 employee may not solicit, accept, or receive from the same lobbyist, an
 22 immediate family member of the lobbyist, or a person acting on behalf of
 23 the lobbyist, tickets to a charity event, gifts to which the tickets may entitle
 24 the bearer, or both, that in a calendar year aggregate to \$250 or more in
 25 value [RECEIVED AT A CHARITY EVENT UNDER THIS
 26 SUBPARAGRAPH ARE SUBJECT TO THE CALENDAR YEAR LIMIT
 27 ON THE VALUE OF GIFTS RECEIVED BY A LEGISLATOR OR
 28 LEGISLATIVE EMPLOYEE IN (1) OF THIS SUBSECTION]; in this
 29 subparagraph, "charity event" means an event the proceeds of which go to a
 30 charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that
 31 the Alaska Legislative Council has approved in advance; the tickets may entitle

1 the bearer to admission to the event, to entertainment, to food or beverages, or
 2 to other gifts or services in connection with [INVOLVED IN] the charity
 3 event;

4 (C) a gift that is unconnected with the recipient's legislative
 5 status and is from a member of the legislator's or legislative employee's
 6 immediate family;

7 (D) a gift delivered on the premises of a state facility and
 8 accepted on behalf of a recognized nonpolitical charitable organization; or

9 (E) a compassionate gift under AS 24.60.075.

10 * **Sec. 7.** AS 24.60.080(c) is amended to read:

11 (c) Notwithstanding (a)(1) of this section, it is not a violation of this section
 12 for a person who is a legislator or legislative employee to accept

13 (1) hospitality, other than hospitality described in (4) of this
 14 subsection,

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

18 (B) at a social event or meal;

19 (2) discounts that are available

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

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

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

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

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

30 (A) the spouse of the person;

31 (B) the person's domestic partner;

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

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

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

6 (F) a stepparent, stepsister, stepbrother, step-grandparent, step-
7 aunt, or step-uncle of the person, the person's spouse, or the person's domestic
8 partner;

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

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

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

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

28 (10) a contribution to a charity event, a ticket to a charity event, or a
29 gift in connection with a charity event [FROM ANY PERSON AT ANY TIME]; in
30 this paragraph, "charity event" has the meaning given in (a)(2)(B) of this section.

31 * **Sec. 8.** AS 24.60.080(d) is amended to read:

1 (d) A legislator or legislative employee who accepts a gift under (c)(4) **of this**
 2 **section that has a value of \$250 or more or a ticket to a charity event or gift in**
 3 **connection with a charity event under (c)(10)** of this section that has a value of \$250
 4 or more shall disclose to the committee, within ~~60~~ [30] days after receipt of the gift,
 5 the name and occupation of the donor and the approximate value of the gift. A
 6 legislator or legislative employee who accepts a gift under (c)(8) of this section that
 7 the recipient expects will have a value of \$250 or more in the calendar year shall
 8 disclose to the committee, within 30 days after receipt of the gift, the name and
 9 occupation of the donor, a general description of the matter of legislative concern with
 10 respect to which the gift is made, and the approximate value of the gift. The committee
 11 shall maintain a public record of the disclosures it receives relating to gifts under
 12 (c)(4), (c)(8), **(c)(10)**, and (i) of this section and shall forward the disclosures to the
 13 appropriate house for inclusion in the journal. The committee shall forward to the
 14 Alaska Public Offices Commission copies of the disclosures concerning gifts under
 15 (c)(4), (c)(8), **(c)(10)**, and (i) of this section that it receives from legislators and
 16 legislative directors. A legislator or legislative employee who accepts a gift under
 17 (c)(6) of this section that has a value of \$250 or more shall, within 30 days after
 18 receiving the gift, disclose to the committee the name and occupation of the donor and
 19 a description of the gift. The committee shall maintain disclosures relating to gifts
 20 under (c)(6) of this section as confidential records and may only use, or permit a
 21 committee employee or contractor to use, a disclosure under (c)(6) of this section in
 22 the investigation of a possible violation of this section or in a proceeding under
 23 AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record
 24 of a proceeding under AS 24.60.170, the confidentiality provisions of that section
 25 apply to the disclosure.

26 * **Sec. 9.** AS 24.60.080(h) is amended to read:

27 (h) A legislator, a legislative committee other than the Select Committee on
 28 Legislative Ethics, or a legislative agency may accept a gift of (1) volunteer services
 29 for legislative purposes so long as the person making the gift of services is not
 30 receiving compensation from another source for the services, or (2) the services of a
 31 **legislative intern** [TRAINEE] who is participating in an educational program

1 approved by the committee if the services are used for legislative purposes. The
 2 committee shall approve training under a program of the University of Alaska and
 3 training under 29 U.S.C. 2801 - 2945 (Workforce Investment Act of 1998).

4 * **Sec. 10.** AS 24.60.105 is amended by adding a new subsection to read:

5 (d) A person may submit a written request to refrain from making a disclosure
 6 that is required by this chapter if making the disclosure would violate state or federal
 7 law, including the United States Constitution and the Constitution of the State of
 8 Alaska, or a rule, adopted formally by a trade or profession, that state or federal law
 9 requires the person to follow. The committee shall approve or deny the request, or
 10 require further justification from the person making the request. At the request of the
 11 committee or a person authorized to act on behalf of the committee, a person who
 12 seeks to refrain from making a disclosure under this subsection shall provide the
 13 committee with justification in writing, and the committee may review the written
 14 justification to determine whether it is sufficient.

15 * **Sec. 11.** AS 24.60.112 is repealed and reenacted to read:

16 **Sec. 24.60.112. Applicability to legislative interns and volunteers.** A
 17 legislative intern or legislative volunteer shall be considered to be a legislative
 18 employee for purposes of compliance with AS 24.60.030 - 24.60.039, 24.60.060,
 19 24.60.080, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If a person
 20 believes that a legislative intern or legislative volunteer has violated the provisions of
 21 one of those sections, the person may file a complaint under AS 24.60.170. The
 22 provisions of AS 24.60.170 apply to the proceeding.

23 * **Sec. 12.** AS 24.60.130(h) is amended to read:

24 (h) A member is disqualified from participating as a member in any
 25 proceeding before the committee involving a complaint against the member or an
 26 employee whose work is supervised by the member or an advisory opinion requested
 27 by the member. If a regular legislative member of the committee is disqualified under
 28 this subsection from participating in a proceeding involving a complaint, the member's
 29 alternate shall be designated under AS 24.60.131 [(n) OF THIS SECTION].

30 * **Sec. 13.** AS 24.60.130(o) is amended to read:

31 (o) Notwithstanding (h) [AND (n)] of this section and AS 24.60.131, if a

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

18 * **Sec. 14.** AS 24.60 is amended by adding a new section to read:

19 **Sec. 24.60.131. Alternate members.** (a) When appointing members of the
 20 legislature to serve on the committee under AS 24.60.130(b), the speaker of the house
 21 of representatives or the president of the senate, as appropriate, shall appoint an
 22 alternate member for each regular member. The alternate member shall have the same
 23 qualifications for appointment to the committee as the regular member for whom the
 24 alternate stands as alternate. The alternate member's appointment is subject to
 25 confirmation as required for appointment of the regular member.

26 (b) When selecting public members to serve on the committee under
 27 AS 24.60.130(b), the Chief Justice of the Alaska Supreme Court shall select one
 28 alternate public member. The alternate public member's selection is subject to
 29 ratification as required for selection of the regular public members.

30 (c) Subject to (d) of this section, if a regular member of the committee or a
 31 subcommittee is unable to participate in a proceeding other than a proceeding under

1 AS 24.60.170, the chair of the committee or subcommittee that holds the proceeding
2 shall designate the regular member's alternate to participate in place of the regular
3 member at the proceeding, and the alternate shall participate for the duration of that
4 proceeding unless the alternate is unable to participate.

5 (d) If a regular member of the committee or a subcommittee or an alternate
6 member appointed under (a) or (b) of this section participates at the commencement of
7 a proceeding under AS 24.60.170, the member shall participate for the duration of the
8 proceeding unless the member is disqualified under AS 24.60.130(h) or is unable to
9 continue participating. If the participating member is disqualified under
10 AS 24.60.130(h) or becomes unable to participate, the chair of the committee or
11 subcommittee that holds the proceeding shall designate the member's alternate to
12 participate in place of the member for the duration of the proceeding unless the
13 alternate is disqualified or is unable to participate.

14 (e) If both a regular legislative member and that member's alternate appointed
15 under (a) of this section are not available to participate at the commencement of a
16 proceeding under AS 24.60.170 because they are disqualified under AS 24.60.130(h),
17 the presiding officer of the house in which the two members serve shall appoint from
18 that house an alternate and designate that alternate to participate in the proceeding;
19 however, if the two members who are not available to participate are not members of
20 the majority organizational caucus, the leader of the minority organizational caucus
21 with the greatest number of members shall appoint from that house an alternate and
22 designate that alternate to participate in the proceeding.

23 (f) A designation under (c) - (e) of this section shall be treated as confidential
24 to the same extent that the identity of the subject of a complaint is required to be kept
25 confidential.

26 * **Sec. 15.** AS 24.60.155 is repealed and reenacted to read:

27 **Sec. 24.60.155. Legislative ethics course.** (a) A person who is a legislator,
28 legislative employee, public member of the committee, legislative intern, or legislative
29 volunteer shall complete a legislative ethics course administered by the committee
30 under AS 24.60.150(a)(4) within 10 days of the first day of the first regular session of
31 each legislature or, if the person first takes office or begins service after the 10th day

1 of that session, within 30 days after the person takes office or begins service. The
2 committee may grant a person additional time to complete the course required by this
3 section.

4 (b) A legislative intern or legislative volunteer who serves fewer than 30 days
5 in one legislature is not subject to the requirements under (a) of this section.

6 * **Sec. 16.** AS 24.60.260(a) is amended to read:

7 (a) A person required to make a disclosure under this chapter may not
8 knowingly make a false or deliberately misleading or incomplete disclosure to the
9 committee or to the Alaska Public Offices Commission. A person who files a
10 disclosure after a deadline set by this chapter or by a regulation adopted [BY THE
11 COMMITTEE OR] by the Alaska Public Offices Commission has violated this
12 chapter and may be subject to imposition of a fine as provided in (c) of this section or
13 AS 24.60.240.

14 * **Sec. 17.** AS 24.60.990(a)(11) is amended to read:

15 (11) "legislative employee" means a person, other than a legislator,
16 who is compensated by the legislative branch in return for regular or substantial
17 personal services, regardless of the person's pay level or technical status as a full-time
18 or part-time employee, independent contractor, or consultant; it includes public
19 members and staff of the committee; it does not include individuals who perform
20 functions that are incidental to legislative functions, [INCLUDING SECURITY,
21 MESSENGER, MAINTENANCE, AND PRINT SHOP EMPLOYEES,] and other
22 employees designated by the committee;

23 * **Sec. 18.** AS 24.60.130(n) is repealed.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSSB 89(JUD)
Fiscal Note Number 2
(S) Publish Date 1/30/12

Identifier (file name) CSSB89-LEG-COU-1-17-2012 Dept. Affected Legislature
Title "Legislative Ethics Act" Appropriation Legislative Council
Allocation Select Committee on Ethics
Sponsor Senator Coghill
Requester Senate Judiciary Committee OMB Component Number 2321

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time						
Part-time						
Temporary						

CHANGE IN REVENUES

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Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by Jessica Geary, Finance Manager
Division Legislative Affairs Agency
Approved by Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
Date/Time 1/17/12 10:46 AM
Date 1/17/2012

FISCAL NOTE #2

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSSB 89(JUD)

Analysis

This legislation has zero fiscal impact on the Legislative Affairs Agency.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSSB 89(JUD)
 Fiscal Note Number 2
 (S) Publish Date 1/30/12

Identifier (file name) CSSB89-LEG-COU-1-17-2012 Dept. Affected Legislature
 Title "Legislative Ethics Act" Appropriation Legislative Council
 Allocation Select Committee on Ethics
 Sponsor Senator Coghill
 Requester Senate Judiciary Committee OMB Component Number 2321

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by Jessica Geary, Finance Manager
 Division Legislative Affairs Agency
 Approved by Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 1/17/12 10:46 AM
 Date 1/17/2012

FISCAL NOTE #2

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. CSSB 89(JUD)

Analysis

This legislation has zero fiscal impact on the Legislative Affairs Agency.

ALASKA STATE SENATE



Contact:

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(907)-488-5725

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Session

(907)-465-3719

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**State Capitol
Room 504**

SENATOR JOHN COGHILL

HCS CSSB 89(STA)

Version O

This bill is a **product of discussions by the Select Committee of Legislative Ethics** over the **past couple of years**. There are some clarifications of existing statutes and amendments to current law to accommodate issues arisen dealing with confidentiality and meeting quorums.

The bill creates **three exceptions to the bright line for legislators and legislative staff to follow for assisting constituents with problems they encounter with state agencies**. Once an issue has been appealed to an administrative hearing officer, the legislator or legislative staffer may no longer make contacts with the agency, unless that person is a licensed professional to represent a person in such a proceeding and is being compensated for that representation. There are also provisions for inadvertent ex parte contact.

SB 89 clarifies that a **gift of a ticket from a lobbyist to a charity event sanctioned by Legislative Council cannot exceed \$249.99**. It also further describes a **contribution to a charity event** as a ticket to a charity event or a gift in connection with the charity event.

It also **extends the reporting deadline for reporting gifts of travel and from charitable events from 30 to 60 days and expands legislative ethics training to legislative volunteers or educational trainees who are on the job for more than 30 days**.

The bill adds **public members of the ethics committee** to the statute prohibiting members from knowingly making **unauthorized disclosure of confidential information**. This bill clarifies that disclosures prohibited by state and federal confidentiality laws are not required by the Select Committee on Legislative Ethics

Lastly, the bill adds a statute **creating an alternate public member** and would allow **any alternate member** of the ethics committee who participates in the beginning of a proceeding to **participate in the entire proceeding**. The Chief Justice of the Alaska Supreme Court would appoint the alternate for the public members.



ALASKA STATE LEGISLATURE

SENATOR JOHN COGHILL

State Capitol, Room 504, Juneau, AK 99801-1182 (907) 465-3719
3340 Badger Road Suite #290, North Pole, AK 99705 (907) 488-5725

MEMORANDUM

HCS CSSB 89(STA) Legislative Ethics Bill Summary of Version O

- Sec. 1.** Replaces “lawful gratuity” with “**gift**” to make section of law consistent with the usage of “gift”.
- Sec. 2.** Provides exceptions to the bright line for legislators or staff being actively involved in constituent problems with the State. Once the issue is assigned to an administrative hearing the involvement of the legislative office ceases. Exceptions are included for lawyers, witnesses, and a provision for inadvertent exparte contact.
- Sec. 3.** Adds a definition for “**administrative hearing**” to ethics statutes.
- Sec. 4.** Eliminates requirement of committee to compile lists of financial disclosure statements. They must only maintain public records and forward them to chief clerk and senate secretary.
- Sec. 5.** Adds public members to statute prohibiting disclosure of confidential information.
- Sec. 6.** Clarifies that a ticket to a charity event from a lobbyist, or gifts received because of the ticket from a lobbyist cannot exceed \$250.
- Sec. 7.** Further describes “a contribution to a charity event” by clarifying it could be a ticket to a charity event or a gift in connection with a charity event.
- Sec. 8.** Extend the reporting period for gifts of travel for the purpose of obtaining information on legislative matters and disclosure of gifts from charitable events from 30 days to 60 days.
- Sec. 9.** Grammatik correction replacing the word “**trainee**” with the word “**intern**”.
- Sec. 10.** Allows for exceptions from disclosure under the legislative ethics law if it would be in violation of the state or federal constitution or state or federal law. The State Affairs Committee added language that includes exceptions

for disclosures for a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow. A written request with justification must be submitted to the committee.

- Sec. 11.** Requires a legislative intern to be compliant with the legislative ethics statutes.
- Sec. 12.** Adds cite for new section on Alternate Members to statute describing the committee, its structure and its duties.
- Sec. 13.** Adds cite for new section on Alternate Members to statute describing the committee, its structure and its duties.
- Sec. 14.** This is a new section describing the process for appointing alternates. The section adds a new provision that provides for the Chief Justice to appoint an alternate public member.
- Sec. 15.** Redefines legislative employee.
- Sec. 16.** Repeals old statute describing the process for appointing alternates.

ALASKA STATE HOUSE OF REPRESENTATIVES



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State Capitol

Room 504

SENATOR JOHN COGHILL

Date: March 6, 2012

To: Representative Carl Gatto, Chairman
House Judiciary Committee

From: Senator John Coghill

A handwritten signature in black ink, appearing to read "JBC", written over a horizontal line.

Re: Request to schedule SB 89 for a hearing

I am respectfully requesting Senate Bill 89, an Act amending certain provisions of the Select Committee on Legislative Ethics statutes be scheduled for a hearing in the House Judiciary Committee.

The legislation was amended in House State Affairs. I have attached the backup information for the bill and am available to answer any questions you might have on the bill.

Thank you for your consideration.

Amendment
pack
3/21/12

LEGAL SERVICES

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

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

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


MEMORANDUM

March 14, 2012

✓ Final Legal
req.

SUBJECT: Title change may be needed; amendments to HCS CSSB 89(STA)
(Work Order Nos. 27-LS0452\O.1 & O.2)

TO: Senator John Coghill
Attn: Rynnieva Moss

FROM: Dan Wayne 
Legislative Counsel

Enclosed are the two draft amendments, O.1 and O.2, that you requested for the bill referenced above.

The Constitution of Alaska, article II, section 13 requires that the subject of each bill shall be expressed in the title. There may be an issue as to whether proposed amendment O.1 will require a title change to the bill that it is amending. If a title change is required to this house bill in the Senate, a joint resolution would be required to suspend Uniform Rules 24(c), 35, 41(b) and 42(e), which prohibit changes to a bill's title in the second house. Although amendment O.1 explicitly concerns the ostensible authority of the Select Committee on Legislative Ethics to establish disclosure deadlines by adopting regulations, it would probably fit within the title under "amending disclosure deadlines under the Legislative Ethics Act," on page 1, line 12, because it relates indirectly to disclosure deadlines in the Legislative Ethics Act.¹ On the other hand, it could be argued that the amendment does not fit within the title because it does not actually amend an existing deadline. If you want to exercise the most caution, the amendment could be revised to include a title change. If the title is changed, the committee may ask for a concurrent resolution at the time a committee substitute is prepared.

DCW:plm
12-162.plm

Enclosures

¹ The committee does not adopt regulations, and the Legislative Ethics Act does not explicitly authorize the committee to adopt regulations.

Joni Regtegal ✓

27-LS0452\O.1
Wayne
3/14/12

AMENDMENT # 1

OK
3/19/12 ✓
JUD CS
new Sec. 16

OFFERED IN THE HOUSE
TO: HCS CSSB 89(STA)

- 1 Page 13, following line 16:
- 2 Insert a new bill section to read:
- 3 **** Sec. 15.** AS 24.60.260(a) is amended to read:
- 4 (a) A person required to make a disclosure under this chapter may not
- 5 knowingly make a false or deliberately misleading or incomplete disclosure to the
- 6 committee or to the Alaska Public Offices Commission. A person who files a
- 7 disclosure after a deadline set by this chapter or by a regulation adopted [BY THE
- 8 COMMITTEE OR] by the Alaska Public Offices Commission has violated this
- 9 chapter and may be subject to imposition of a fine as provided in (c) of this section or
- 10 AS 24.60.240."
- 11
- 12 Renumber the following bill sections accordingly.

3/19/12

27-LS0452\O.2
Wayne
3/14/12

AMENDMENT #2

OFFERED IN THE HOUSE

TO: HCS CSSB 89(STA)

- 1 Page 11, line 8:
- 2 Following "**interns**":
- 3 Insert "**and volunteers**"
- 4 Following "**intern**":
- 5 Insert "**or legislative volunteer**"
- 6
- 7 Page 11, line 11, following "**intern**":
- 8 Insert "**or legislative volunteer**"

m table, tell wednes
explan./defint.

3/21/12

27-LS0452\O.1
Wayne
3/14/12

AMENDMENT

#1

adopted

(New Sec. 16)

OFFERED IN THE HOUSE
TO: HCS CSSB 89(STA)

- 1 Page 13, following line 16:
- 2 Insert a new bill section to read:
- 3 **** Sec. 15.** AS 24.60.260(a) is amended to read:
- 4 (a) A person required to make a disclosure under this chapter may not
- 5 knowingly make a false or deliberately misleading or incomplete disclosure to the
- 6 committee or to the Alaska Public Offices Commission. A person who files a
- 7 disclosure after a deadline set by this chapter or by a regulation adopted [BY THE
- 8 COMMITTEE OR] by the Alaska Public Offices Commission has violated this
- 9 chapter and may be subject to imposition of a fine as provided in (c) of this section or
- 10 AS 24.60.240."
- 11
- 12 Renumber the following bill sections accordingly.

✓ Legles

AMENDMENT #2

OFFERED IN THE HOUSE

TO: HCS CSSB 89(STA)

- 1 Page 11, line 8:
- 2 Following "interns":
- 3 Insert "and volunteers"
- 4 Following "intern":
- 5 Insert "or legislative volunteer"
- 6
- 7 Page 11, line 11, following "intern":
- 8 Insert "or legislative volunteer"

tabled on 3/19/12

*3/21 Rep. Holmes
obj. rem.*

m OK ✓ JUDGES

AMENDMENT

#3

OFFERED IN THE HOUSE
TO: HCS CSSB 89(STA)

3/21 M Rep. Keller
y & obj. OK

✓ CSJUB
Sec. 15

1 Page 11, line 10:

2 Delete "24.60.155,"

3

4 Page 13, following line 16:

5 Insert a new bill section to read:

6 "* **Sec. 15.** AS 24.60.155 is repealed and reenacted to read:

7 **Sec. 24.60.155. Legislative ethics course.** (a) A person who is a legislator,
8 legislative employee, public member of the committee, legislative intern, or legislative
9 volunteer shall complete a legislative ethics course administered by the committee
10 under AS 24.60.150(a)(4) within 10 days of the first day of the first regular session of
11 each legislature or, if the person first takes office or begins service after the 10th day
12 of that session, within 30 days after the person takes office or begins service. The
13 committee may grant a person additional time to complete the course required by this
14 section.

15 (b) A legislative intern or legislative volunteer who serves fewer than 30 days
16 in one legislature is not subject to the requirements under (a) of this section."

17

18 Renumber the following bill sections accordingly.

M Rep. Keller

27-LS0452\O.4
Wayne
3/20/12

AMENDMENT

#4

OFFERED IN THE HOUSE

TO: HCS CSSB 89(STA)

(^{c.}
withdrawn
See #5)

- 1 Page 5, line 25, following "hearing":
- 2 Insert "whose names are public"



Rep. Greenberg.

Can't vote if have subst.
interest - + in
amt.

AS 24.60.030 (g)

M Rep Keller

to HCS CSSB 89 (STA)

#5 (rev 4)

Conceptual Amendment by Broadway

page 5 lines 25-26 strike all language as

insert:

O.K.

"employe to all parties to the hearing whose
public

names are part of the record and to the hearing

officer for transmittal to all parties whose

names are not public; ^{and} the contact is made a

part of the record."

(See subsequent
email from sponsor)

Melanie Lesh

From: Rynnieva Moss
Sent: Wednesday, March 21, 2012 2:43 PM
To: Melanie Lesh; LAA Legal
Subject: Attn: Dan Wayne

Terry Thurbon with Office of Administrative Hearings asked me to make sure you noted on the conceptual amendment #5 that the hearing officer is just responsible for transmittal to all parties is an administrative hearing under Title 44 but does not include hearings being conducted by boards or commissioners, so those hearing officers should be included in the amended section.

3/21/12

AMENDMENT

#6 w/d

OFFERED IN THE HOUSE

BY REPRESENTATIVE

(withdrawn)

TO: HCS CSSB 89(STA) Version O

- 1 Page 5, line 30:
- 2 Delete:
- 3 "or a rate-making proceeding"
- 4

House

3/21/12

27-LS0452\O.5

Wayne

3/21/12

AMENDMENT

#7

OK

OFFERED IN THE HOUSE

TO: HCS CSSB 89(STA)

- 1 Page 13, lines 22 - 23:
- 2 Delete "are hourly employees who"

withdrawing
27-LS045210.6
Wayne
3/21/12

AMENDMENT

#8 M

OFFERED IN THE HOUSE
TO: HCS CSSB 89(STA)

obj. Susan
vote?

1 Page 5, line 28, following "quasi-judicial hearing":

2 Insert ", "

amdt. w/d
max

4 Page 5, line 29, following "agency":

5 Insert ", that formulates issues of law and fact in terms of specific parties and specific
6 transactions and that is conducted according to procedures that provide to parties who may be
7 bound by the outcome adequate notice and the right to argue and present evidence;"

~~9~~
withdrawn
~~#9~~

* get
from
Lynn

0.7
Wayne

disclosure of
conflict of interest.

Sen. Coghil - Uniform Rule Δ 2/3

Rep Keller - disclosure already
referred.

AMENDMENT

w/d

OFFERED IN THE HOUSE

TO: HCS CSSB 89(STA)

1 Page 1, line 2, following "gifts;":

2 Insert "specifying that a Legislative Ethics Act restriction on legislative voting
3 applies to committee hearings and floor sessions;"

4

5 Page 5, following line 3:

6 Insert a new bill section to read:

7 "* Sec. 2. AS 24.60.030(g) is amended to read:

8 (g) Unless required by the Uniform Rules of the Alaska State Legislature, a
9 legislator may not vote on a question, in a committee hearing or during a floor
10 session, if the legislator has an equity or ownership interest in a business, investment,
11 real property, lease, or other enterprise if the interest is substantial and the effect on
12 that interest of the action to be voted on is greater than the effect on a substantial class
13 of persons to which the legislator belongs as a member of a profession, occupation,
14 industry, or region.

15

16 Renumber the following bill sections accordingly.