

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9472 HOUSE STATE AFFAIRS

Handwritten notes: "Hs - ... To ... slash Acct. #"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 3, following line 18:

2 Insert a new bill section to read:

3 "* Sec. 3. AS 15.13.110(a) is amended to read:

4 (a) Each candidate and group shall make a full report in accordance with
5 AS 15.13.040 for the period ending three days before the due date of the report and
6 beginning on the last day covered by the most recent previous report. If the report is
7 a first report, it shall cover the period from the beginning of the campaign to the date
8 three days before the due date of the report. If the report is a report due February 15,
9 it shall cover the period beginning on the last day covered by the most recent previous
10 report or on the day that the campaign started, whichever is later, and ending on
11 December 31 of the prior year. The report shall be filed

12 (1) 30 days before the election; however, this report is not required if
13 the deadline for filing a nominating petition or declaration of candidacy is within 30
14 days of the election;

15 (2) one week before the election;

16 (3) 10 days after the election; and

17 (4) February 15 for expenditures made and contributions received that
18 were not reported during the previous year, including, if applicable, all amounts
19 expended from a public [LEGISLATIVE] office expense account established under
20 AS 15.13.116(a)(9) and all amounts expended from a municipal office account under
21 AS 15.13.116(a)(10), or when expenditures were not made or contributions were not
22 received during the previous year."

23 Renumber the following bill sections accordingly.

24 Page 4, line 30:

1 Delete "legislative office account or to an office"

2 Insert "public [LEGISLATIVE] office expense account or to a public office
3 expense"

4 Page 5, line 3:

5 Delete "legislative office"

6 Insert "public [LEGISLATIVE] office expense"

7 Page 5, line 6:

8 Delete "legislative office"

9 Insert "public [LEGISLATIVE] office expense"

10 Page 5, line 25:

11 Following "in the":

12 Delete "office"

13 Insert "public office expense"

14 Delete "legislative office"

15 Insert "public office expense"

16 Page 5, line 28:

17 Delete "legislative office"

18 Insert "public office expense"

19 Page 5, line 30:

20 Delete "legislative office"

21 Insert "public office expense"

22 Page 5, line 31:

23 Following "The":

24 Delete "office"

25 Insert "public office expense"

26 Delete "legislative office"

1 Insert "public office expense"

2 Page 6, line 1, following "in the":

3 Delete "office"

4 Insert "public office expense"

5 Page 10, line 7:

6 Delete "as an office allowance,"

7 Insert "under AS 24.10.110,"

8 Page 59, line 31:

9 Delete "legislative office"

10 Insert "public office expense"

11 Renumber internal references to bill sections in accordance with this amendment. Internal
12 bill section references occur in the following places:

13 Page 59, lines 21 and 28

14 Page 60, lines 1, 3, 4, and 6

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 18, line 24:

2 Delete "in accordance with guidelines adopted by the committee"

3 Page 23, line ~~21~~²⁶, through page 24, line 2:

4 Delete all material.

5 Renumber the following bill sections accordingly.

6 Renumber internal references to bill sections in accordance with this amendment. Internal
7 bill section references occur in the following places:

8 Page 59, lines 21 and 28

9 Page 60, lines 1, 3, 4, and 6

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 8, lines 18 - 19:

2 Delete "a legislative director or another legislative employee who is subject to
3 disclosure"

4 Insert "an upper-level employee [A LEGISLATIVE DIRECTOR]"

(1901 higher)

5 Page 31, lines 18 - 19:

6 Delete "[AND] legislative directors, public members of the committee, and certain
7 legislative employees"

8 Insert "upper-level employees, and public members of the committee
9 [LEGISLATIVE DIRECTORS]"

10 Page 31, lines 20 - 21:

11 Delete "[AND A] legislative director, public member of the committee and
12 legislative employee who is required to disclose"

13 Insert "upper-level employee, and a public member of the committee
14 [LEGISLATIVE DIRECTOR]"

15 Page 31, lines 28 - 29:

16 Delete ": however, a person subject to disclosure requirements is not required to
17 report any gifts"

18 Insert "other than information about gifts"

19 Page 32, lines 5 - 6:

20 Delete "person subject to disclosure requirements [LEGISLATOR OR]"

21 Insert "legislator or an upper-level employee ["

1 Page 32, lines 20 - 21:

2 Delete "person subject to disclosure requirements [LEGISLATOR AND"

3 Insert "legislator and an upper-level employee ["

4 Page 32, lines 24 - 25:

5 Delete "a legislative employee who is required to disclose"

6 Insert "an upper-level employee"

7 Page 32, lines 30 - 31:

8 Delete "person subject to disclosure requirements [LEGISLATOR OR"

9 Insert "legislator or an upper-level employee ["

10 Page 33, lines 11 - 12:

11 Delete "a person subject to disclosure requirements [AN INCUMBENT
12 LEGISLATOR"

13 Insert "an incumbent legislator ["

14 Page 33, line 17, following "AS 39.50.060(b).":

15 Insert "In addition to the sanctions described in AS 24.60.260, if the Alaska Public
16 Offices Commission finds that an upper-level employee has failed or refused to file a
17 report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify the
18 appropriate committee of the legislature. For the ombudsman and employees of the
19 office of the ombudsman, the appropriate committee is the Legislative Council. For
20 upper-level employees who are not employed by the Legislative Affairs Agency or the
21 Legislative Budget and Audit Committee, the commission shall notify the Rules
22 Committee of the appropriate legislative body."

23 Page 34, lines 9 - 14:

24 Delete all material.

25 Page 34, line 15:

26 Delete "(17)"

1 Insert "(15)"

2 Page 34, line 17:

3 Delete "(18)"

4 Insert "(16)"

5 Page 34, line 18:

6 Delete "."

7 Insert ";"

8 (17) "upper-level legislative employee" or "upper-level employee" means a
9 legislative employee who is compensated at Range 19 or above of the state salary schedule
10 under AS 39.27.011."

RE
These
Bill

Call. Judy Jordan: 2646

Governor's Signature on cks etc
is full advertising!

2646 12:14 Judy Jordan
PMA on Exec Act
include: am SB105
CKS
PFD CKS
Cong CKS

12:15

Unemp, AFDC, etc

Neil talk
to Mike H.

Ben:
Too difficult.
AK Court allows a
very powerful
Governor!

Here are the amendments
and analysis from Susie.

We can talk later...

Alaska State Legislature

Select Committee on Legislative Ethics

716 W. 4th. Suite 230
Anchorage AK
(907) 258-8172
FAX: 258-2106

Mailing Address:
P.O.Box 101468
Anchorage, AK
99510 - 1468

DATE: May 5, 1997

TO:

FROM: Susie Barnett, Staff
Select Committee on Legislative Ethics

RE: Analysis of Proposed Amendments to CSSB 105 (FIN) am
House State Affairs

Amendment KA.1: DISBURSEMENT OF CAMPAIGN ASSETS:

Sections 3 and 4 of this bill relate to transfers of unused campaign contributions to a legislative office account. The current language in the bill would allow a legislator to allocate any unused office account monies for use in a variety of ways, including paying campaign bills, charitable donations, candidate defense funds and future election accounts. By deleting (a)(1)-(8) and inserting (a)(3) or (4), unused office account monies could only be used for:

(a)(3) making donations to a political party, the state's general fund, a municipality of the state or the federal government or

(a)(4) making donations to organizations qualified as charitable organizations so long as the organization is not controlled by the candidate or a member of the candidate's immediate family.

Amendment KA.2: PROHIBITED CONTRIBUTIONS

Section 2 of this bill prohibits a person or group from contributing to a candidate for state office while the legislature is convened in its regular session. This technical amendment deletes subsection (C)(1) as it is no longer necessary due to the change from "to a candidate for state legislature" to the broader prohibition "to a candidate for state office."

Amendment KA.3: SPOUSAL/SPOUSAL EQUIVALENT LOBBYING

Section 8 of this bill prohibits lobbying activity for spouses and cohabitants of legislators. This amendment in total, is a contingency amendment, should the ban on spouses/equivalents of legislators be found unconstitutional. If that were to occur, the requirement for prompt and complete disclosure of the spouse's or equivalent's lobbying activities (from the original version of SB 105) would go into effect 30 days after the later of either a final judgment or the expiration of an appeal or final decision in an appeal. The disclosure requirement for legislators would be identical to the requirement placed on legislative employees and state officials in this bill.

Amendment KA.4: EXECUTIVE BRANCH: DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS.

The bill creates a new subsection (Section 80: 39.52.155) which requires state officials to disclose to supervisors and APOC, any close economic associations with those listed in Section 80. Section 67 of the bill provides a way for state officials to report a close economic association along with their annual conflict of interest report. The amendment deletes the new subsection and therefore deletes a "double reporting" requirement.

Amendment KA.7: EXECUTIVE BRANCH GIFTS

Section 77 of this bill adds legislative gift restrictions and reporting requirements to existing restrictions for state officials. There has been some confusion as to how the existing prohibitions and reporting requirements and the new restrictions and reporting requirements fit together. Existing statute sets out that **public officers** (public employees, board/commission members, state trustees) may not accept or solicit gifts intended to influence their official performance and that any gift with a value of over \$50, from an entity that could be affected by the actions of the public officer, must be reported. The amendment highlights for **state officials** (defined in Section 110 to include governor, Lt. governor, commissioners, deputy comms, dept. directors, commission/board members, Range 19 and above exempt/part. exempt employees) that they must comply with the existing restrictions/reporting as noted above and the new restrictions and reporting requirements as set out in this bill.

Amendment KA.10: ELECTION PERIOD LEGISLATIVE ETHICS COMPLAINTS

This amendment adds a new bill section which suspends the committee's jurisdiction on certain complaints for a period of time near an election. The amendment requires the ethics committee to return complaints received against a legislator or legislative employee* who is a candidate for state office 45 days* prior to the primary election unless the candidate/subject of the complaint notifies within a specified period of time that he/she is waiving the suspension of jurisdiction. The amendment sets out subject and complainant notification requirements

for the committee, including a notification that the complainant may refile the complaint at the end of the moratorium period.

*Under the current ethics code (AS 24.60.033), legislative employees are prohibited from running for a legislative seat but are not prohibited from running for another elective office.

*The amendment sets out that the moratorium begins *on the later of* 45 days before a primary election in which a legislator or legislative employee is a candidate for state office *or* the day on which the individual files for state office. The moratorium ends at the close of the general or special election day or on the day the candidate withdraws or, for candidates who lose the primary, on the day the primary election is certified.

Amendment KA. 11: PROHIBITIONS ON USE OF STATE RESOURCES.

This amendment adds a new subsection that prohibits legislators and legislative employees from using public resources for partisan activities unless the public purpose outweighs the partisan purpose. The amendment sets out that a mailing to members of one party is presumed to have a partisan purpose. Allows the legislator or employee to overcome that presumption with substantial evidence of the public purpose.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

- 1 Page 6, iine 2:
- 2 Delete "(a)(1) - (8)"
- 3 Insert "(a)(3) or (4)"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 2, lines 5 - 16:

2 Delete "to a candidate for governor or lieutenant governor or an individual who files
3 with the commission the document necessary to permit that individual to incur certain
4 election-related expenses as authorized by AS 15.13.100 for governor or lieutenant governor,
5 when the office is to be filled at a general election, before the later of the following dates:

6 (A) the date the individual

7 (i) becomes a candidate; or

8 (ii) files with the commission the document necessary
9 to permit the individual to incur certain election-related expenses as
10 authorized by AS 15.13.100; or

11 (B) January 1 of the year of the general election;

12 (2)"

13 Insert "[TO A CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR
14 OR AN INDIVIDUAL WHO FILES WITH THE COMMISSION THE DOCUMENT
15 NECESSARY TO PERMIT THAT INDIVIDUAL TO INCUR CERTAIN ELECTION-
16 RELATED EXPENSES AS AUTHORIZED BY AS 15.13.100 FOR GOVERNOR OR
17 LIEUTENANT GOVERNOR, WHEN THE OFFICE IS TO BE FILLED AT A GENERAL
18 ELECTION, BEFORE THE LATER OF THE FOLLOWING DATES:

19 (A) THE DATE THE INDIVIDUAL

20 (i) BECOMES A CANDIDATE; OR

21 (ii) FILES WITH THE COMMISSION THE
22 DOCUMENT NECESSARY TO PERMIT THE INDIVIDUAL TO
23 INCUR CERTAIN ELECTION-RELATED EXPENSES AS
24 AUTHORIZED BY AS 15.13.100; OR

25 (B) JANUARY 1 OF THE YEAR OF THE GENERAL

1 ELECTION;
2 (2)]"

3 Page 2, line 28:

4 Delete "(3)"

5 Insert "(2) [(3)]"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 15, following line 24:

2 Insert a new bill section to read:

3 **"* Sec. 24.** AS 24.60.070(d) is amended to read:

4 (d) When making a disclosure under (a) of this section concerning a
5 relationship with a lobbyist to whom the legislator or legislative employee is married
6 or who is the legislator's or legislative employee's spousal equivalent, the legislator
7 or legislative employee shall also disclose the name and address of each employer of
8 the lobbyist and the total monetary value received from the lobbyist's employer. The
9 legislator or legislative employee shall report changes in the employer of the spouse
10 or spousal equivalent within 48 hours after the change. In this subsection, "employer
11 of the lobbyist" means the person from whom the lobbyist received amounts or things
12 of value for engaging in lobbying on behalf of the person."

13 Renumber the following bill sections accordingly.

14 Page 59, line 21:

15 Delete "89 - 94"

16 Insert "90 - 95"

17 Page 60, line 3:

18 Delete "113"

19 Insert "114"

20 Page 60, following line 3:

21 Insert a new bill section to read:

1 ** Sec. 116. (a) Section 24 of this Act takes effect only if

2 (1) a court enters a final judgment declaring that the provisions of
3 AS 24.45.165, enacted by sec. 8 of this Act, are unconstitutional; and

4 (2) either the time for appeal of that judgment expires or, if an appeal is
5 taken, the court enters a final order on appeal that the provisions of AS 24.45.165, enacted
6 by sec. 8 of this Act, are unconstitutional.

7 (b) The attorney general shall notify the revisor of statutes of the entry of a final
8 judgment described in (a) of this section.

9 (c) In this section and sec. 117 of this Act, "appeal" includes a petition for review
10 or certiorari or other discretionary judicial review, but a petition for discretionary review is
11 not considered to be "taken" unless the petition is granted.

12 * Sec. 117. If sec. 24 of this Act takes effect under sec. 116 of this Act, it takes effect 30
13 days after the later of (1) the date a court enters a final judgment that the provisions of
14 AS 24.45.165, enacted by sec. 8 of this Act, are unconstitutional; and (2) the expiration of
15 any time for appeal of that judgment, or, if an appeal is taken, the date of entry of a final
16 order on the appeal that AS 24.45.165, enacted by sec. 8 of this Act, is unconstitutional. In
17 this section, "appeal" has the meaning given in sec. 116(c) of this Act."

18 Renumber the following bill sections accordingly.

19 Page 60, line 4:

20 Delete "113, and 114"

21 Insert "114, and 115"

22 Page 60, line 6:

23 Delete "and 5 - 112"

24 Insert "5 - 23, and 25 - 113"

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 47, line 13:

2 Delete ", 39.52.155,"

3 Page 48, line 27, through page 50, line 2:

4 Delete all material.

5 Renumber the following bill sections accordingly.

6 Page 59, line 21:

7 Delete "89 - 94"

8 Insert "88 - 93"

9 Page 60, line 3:

10 Delete "113"

11 Insert "112"

12 Page 60, line 4:

13 Delete "113, and 114"

14 Insert "112, and 113"

15 Page 60, line 6:

16 Delete "5 - 112"

17 Insert "5 - 111"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

- 1 Page 45, line 8:
- 2 Delete "In addition to the requirements of (a) and (b) of this section"
- 3 Insert "For a gift that is not prohibited by (a) of this section and that is not required
- 4 to be reported under (b) of this section"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

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1 Page 25, line 17, following "":

2 Insert "The committee shall respond to a complaint concerning the conduct of a
3 candidate for election to state office received during the campaign period in accordance
4 with (o) of this section."

5 Page 28, following line 26:

6 Insert a new bill section to read:

7 **** Sec. 49.** AS 24.60.170 is amended by adding a new subsection to read:

8 (o) The committee shall return a complaint concerning the conduct of a
9 candidate for state office received during a campaign period to the complainant unless
10 the subject of the complaint permits the committee to assume jurisdiction under this
11 subsection. If the committee receives a complaint concerning the conduct of a
12 candidate during the campaign period, the committee shall immediately notify the
13 subject of the complaint of the receipt of the complaint, of the suspension of the
14 committee's jurisdiction during the campaign period, and of the candidate's right to
15 waive the suspension of jurisdiction under this subsection. The candidate may, within
16 11 days after the committee mails or otherwise sends notice of the complaint to the
17 candidate, notify the committee that the candidate chooses to have the committee
18 proceed with the complaint under this section. If the candidate does not act within
19 that time or if the candidate notifies the committee that the candidate is not waiving
20 the suspension of committee jurisdiction, the committee shall return the complaint to
21 the complainant with notice of the suspension of jurisdiction under this subsection and
22 of the right of the complainant to file the complaint after the end of the campaign
23 period. A campaign period under this subsection begins on the later of 45 days before
24 a primary election in which the legislator or legislative employee is a candidate for

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1 state office or the day on which the individual files as a candidate for state office and
2 ends at the close of election day for the general or special election in which the
3 individual is a candidate or on the day that the candidate withdraws from the election,
4 if earlier. For a candidate who loses in the primary election, the campaign period
5 ends on the day that results of the primary election showing that another individual
6 won the election are certified."

7 Renumber the following bill sections accordingly.

8 Page 59, line 21:

9 Delete "89 - 94"

10 Insert "90 - 95"

11 Page 60, line 3:

12 Delete "113"

13 Insert "114"

14 Page 60, line 4:

15 Delete "113, and 114"

16 Insert "114, and 115"

17 Page 60, line 6:

18 Delete "5 - 112"

19 Insert "5 - 113"

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A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

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1 Page 12, line 19:

2 Delete "a new subsection"

3 Insert "new subsections"

4 Page 12, following line 27:

5 Insert a new subsection to read:

6 "(i) A legislator or legislative employee may only use public funds, facilities,
7 equipment, services, or other assets or resources in a matter that involves partisan
8 politics if the public purpose of the activity outweighs the partisan political purpose.
9 A group mailing addressed to members of only one political party is presumed to
10 have a partisan political purpose. The legislator or legislative employee may
11 overcome that presumption with substantial evidence that the public purpose of the
12 mailing outweighs the partisan political purpose."

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A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 48, following line 15:

2 Insert a new subsection to read:

3 "(b) The governor or the lieutenant governor may not hold a campaign
4 fundraising event in a place other than the capital city to which the governor or
5 lieutenant governor traveled at state expense within the 48 hours immediately
6 preceding the event."

7 Reletter the following subsection accordingly.

↓ or following
Will go into Legis. section too.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 34, following line 18:

2 Insert a new bill section to read:

3 **** Sec. 62.** AS 39.25.060(d) is amended to read:

4 (d) A member of the board shall [MAY] receive

5 (1) compensation of \$150 for each day while attending meetings of
6 the board relating to the board's duties under AS 39.52; and

7 (2) a per diem allowance and transportation expenses incurred in
8 carrying out the member's duties authorized for boards and commissions under
9 AS 39.20.180."

10 Renumber the following bill sections accordingly.

11 Renumber internal references to bill sections in accordance with this amendment. Below are
12 all internal bill section references in this bill:

13 Page 59, line 21

14 Page 59, line 28

15 Page 60, line 1

16 Page 60, line 3

17 Page 60, line 4

18 Page 60, line 6

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 34, line 19, through page 59, line 19:

2 Delete all material and insert:

3 **** Sec. 62.** AS 39.25.070 is amended to read:

4 **Sec. 39.25.070. Powers and duties of personnel board.** In addition to the
5 other duties imposed by this chapter, the personnel board shall

6 (1) approve or disapprove amendments to the personnel rules in
7 accordance with AS 39.25.140;

8 (2) consider and act upon recommendations for the extension of the
9 partially exempt service and the classified service as provided in AS 39.25.130;

10 (3) hear and determine appeals by employees in the classified service
11 as provided in AS 39.25.170;

12 (4) establish its own rules of procedure; two members constitute a
13 quorum for the transaction of business and two affirmative votes are required for final
14 action on matters acted upon by the board;

15 (5) elect a chair [CHAIRMAN] from its membership;

16 (6) have the power to administer oaths, subpoena witnesses, and
17 compel the production of books and papers pertinent to a hearing authorized by this
18 chapter;

19 (7) employ staff members, who shall be in the classified service;

20 (8) carry out its powers and duties under AS 39.52 [RETAIN
21 INDEPENDENT COUNSEL IN ACCORDANCE WITH AS 39.52.310(c);

22 (9) APPOINT, AND REVIEW THE FINDINGS, CONCLUSIONS,
23 AND RECOMMENDATIONS OF, HEARING OFFICERS IN ACCORDANCE
24 WITH AS 39.52.350(c), 39.52.360, AND 39.52.370;

25 (10) ISSUE FINDINGS, CONCLUSIONS, AND DECISIONS

1 REGARDING VIOLATIONS OF THE CODE OF ETHICS IN AS 39.52.110 -
2 39.52.190; AND

3 (11) IMPOSE THE PENALTIES DESCRIBED IN AS 39.52.410,
4 39.52.440, AND 39.52.450].

5 * **Sec. 63.** AS 39.25.160(e) is amended to read:

6 (e) An employee in the classified, [Ok] partially exempt, or exempt service
7 who seeks nomination or becomes a candidate for state or national elective political
8 office shall immediately resign any position held in the state service. The employee's
9 position becomes vacant on the date the employee files a declaration of candidacy for
10 state or national elective office. This subsection does not apply to a justice or
11 judge who is seeking retention, to the governor, to the lieutenant governor, to a
12 member of the legislature, or to an employee seeking election as a delegate to a
13 constitutional convention.

14 * **Sec. 64.** AS 39.25.160 is amended by adding a new subsection to read:

15 (j) A state employee, whether in the classified, partially exempt, or exempt
16 service, may not campaign on behalf of a political candidate on government time.
17 This subsection does not prohibit the employees of the division of elections from
18 carrying out duties related to elections or the members and employees of the
19 commission on judicial conduct from carrying out duties relating to the evaluation of
20 justices and judges.

21 * **Sec. 65.** AS 39.50.020 is amended to read:

22 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
23 official as defined in AS 39.50.200 other than the governor or the lieutenant
24 governor [JUDICIAL OFFICER, COMMISSIONER, CHAIR OR MEMBER OF A
25 STATE COMMISSION OR BOARD SPECIFIED IN AS 39.50.200(b), A PERSON
26 HIRED OR APPOINTED AS HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF
27 A DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH, A
28 PERSON APPOINTED AS ASSISTANT TO THE GOVERNOR, A STATE
29 INVESTMENT OFFICER AND THE STATE COMPTROLLER IN THE
30 DEPARTMENT OF REVENUE, AND A MUNICIPAL OFFICER] shall file a
31 statement giving income sources and business interests, under oath and on penalty of
32 perjury, within 30 days after taking office as a public official. Candidates for state

1 elective office other than a candidate who is subject to AS 24.60 shall file the [SUCH
 2 A] statement with the director of elections at the time of filing a declaration of
 3 candidacy or a nominating petition [,] or [WITHIN 30 DAYS OF] becoming a
 4 candidate by any other means. Candidates for elective municipal office shall file the
 5 [SUCH A] statement at the time of filing a nominating petition, declaration of
 6 candidacy, or other required filing for the elective municipal office. Refusal or failure
 7 to file within the time prescribed shall require that the candidate's filing fees, if any,
 8 and filing for office be refused or that a previously accepted filing fee be returned and
 9 the candidate's name removed from the filing records. A statement shall also be filed
 10 by public officials no later than April 15 or 15 days after the person files a federal
 11 income tax return in each following year, whichever comes first. Persons who are
 12 members of boards or commissions not named in AS 39.50.200(b) are not required
 13 to file financial statements.

14 (b) A public official other than an elected or appointed municipal officer
 15 [THE GOVERNOR, LIEUTENANT GOVERNOR, JUDICIAL OFFICERS, EACH
 16 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A
 17 DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH,
 18 ASSISTANT TO THE GOVERNOR, STATE INVESTMENT OFFICERS AND THE
 19 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR
 20 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER
 21 THIS CHAPTER,] shall file the statement with the Alaska Public Offices
 22 Commission. Candidates for the office of governor and lieutenant governor and, if
 23 the candidate is not subject to AS 24.60, the legislature shall file the statement under
 24 AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective municipal
 25 office, shall file with the municipal clerk or other municipal official designated to
 26 receive their filing for office. All statements required to be filed under this chapter
 27 are public records.

28 * Sec. 66. AS 39.50.030(a) is amended to read:

29 (a) Each statement must [SHALL] be an accurate representation of the
 30 financial affairs of the public official or candidate and must [SHALL] contain the
 31 same information for each member of the person's family, as specified in (b) and (d)
 32 of this section, to the extent that it is ascertainable by the public official or candidate.

1 [AN ASSET OR LIABILITY UNDER \$500, HOUSEHOLD GOODS, AND
2 PERSONAL EFFECTS NEED NOT BE IDENTIFIED.]

3 * Sec. 67. AS 39.50.030(b) is amended to read:

4 (b) Each statement filed by a public official or candidate under this chapter
5 **must** [SHALL] include the following:

6 (1) the source of all income over **\$1,000** [\$100] during the preceding
7 calendar year, including taxable and nontaxable capital gains, received by the person,
8 the person's spouse or dependent child, or a nondependent child of the person who is
9 living with that person, **except that a source of income that is a gift must be**
10 **included if the value of the gift exceeds \$250;**

11 (2) the identity, by name and address, of each business in which the
12 person, the person's spouse or dependent child, or a nondependent child of the person
13 who is living with that person was a stockholder, owner, officer, director, partner,
14 proprietor, or employee during the preceding calendar year;

15 (3) the identity and nature of each interest owned in any business
16 during the preceding calendar year by the person, the person's spouse or dependent
17 child, or a nondependent child of the person who is living with that person;

18 (4) the identity and nature of each interest in real property, including
19 an option to buy, owned at any time during the preceding calendar year by the person,
20 the person's spouse or dependent child, or a nondependent child of the person who is
21 living with that person;

22 (5) the identity of each trust or other fiduciary relation in which the
23 person, the person's spouse or dependent child, or a nondependent child of the person
24 who is living with that person held a beneficial interest **exceeding \$1,000** during the
25 preceding calendar year, a description and identification of the property contained in
26 each trust or relation, and the nature and extent of the beneficial interest in it;

27 (6) any loan or loan guarantee **of more than \$1,000** made to the
28 person, the person's spouse or dependent child, or a nondependent child of the person
29 who is living with that person, and the identity of the maker of the loan or loan
30 guarantor and the identity of each creditor to whom the person, the person's spouse
31 or dependent child, or a nondependent child of the person who lives with that person
32 owed **more than \$1,000; this paragraph requires disclosure of a loan, loan**

1 guarantee, or indebtedness only if the loan or guarantee was made, or the
 2 indebtedness incurred, during the preceding calendar year, or if the amount still
 3 owing on the loan, loan guarantee, or indebtedness was more than \$1,000 at any
 4 time during the preceding calendar year [\$500 OR MORE];

5 (7) a list of all contracts and offers to contract with the state or an
 6 instrumentality of the state during the preceding calendar year held, bid, or offered by
 7 the person, the person's spouse or dependent child, a nondependent child of the person
 8 who is living with that person, a partnership or professional corporation of which
 9 the person is a member [THE PERSON'S MOTHER OR FATHER], or a corporation
 10 in which the person or the person's spouse or children, or a combination of them, hold
 11 a controlling interest; and

12 (8) a list of all mineral, timber, oil, or any other natural resource lease
 13 held, or lease offer made, during the preceding calendar year by the person, the
 14 person's spouse or dependent child, a nondependent child of the person who is living
 15 with that person, [THE PERSON'S MOTHER OR FATHER,] a partnership or
 16 professional corporation of which the person is a member, or a corporation in which
 17 the person or the person's spouse or children, or a combination of them, holds a
 18 controlling interest.

19 * Sec. 68. AS 39.50.030 is amended by adding new subsections to read:

20 (d) In addition to the requirements of (b) of this section, each statement filed
 21 by an upper level public officer under this chapter must include a disclosure of the
 22 formation or maintenance of a close economic association involving a substantial
 23 financial matter as required by this subsection. The disclosure must be sufficiently
 24 detailed so that a reader can ascertain the nature of the association. An upper level
 25 public officer shall disclose a close economic association with

26 (1) a supervisor who is not a public officer who has responsibility or
 27 authority either directly or indirectly over the person's employment, including
 28 preparing or reviewing performance evaluations, or granting or approving pay raises
 29 or promotions;

30 (2) a legislator;

31 (3) a public official who is not an appointed or elected municipal
 32 officer; or

1 (4) a public officer if the person required to make the disclosure is the
2 governor or the lieutenant governor.

3 (e) If an upper level public officer forms a close economic association after
4 the date on which the public officer files the financial disclosure statement required
5 by (a) of this section, disclosure of the association must be made to the public
6 officer's designated supervisor within 60 days after the formation of the association.

7 (f) In this section,

8 (1) "close economic association" means a financial relationship that
9 exists between an upper level public officer and some other person or entity, including
10 a relationship where the public officer serves as a consultant or advisor to, is a
11 member or representative of, or has a financial interest in an association, partnership,
12 business, or corporation;

13 (2) "designated supervisor" has the meaning given in AS 39.52.960;

14 (3) "public officer" has the meaning given in AS 39.52.960.

15 * Sec. 69. AS 39.50.070 is amended to read:

16 **Sec. 39.50.070. Failure to report by certain state employees**
17 **[DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT HEADS].** A person
18 hired or appointed as the head or deputy head of, or director of a division within, a
19 department in the executive branch or an upper level public officer who refuses or
20 fails to file a report of financial interests required under this chapter when due may
21 not hold office, and the person's name may not be submitted to the legislature for
22 confirmation, until the person complies. The person may not be confirmed, hired, or
23 appointed, and the person forfeits and may not be paid any salary, per diem, or travel
24 expenses, until the person complies. If, after installation as the head or deputy head
25 of, or director of a division within, a department, or, for upper level public officers,
26 after beginning employment in the position subject to this chapter, the person
27 refuses or fails to file the required statement when due, the person is guilty of a
28 misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor
29 more than \$1,000 and shall be removed from office if compliance is not made within
30 30 days after the due date of the report.

31 * Sec. 70. AS 39.50.080 is amended to read:

32 **Sec. 39.50.080. Failure to report by a commission or board chair**

1 [CHAIRMAN] or member. A person hired or appointed as a commissioner, chair,
 2 [CHAIRMAN] or member of a state commission or board specified in
 3 AS 39.50.200(b), including the executive director of the Alaska Tourism
 4 Marketing Council, who fails to file a report of financial interests required under this
 5 chapter when due may not hold office, and the person's name may not be submitted
 6 to the legislature until the person complies. The person may not be confirmed, and
 7 the person forfeits and may not be paid any salary, per diem or travel expenses, until
 8 the person complies. If, after being seated as commissioner, chair, [CHAIRMAN]
 9 or member of the [SUCH A] commission or board the person refuses or fails to file
 10 the required statement when due, the person is guilty of a misdemeanor and upon
 11 conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and
 12 shall be removed from office if compliance is not made within 30 days after the due
 13 date.

14 * Sec. 71. AS 39.50.200(a)(8) is amended to read:

15 (8) "public official" means a judicial officer, the governor, the
 16 lieutenant governor, a person hired or appointed as the head or deputy head of [, OR
 17 DIRECTOR OF A DIVISION,] a department in the executive branch or as the
 18 director of a division in a department in the executive branch, [AN ASSISTANT
 19 TO THE GOVERNOR,] chair or member of a state commission or board, [STATE
 20 INVESTMENT OFFICERS AND THE STATE COMPTROLLER IN THE
 21 DEPARTMENT OF REVENUE,] the executive director of the Alaska Tourism
 22 Marketing Council, an upper level public officer, and each appointed or elected
 23 municipal officer;

24 * Sec. 72. AS 39.50.200(a) is amended by adding a new paragraph to read:

25 (10) "upper level public officer" has the meaning given in
 26 AS 39.52.960 but does not include a state officer or employee who is otherwise
 27 included in the definition of "public official" under this section.

28 * Sec. 73. AS 39.52.010(a) is amended to read:

29 (a) It is declared that

30 (1) [THAT] high moral and ethical standards among public officers
 31 in the executive branch are essential to assure the trust, respect, and confidence of
 32 the people of this state; [TO THE CONDUCT OF FREE GOVERNMENT; AND]

1 (2) [THAT THE LEGISLATURE BELIEVES THAT] a code of ethics
2 for the guidance of public officers will

3 (A) discourage those officers from acting upon personal or
4 financial interests in the performance of their public responsibilities;

5 (B) [, WILL] improve standards of public service; and

6 (C) [, AND WILL] promote and strengthen the faith and
7 confidence of the people of this state in their public officers;

8 (3) [. IT IS FURTHER DECLARED THAT] holding public office or
9 employment is a public trust and that as one safeguard of that trust, the people require
10 public officers to adhere to a code of ethics;

11 (4) a fair and open government requires that executive branch
12 public officers conduct the public's business in a manner that preserves the
13 integrity of the governmental process and avoids conflicts of interest;

14 (5) in order for the rules governing conduct to be respected both
15 during and after leaving public service, the code of ethics must be administered
16 fairly without bias or favoritism;

17 (6) no code of conduct, however comprehensive, can anticipate all
18 situations in which violations may occur nor can it prescribe behaviors that are
19 appropriate to every situation; in addition, laws and regulations regarding ethical
20 responsibilities cannot legislate morality, eradicate corruption, or eliminate bad
21 judgment; and

22 (7) compliance with a code of ethics is an individual responsibility;
23 thus all who serve the state have a solemn responsibility to avoid improper
24 conduct and prevent improper behavior by colleagues and subordinates.

25 * Sec. 74. AS 39.52.110(c) is amended to read:

26 (c) Designated [THE ATTORNEY GENERAL, DESIGNATED] supervisors,
27 hearing officers, and the personnel board must be guided by this section when issuing
28 opinions and reaching decisions.

29 * Sec. 75. AS 39.52.120(b) is amended to read:

30 (b) A public officer may not

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

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

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

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

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

10 (6) use or authorize the use of state funds, facilities, equipment,
11 services, or another government asset or resource for partisan political purposes;
12 this paragraph does not prohibit use of the governor's house for meetings to
13 discuss political strategy and does not prohibit use of the communications
14 equipment in the governor's house so long as there is no special charge to the
15 state for the use.

16 * Sec. 76. AS 39.52.120 is amended by adding new subsections to read:

17 (d) Unless approved by the personnel board, during a campaign period for an
18 election in which the public officer is a candidate, a public officer may not use or
19 permit another to use state funds to print or distribute a political mass mailing to
20 individuals eligible to vote for the candidate. This subsection does not apply to the
21 election pamphlet under AS 15.58. In this subsection,

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

23 (A) begins 90 days before an election to the board of an
24 electric or telephone cooperative organized under AS 10.25, a municipal
25 election, or a primary election or that begins on the date of the governor's
26 proclamation calling a special election; and

27 (B) ends the day after the cooperative election, municipal
28 election, or the general or special election;

29 (2) a mass mailing is considered to be political if it is about the

30 (A) public officer who is a candidate for election to a federal,
31 state, or municipal elective office or to the board of a telephone or electric
32 cooperative;

1 (B) another person who is a candidate for election to a federal,
2 state, or municipal elective office or to the board of a telephone or electric
3 cooperative.

4 (e) In this section, when determining whether a public officer is considered
5 to be performing a task on government time, the personnel board shall consider the
6 public officer's work schedule as set by the public officer's immediate supervisor, if
7 any. A public officer other than the governor and lieutenant governor who engages
8 in political campaign activities other than incidental campaign activities as described
9 in this subsection during the work day shall take leave for the period of campaigning.
10 The performance of regular governmental duties that include incidental handling of
11 campaign-related items or inquiries, including receiving and opening mail and
12 answering the telephone, is not considered performance of political campaign activities
13 for purposes of this subsection so long as the political campaign-related activities are
14 kept to a minimum.

15 * Sec. 77. AS 39.52.130(b) is amended to read:

16 (b) Notice of the receipt by a public officer of a gift with a value in excess
17 of **\$150** [\$50], including the name of the giver and a description of the gift and its
18 approximate value, must be provided to the designated supervisor within 30 days after
19 the date of its receipt if the public officer may take or withhold official action that
20 affects the giver. **An upper level public officer shall provide notice of the receipt**
21 **of a gift with a value in excess of \$150**

22 **(1) regardless of whether the upper level public officer may take**
23 **or withhold official action that affects the giver unless the gift is from a family**
24 **member; or**

25 **(2) if the gift is unconnected to the public officer's governmental**
26 **status and the public officer cannot take or withhold official action that affects**
27 **the giver.**

28 * Sec. 78. AS 39.52.130(c) is amended to read:

29 (c) In accordance with AS 39.52.240, a designated supervisor **or an upper**
30 **level public officer** may request guidance from the **personnel board** [ATTORNEY
31 GENERAL] concerning whether acceptance of a particular gift is prohibited.

32 * Sec. 79. AS 39.52.130 is amended by adding new subsections to read:

1 (e) A public officer who, on behalf of the state, accepts a gift from another
 2 government or from an official of another government shall, within 60 days after its
 3 receipt, deliver it to the Office of the Governor. The Office of the Governor shall
 4 determine the appropriate disposition of the gift. In this subsection, "another
 5 government" means a foreign government or the government of the United States,
 6 another state, a municipality, or another jurisdiction.

7 (f) A public officer who knows or reasonably ought to know that a family
 8 member has received a gift because of the family member's connection with the
 9 public office held by the public officer shall report the receipt of the gift by the
 10 family member to the public officer's designated supervisor if the gift would have to
 11 be reported under this section if it had been received by the public officer or if receipt
 12 of the gift by a public officer would be prohibited under this section.

13 (g) In this section, unless the personnel board determines that a different
 14 method of determining value is more appropriate in the circumstances, the value of
 15 a gift shall be determined by using the fair market value of the gift to the extent that
 16 the fair market value can be determined.

17 (h) In this section, "family member" means

- 18 (1) the spouse of the person;
 19 (2) another person cohabiting with the person in a conjugal relationship
 20 that is not a legal marriage;
 21 (3) a child, including a stepchild and an adoptive child, of the person;
 22 (4) a parent, sibling, grandparent, aunt, or uncle of the person; and
 23 (5) a parent, sibling, grandparent, aunt, or uncle of the person's spouse.

24 * **Sec. 80.** AS 39.52 is amended by adding new sections to read:

25 **Sec. 39.52.132. Restrictions on fund raising.** (a) The governor, lieutenant
 26 governor, or a commissioner may not

27 (1) on a day when either house of the legislature is in regular or
 28 special session, solicit or accept a contribution or a promise or pledge to make a
 29 contribution for a candidate for state office; however, the governor or the lieutenant
 30 governor may solicit or accept a contribution, promise, or pledge for a campaign for
 31 state office that occurs during the 90 days immediately preceding an election in which
 32 the governor or lieutenant governor is a candidate for state office;

1 (2) accept money from an event held on a day when either house of
 2 the legislature is in regular or special session if a substantial purpose of the event is
 3 to raise money on behalf of the governor or lieutenant governor for a campaign for
 4 state office; however, this paragraph does not prohibit the governor or lieutenant
 5 governor from accepting money from an event held during the 90 days immediately
 6 preceding an election in which the governor or lieutenant governor is a candidate for
 7 state office; or

8 (3) expend money in a campaign for state office that was raised by or
 9 on behalf of the governor or lieutenant governor under a declaration of candidacy or
 10 a general letter of intent to become a candidate for public office if the money was
 11 raised on a day when either house of the legislature was in a legislative session;
 12 however, this paragraph does not apply to money raised during the 90 days
 13 immediately preceding an election in which the governor or lieutenant governor is a
 14 candidate for state office.

15 (b) In this section,

16 (1) "commissioner" means the head of a principal executive department
 17 in the state government;

18 (2) "contribution" has the meaning given in AS 15.13.400.

19 * Sec. 81. AS 39.52.170 is amended by adding a new subsection to read:

20 (c) The head of a principal executive department of the state may not engage
 21 in or accept employment for compensation outside the agency that the executive head
 22 serves.

23 * Sec. 82. AS 39.52.180(b) is amended to read:

24 (b) Except as provided in (d) of this section, this [THIS] section does not
 25 prohibit an agency from contracting with a former public officer to act on a matter
 26 on behalf of the state.

27 * Sec. 83. AS 39.52.180(c) is amended to read:

28 (c) Except as provided in (d) of this section, and, in the case of an upper
 29 level public officer, only after one year has elapsed from the date the public
 30 officer left state service, the [THE] head of an agency may waive application of (a)
 31 of this section after determining that representation by a former public officer is not
 32 adverse to the public interest. The waiver must be in writing and a copy of the

1 waiver must be provided to the attorney general for approval or disapproval.

2 * **Sec. 84.** AS 39.52.180 is amended by adding a new subsection to read:

3 (d) An agency may not enter into a contract with an upper level public officer
4 who has left state service and the head of an agency may not waive application of (a)
5 of this section if the purpose of the proposed contract or representation includes
6 lobbying before a state agency or the state legislature.

7 * **Sec. 85.** AS 39.52.210(c) is amended to read:

8 (c) An upper level public officer who is a public employee or a [A]
9 designated supervisor may request guidance from the personnel board [ATTORNEY
10 GENERAL], in accordance with AS 39.52.240, when determining whether a public
11 employee is involved in a matter that may result in a violation of AS 39.52.110 -
12 39.52.190.

13 * **Sec. 86.** AS 39.52.220(b) is amended to read:

14 (b) The member of the board or commission, the designated supervisor, or
15 the board or commission may request guidance from the personnel board
16 [ATTORNEY GENERAL], in accordance with AS 39.52.240, when determining
17 whether a member of a board or commission is involved in a matter that may result
18 in a violation of AS 39.52.110 - 39.52.190.

19 * **Sec. 87.** AS 39.52.240(a) is amended to read:

20 (a) Upon the written request of an upper level public officer, a designated
21 supervisor, or a board or commission, the personnel board [ATTORNEY
22 GENERAL] shall issue opinions interpreting this chapter. The requester must supply
23 any additional information requested by the personnel board [ATTORNEY
24 GENERAL] in order to issue the opinion. Within 60 days after receiving a complete
25 request, the personnel board [ATTORNEY GENERAL] shall issue an advisory
26 opinion on the question.

27 * **Sec. 88.** AS 39.52.240(b) is amended to read:

28 (b) The personnel board [ATTORNEY GENERAL] may offer oral advice
29 if delay would cause substantial inconvenience or detriment to the requesting party.

30 * **Sec. 89.** AS 39.52.240(c) is amended to read:

31 (c) In the case of a request for advice from a designated supervisor or a
32 board or commission, the [THE] designated supervisor or the [A] board or

1 commission shall make a written determination based on the advice of the personnel
2 board [ATTORNEY GENERAL]. If the advice [OF THE ATTORNEY GENERAL]
3 provides more than one way for a public officer to avoid or correct a problem found
4 under AS 39.52.110 - 39.52.190, the designated supervisor or the board or
5 commission shall, after consultation with the officer, determine the alternative that is
6 most appropriate and advise the officer of any action required of the officer to avoid
7 or correct the problem.

8 * **Sec. 90.** AS 39.52.240(e) is amended to read:

9 (e) The personnel board [ATTORNEY GENERAL] may reconsider, revoke,
10 or modify an advisory opinion at any time, including upon a showing that material
11 facts were omitted or misstated in the request for the opinion.

12 * **Sec. 91.** AS 39.52.240(h) is amended to read:

13 (h) The personnel board [ATTORNEY GENERAL] shall publish in the
14 Alaska Administrative Journal, with sufficient deletions to prevent disclosure of the
15 persons whose identities are confidential under (g) of this section, the advisory
16 opinions issued under this section that the personnel board [ATTORNEY
17 GENERAL] determines to be of major import because of their general applicability
18 to executive branch officers.

19 * **Sec. 92.** AS 39.52.250 is amended to read:

20 **Sec. 39.52.250. Advice to former public officers.** (a) A former public
21 officer may request, in writing, an opinion from the personnel board [ATTORNEY
22 GENERAL] interpreting this chapter. The personnel board [ATTORNEY
23 GENERAL] shall give advice in accordance with AS 39.52.240(a) or (b) and publish
24 opinions in accordance with AS 39.52.240(h).

25 (b) A former public officer is not liable under this chapter for any action
26 carried out in accordance with the advice of the personnel board [ATTORNEY
27 GENERAL] issued under this section, if the public officer fully disclosed all relevant
28 facts reasonably necessary to the issuance of the advice.

29 * **Sec. 93.** AS 39.52.260 is amended to read:

30 **Sec. 39.52.260. Designated supervisor's report and personnel board**
31 **[ATTORNEY GENERAL] review.** (a) A designated supervisor shall quarterly
32 submit a report to the personnel board that [ATTORNEY GENERAL WHICH]

1 states the facts, circumstances, and disposition of any disclosure made under
 2 AS 39.52.210 - 39.52.240. In the case of a determination under AS 39.52.210
 3 concerning an upper level public officer or a determination under AS 39.52.220
 4 concerning a member of a board or commission, the designated supervisor shall
 5 submit a copy of the supervisor's determination to the personnel board within
 6 five working days after having made the determination.

7 (b) The personnel board [ATTORNEY GENERAL] shall review
 8 determinations reported under this section. The personnel board [ATTORNEY
 9 GENERAL] may request additional information from a supervisor concerning a
 10 specific disclosure and its disposition.

11 (c) The report prepared under this section is confidential and not available for
 12 public inspection unless formal proceedings under AS 39.52.350 are initiated based
 13 on the report. If formal proceedings are initiated, the relevant portions of the report
 14 are public documents open to inspection. The personnel board [ATTORNEY
 15 GENERAL] shall, however, make available to the public a summary of the reports
 16 received under this section, with sufficient deletions to prevent disclosure of a person's
 17 identity.

18 * Sec. 94. AS 39.52.260 is amended by adding a new subsection to read:

19 (d) A designated supervisor shall submit to the personnel board a copy of
 20 each report that the supervisor receives from an upper level public officer that was
 21 made under the following:

- 22 (1) receipt of a gift by a family member under AS 39.52.130(f);
- 23 (2) a personal or financial interest in a state grant, contract, lease, or
 24 loan under AS 39.52.150(d);
- 25 (3) outside services or employment under AS 39.52.170(b);
- 26 (4) declaration of potential violations by members of boards or
 27 commissions under AS 39.52.220(a);
- 28 (5) reporting of potential violations under AS 39.52.230.

29 * Sec. 95. AS 39.52 is amended by adding a new section to article 3 to read:

30 **Sec. 39.52.270. Disclosure statements.** (a) A public officer required to file
 31 a disclosure statement under this chapter shall meet the requirements of this
 32 subsection in making the disclosure. When the public officer files a disclosure

1 statement under this chapter, the public officer signing the disclosure shall certify that,
2 to the best of the public officer's knowledge, the statement is true, correct, and
3 complete. The disclosure must state that, in addition to any other penalty or
4 punishment that may apply, a person who submits a false statement that the person
5 does not believe to be true is punishable under AS 11.56.200 - 11.56.240.

6 (b) A designated supervisor who receives a disclosure statement under
7 AS 39.52.110 - 39.52.220 shall review it. If the designated supervisor believes that
8 there is a possibility that the activity or situation reported in a disclosure statement
9 filed under AS 39.52.110 - 39.52.190 may result in a violation of this chapter, the
10 designated supervisor shall take appropriate steps under AS 39.52.210 - 39.52.240.
11 Failure of the designated supervisor to proceed under AS 39.52.210 - 39.52.240 does
12 not relieve the public officer of the public officer's obligations under those statutes.

13 (c) In this section, "disclosure statement" means a report or written notice
14 filed under AS 39.52.110 - 39.52.220.

15 * **Sec. 96.** AS 39.52.310(a) is amended to read:

16 (a) The personnel board [ATTORNEY GENERAL] may initiate a complaint,
17 or elect to treat as a complaint, any matter disclosed under AS 39.52.210, 39.52.220,
18 39.52.250, or 39.52.260.

19 * **Sec. 97.** AS 39.52.310(b) is amended to read:

20 (b) A person may file a complaint with the personnel board [ATTORNEY
21 GENERAL] regarding the conduct of a current or former public officer. A complaint
22 must be in writing, be signed under oath, and contain a clear statement of the details
23 of the alleged violation.

24 * **Sec. 98.** AS 39.52.310(c) is amended to read:

25 (c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the
26 governor, lieutenant governor, or the attorney general, the [MATTER SHALL BE
27 REFERRED TO THE PERSONNEL BOARD. THE] personnel board shall retain
28 independent counsel who shall act in the place of the attorney general under
29 AS 39.52.350 [(d) - (i) OF THIS SECTION, AS 39.52.320 - 39.52.350,] and
30 39.52.360(c) and (d).

31 * **Sec. 99.** AS 39.52.310(d) is amended to read:

32 (d) The personnel board [ATTORNEY GENERAL] shall review each

1 complaint filed, to determine whether it is properly completed and contains allegations
2 which, if true, would constitute conduct in violation of this chapter. The personnel
3 board [ATTORNEY GENERAL] may require the complainant to provide additional
4 information before accepting the complaint. If the personnel board [ATTORNEY
5 GENERAL] determines that the allegations in the complaint do not warrant an
6 investigation, the personnel board [ATTORNEY GENERAL] shall dismiss the
7 complaint with notice to the complainant and the subject of the complaint.

8 * **Sec. 100.** AS 39.52.310(e) is amended to read:

9 (e) The personnel board [ATTORNEY GENERAL] may refer a complaint
10 to the subject , designated supervisor for resolution under AS 39.52.210 or 39.52.220.

11 * **Sec. 101.** AS 39.52.310(f) is amended to read:

12 (f) If the personnel board [ATTORNEY GENERAL] accepts a complaint for
13 investigation, the personnel board [ATTORNEY GENERAL] shall serve a copy of
14 the complaint upon the subject of the complaint, for a response. The personnel
15 board [ATTORNEY GENERAL] may require the subject to provide, within 20 days
16 after service, full and fair disclosure in writing of all facts and circumstances
17 pertaining to the alleged violation. Misrepresentation of a material fact in a response
18 to the personnel board [ATTORNEY GENERAL] is a violation of this chapter.
19 Failure to answer within the prescribed time, or within any additional time period that
20 may be granted in writing by the personnel board [ATTORNEY GENERAL], may
21 be considered an admission of the allegations in the complaint.

22 * **Sec. 102.** AS 39.52.310(g) is amended to read:

23 (g) If a complaint is accepted under (f) of this section, the personnel board
24 [ATTORNEY GENERAL] shall investigate to determine whether a violation of this
25 chapter has occurred. At any stage of an investigation or review, the personnel
26 board [ATTORNEY GENERAL] may issue a subpoena under AS 39.52.380.

27 * **Sec. 103.** AS 39.52.320 is amended to read:

28 **Sec. 39.52.320. Dismissal before formal proceedings.** If, after investigation,
29 it appears that there is no probable cause to believe that a violation of this chapter has
30 occurred, the personnel board [ATTORNEY GENERAL] shall dismiss the complaint
31 and [PREPARE AND FILE A CONFIDENTIAL SUMMARY WITH THE
32 PERSONNEL BOARD. THE ATTORNEY GENERAL] shall communicate

1 disposition of the matter promptly to the complainant and to the subject of the
2 complaint.

3 * **Sec. 104.** AS 39.52.330 is amended to read:

4 **Sec. 39.52.330. Corrective or preventive action.** After determining that the
5 conduct of the subject of a complaint does not warrant a hearing under AS 39.52.360,
6 the personnel board [ATTORNEY GENERAL] shall recommend action to correct
7 or prevent a violation of this chapter. The personnel board [ATTORNEY
8 GENERAL] shall communicate the recommended action to the complainant and the
9 subject of the complaint. The subject of the complaint shall comply with the
10 personnel board's [ATTORNEY GENERAL'S] recommendation.

11 * **Sec. 105.** AS 39.52.340(a) is amended to read:

12 (a) Before the initiation of formal proceedings under AS 39.52.350, the
13 complaint and all other documents and information regarding an investigation
14 conducted under this chapter [,] or obtained by the personnel board [ATTORNEY
15 GENERAL] during the investigation are [, IS] confidential and not subject to
16 inspection by the public. All meetings of the personnel board concerning the
17 complaint and investigation before the determination of probable cause are closed
18 to the public. If, in the course of an investigation or probable cause
19 determination, the personnel board finds evidence of probable criminal activity,
20 the personnel board shall transmit a statement and factual findings limited to
21 that activity to the appropriate law enforcement agency. If the personnel board
22 finds evidence of a probable violation of AS 15.13, the personnel board shall
23 transmit a statement to that effect and factual findings limited to the probable
24 violation to the Alaska Public Offices Commission. The personnel board
25 [ATTORNEY GENERAL AND ALL PERSONS CONTACTED DURING THE
26 COURSE OF AN INVESTIGATION] shall maintain confidentiality regarding the
27 existence of the investigation. [A PERSON WHO VIOLATES THIS SECTION IS
28 GUILTY OF A CLASS A MISDEMEANOR.]

29 * **Sec. 106.** AS 39.52.340(c) is amended to read:

30 (c) The subject of the complaint may, in writing, waive the confidentiality
31 protection of this section. However, the subject of the complaint may not waive
32 the confidentiality duty the personnel board owes to others and may not require

1 the personnel board to deliberate in public.

2 * **Sec. 107.** AS 39.52.350 is amended to read:

3 **Sec. 39.52.350. Probable cause for hearing.** (a) If the personnel board
4 [ATTORNEY GENERAL] determines that there is probable cause to believe that a
5 knowing violation of this chapter or a violation that cannot be corrected under
6 AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with
7 a recommendation for corrective or preventive action, the personnel board
8 [ATTORNEY GENERAL] shall initiate formal proceedings by requesting the
9 attorney general to serve [SERVING] a copy of an accusation upon the subject of
10 the accusation. The accusation shall specifically set out the alleged violation. After
11 service, the accusation is a public document open to inspection. Except as provided
12 in AS 39.52.370(c), all subsequent proceedings are open to the public.

13 (b) The subject of the accusation shall file an answer with the personnel
14 board and the attorney general within 20 days after service of the accusation, or at
15 a later time specified by the personnel board. The answer must be signed under
16 oath [ATTORNEY GENERAL]. If the subject of the accusation fails to timely
17 answer, the allegations are considered admitted.

18 (c) If the subject of the accusation denies that a violation of this chapter has
19 occurred, the [ATTORNEY GENERAL SHALL REFER THE MATTER TO THE]
20 personnel board may determine to conduct a hearing or to [, WHICH SHALL]
21 appoint a hearing officer to conduct a hearing.

22 (d) If the subject of the accusation admits a violation of this chapter, the
23 [ATTORNEY GENERAL SHALL REFER THE MATTER TO THE] personnel board
24 shall [TO] impose penalties under AS 39.52.410, 39.52.440, and 39.52.450, as
25 appropriate.

26 * **Sec. 108.** AS 39.52.360 is amended by adding a new subsection to read:

27 (i) If the personnel board has determined that it will conduct the hearing itself
28 under AS 39.52.350(c), the powers and duties given to a hearing officer in this section
29 shall be exercised by the personnel board, and references in this section to the hearing
30 officer shall be considered to refer to the personnel board.

31 * **Sec. 109.** AS 39.52.370(a) is amended to read:

32 (a) Within 10 days after receipt of the [HEARING OFFICER'S] report of the

1 hearing, either party may protest the [OFFICER'S] findings of fact, conclusions of
 2 law, and recommendation [,] and, if a protest is filed, shall serve a copy on the other
 3 party. Oral argument before the personnel board must be provided only if requested
 4 by either party. The board chair shall set the deadline for submission of requests for
 5 oral argument [,] and set the dates for submission of briefs and oral argument before
 6 the board, if requested.

7 * **Sec. 110.** AS 39.52.920 is amended to read:

8 **Sec. 39.52.920. Agency policies.** Subject to the review and approval of the
 9 personnel board [ATTORNEY GENERAL], an agency may adopt a written policy
 10 that, in addition to the requirements of this chapter, limits the extent to which a public
 11 officer in the agency or an administrative unit of the agency may

12 (1) acquire a personal interest in an organization or a financial interest
 13 in a business or undertaking that may benefit from official action taken or withheld
 14 by the agency or unit;

15 (2) have a personal or financial interest in a state grant, contract, lease,
 16 or loan administered by the agency or unit; or

17 (3) accept a gift.

18 * **Sec. 111.** AS 39.52.950 is amended to read:

19 **Sec. 39.52.950. Regulations.** The attorney general may adopt regulations
 20 under AS 44.62 ([THE] Administrative Procedure Act) necessary to interpret and
 21 implement the provisions concerning complaints under this chapter. The
 22 personnel board may adopt regulations under AS 44.62 (Administrative
 23 Procedure Act) necessary to interpret and implement the other provisions of this
 24 chapter.

25 * **Sec. 112.** AS 39.52.960(11) is amended to read:

26 (11) "immediate family member" means

27 (A) the spouse of the person;

28 (B) another person cohabiting with the person in a conjugal
 29 relationship that is not a legal marriage; or

30 (C) a parent, child including a stepchild and an adoptive
 31 child, and sibling of a person if the parent, child, or sibling resides with
 32 the person, is financially dependent on the person, or shares a substantial

1 **financial interest with the person** [A PUBLIC OFFICER'S SPOUSE, A
 2 RELATION BY BLOOD WITHIN AND INCLUDING THE SECOND
 3 DEGREE OF KINDRED, AND A REGULAR MEMBER OF THE
 4 OFFICER'S HOUSEHOLD];

5 * **Sec. 113.** AS 39.52.960 is amended by adding a new paragraph to read:

6 (23) "upper level public officer" means the governor, the lieutenant
 7 governor, a person hired or appointed as the head or deputy head of a department in
 8 the executive branch or as the director of a division in a department in the executive
 9 branch, the chair or member of a state commission or board, as defined in
 10 AS 39.50.200(b), the executive director of the Alaska Tourism Marketing Council, an
 11 assistant to the governor or the lieutenant governor, a state investment officer, the
 12 state comptroller in the Department of Revenue, and a state employee who is not
 13 otherwise listed in this definition who is employed by an agency in the executive
 14 branch of state government in the exempt or partially exempt service and who is
 15 compensated at Range 19A or above on the state salary schedule under AS 39.27.011
 16 or at more than \$4,200 per month; however, "upper level public officer" does not
 17 include a member of a collective bargaining unit composed of state employees.

18 * **Sec. 114.** AS 44.62.175(a) is amended to read:

19 (a) The lieutenant governor shall publish or contract for the publication of the
 20 Alaska Administrative Journal. The journal shall be published weekly. The journal
 21 must include

- 22 (1) notices of proposed actions given under AS 44.62.190(a);
 23 (2) notices of state agency meetings required under AS 44.62.310(e),
 24 even if the meeting has been held;
 25 (3) notices of solicitations to bid issued under AS 36.30.130;
 26 (4) notices of state agency requests for proposals issued under
 27 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and
 28 AS 43.40.010;
 29 (5) executive orders and administrative orders issued by the governor;
 30 (6) written delegations of authority made by the governor or the head
 31 of a principal department under AS 44.17.010;
 32 (7) the text or a summary of the text of a regulation or order of repeal

1 of a regulation for which notice is given under AS 44.62.190(a), including an
2 emergency regulation or repeal whether or not it has taken effect;

3 (8) a summary of the text of recently issued formal opinions and
4 memoranda of advice of the attorney general;

5 (9) a list of vacancies on boards, commissions, and other bodies whose
6 members are appointed by the governor; and

7 (10) in accordance with AS 39.52.240(h), advisory opinions of the
8 personnel board [ATTORNEY GENERAL]."

9 Renumber internal references to bill sections in accordance with this amendment. Below are
10 all internal bill section references in this bill:

11 Page 59, line 21

12 Page 59, line 28

13 Page 60, line 1

14 Page 60, line 3

15 Page 60, line 4

16 Page 60, line 6

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

- 1 Page 8, line 29:
- 2 Delete "nongovernmental purpose"
- 3 Insert "nonlegislative [NONGOVERNMENTAL] purpose, for involvement in or
- 4 support of or opposition to partisan political activity."

Adopted



Official Business

Alaska State Legislature

Senate

State Capitol
Juneau, AK. 99801-1182

Rules Committee

TO: Representative James, Chairman
House State Affairs Committee

FROM: Benjamin Brown, ^{LEG.} Legislative Aide to Senator Kelly

DATE: 5 February 1998

IN RE: analysis of proposed amendments to *CSSB 105 (Fin) am*

**Amendment KA.36: PUBLIC OFFICE EXPENSE TERM (POET)
ACCOUNT RESERVES**

Sections 3 and 4 of this bill create a new option for disposal of unused campaign assets, called a legislative office account reserve in the current version of the bill. Campaign finance reform in 1996 made legislative office accounts an option for unused campaign assets. Last year, the Senate Finance Committee added the option of office account reserves to the list. Amendment KA.36 renames these legislative office account as Public Office Expense Term (POET) accounts and POET account reserve. This will avoid confusion with the \$6000 legislative office allowance managed by the Legislative Affairs Agency. Expenditures from POET accounts will be reportable to APOC under 15.13.110(a)(4).

The bill's current language allows legislators at the end of their terms to allocate the unexpended balance in a POET account reserve in the same variety of ways as is allowed when unused campaign assets are disposed of in the 90 days after an election, including paying campaign bills, making charitable donations, candidate defense funds and future election accounts. Amendment KA.36 prohibits money in a POET account reserve at the end of a legislator's term from being used for election-related purposes, but lets the legislator donate funds to a political party, the state's general fund, a municipality, the federal government, or to qualified charitable organizations not controlled by the candidate or a member of the candidate's immediate family. The amendment also allows repayment of contributions to contributors.

requirements for the committee, including a notification that the complainant may refile the complaint at the end of the moratorium period.

*Under the current ethics code (AS 24.60.033), legislative employees are prohibited from running for a legislative seat but are not prohibited from running for another elective office.

*The amendment sets out that the moratorium begins *on the later of* 45 days before a primary election in which a legislator or legislative employee is a candidate for state office *or* the day on which the individual files for state office. The moratorium ends at the close of the general or special election day or on the day the candidate withdraws or, for candidates who lose the primary, on the day the primary election is certified.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska



Official Business

Alaska State Legislature

Senate

State Capitol
Juneau, AK. 99801-1182

Rules Committee

TO: Representative James, Chairman
House State Affairs Committee

FROM: Benjamin Brown, ^{SBF} Legislative Aide to Senator Kelly

DATE: 5 February 1998

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Amendment KA.2: *PROHIBITED CONTRIBUTIONS*

Section 2 of this bill prohibits a person or group from contributing to a candidate for state office while the legislature is convened in its regular session. This technical amendment deletes subsection (C)(1) as it is no longer necessary due to the change the bills makes from banning donations, "to a candidate for state legislature," to the broader prohibition against donating, "to a candidate for state office."

Amendment KA.3: *SPOUSAL/SPOUSAL EQUIVALENT LOBBYIST*

Section 8 of this bill prohibits lobbying activity by legislators' spouses and cohabitants. Section 22 of the bill requires legislative employees to disclose information on their spouse or spousal equivalent's lobbying clients and how much they were paid. Amendment KA.3 adds contingency language to the bill so that if the ban on spousal lobbying for legislators is found unconstitutional, there won't be a hole in the law. If the ban is struck down, a disclosure requirement for legislative spousal lobbying will go into effect 30 days after the later of either a final judgment, or the expiration of an appeal or final decision in an appeal. Disclosure requirements for legislators would then be identical to those the bill prescribes for legislative and executive branch employees.

Amendment KA.4: *STREAMLINING DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS IN THE EXECUTIVE BRANCH*

Section 80 of the bill creates a new section in the executive branch ethics act (39.52.155) which requires state officials to disclose to supervisors and APOC, the same close economic associations which legislators must currently disclose. Section 67 of the bill provides a way for state officials to report close economic associations along with their annual conflict of interest reports. Amendment KA.4 deletes Section 80 from the bill, eliminating a "double reporting" requirement. It also makes necessary changes in numerical references.

Amendment KA.10: *LEGISLATIVE ETHICS COMPLAINTS DURING ELECTION PERIODS*

This amendment adds a new bill section which suspends the Ethics Committee's jurisdiction on certain complaints for a period of time near an election. The amendment requires the committee to return complaints received against a legislator or legislative employee* who is a candidate for state office 45 days* prior to the primary election unless the candidate/ subject of the complaint notifies within a specified period of time that he/she is waiving the suspension of jurisdiction. The amendment sets out subject and complainant notification

requirements for the committee, including a notification that the complainant may refile the complaint at the end of the moratorium period.

*Under the current ethics code (AS 24.60.033), legislative employees are prohibited from running for a legislative seat but are not prohibited from running for another elective office.

*The amendment sets out that the moratorium begins *on the later of* 45 days before a primary election in which a legislator or legislative employee is a candidate for state office *or* the day on which the individual files for state office. The moratorium ends at the close of the general or special election day or on the day the candidate withdraws or, for candidates who lose the primary, on the day the primary election is certified.

~~Save this~~
Include uncs
AMENDMENT

"POET" acct
Public office expense term

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 3, following line 18:

2 Insert a new bill section to read:

3 **** Sec. 3.** AS 15.13.110(a) is amended to read:

4 (a) Each candidate and group shall make a full report in accordance with
5 AS 15.13.040 for the period ending three days before the due date of the report and
6 beginning on the last day covered by the most recent previous report. If the report is
7 a first report, it shall cover the period from the beginning of the campaign to the date
8 three days before the due date of the report. If the report is a report due February 15,
9 it shall cover the period beginning on the last day covered by the most recent previous
10 report or on the day that the campaign started, whichever is later, and ending on
11 December 31 of the prior year. The report shall be filed

12 (1) 30 days before the election: however, this report is not required if
13 the deadline for filing a nominating petition or declaration of candidacy is within 30
14 days of the election:

15 (2) one week before the election:

16 (3) 10 days after the election: and

17 (4) February 15 for expenditures made and contributions received that
18 were not reported during the previous year, including, if applicable, all amounts
19 expended from a public [LEGISLATIVE] office expense term account established
20 under AS 15.13.116(a)(9) and all amounts expended from a municipal office account
21 under AS 15.13.116(a)(10), or when expenditures were not made or contributions
22 were not received during the previous year."

23 Renumber the following bill sections accordingly.

to avoid confusion w/ other acct.

1 Page 4, line 30:

2 Delete "legislative office account or to an office"

3 Insert "public [LEGISLATIVE] office expense term account or to a public office
4 expense term"

5 Page 5, line 3:

6 Delete "legislative office"

7 Insert "public [LEGISLATIVE] office expense term'

8 Page 5, line 6:

9 Delete "legislative office"

10 Insert "public [LEGISLATIVE] office expense term'

11 Page 5, line 25:

12 Following "in the":

13 Delete "office"

14 Insert "public office expense term"

15 Delete "legislative office"

16 Insert "public office expense term"

17 Page 5, line 28:

18 Delete "legislative office"

19 Insert "public office expense term'

20 Page 5, line 30:

21 Delete "legislative office'

22 Insert "public office expense term"

23 Page 5, line 31:

24 Following "The":

25 Delete "office"

26 Insert "public office expense term"

- 1 Delete "legislative office"
- 2 Insert "public office expense term"
- 3 Page 6, line 1, following "in the":
- 4 Delete "office"
- 5 Insert "public office expense term"
- 6 Page 6, line 2:
- 7 Delete "(a)(1) - (8)"
- 8 Insert "(a) of this section but may not be disposed of as provided in (a)(1), (2), (5),
- 9 or (7) - (10)"
- 10 Page 10, line 7:
- 11 Delete "as an office allowance."
- 12 Insert "under AS 24.10.110."
- 13 Page 59, line 31:
- 14 Delete "legislative office"
- 15 Insert "public office expense term"
- 16 Page 60, line 6:
- 17 Delete all material and insert:
- 18 *** Sec. 117.** Sections 1 - 3 and 6 - 113 of this Act take effect January 1, 1999."
- 19 Renumber internal references to bill sections in accordance with this amendment. Below are
- 20 all internal bill section references in this bill:
- 21 Page 59, line 21
- 22 Page 59, line 28
- 23 Page 60, line 1
- 24 Page 60, line 3
- 25 Page 60, line 4
- 26 Page 60, line 6

AMENDMENT

*Hold for
SB 275*

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 2, lines 5 - 16:

2 Delete "to a candidate for governor or lieutenant governor or an individual who files
3 with the commission the document necessary to permit that individual to incur certain
4 election-related expenses as authorized by AS 15.13.100 for governor or lieutenant governor,
5 when the office is to be filled at a general election, before the later of the following dates:

6 (A) the date the individual

7 (i) becomes a candidate; or

8 (ii) files with the commission the document necessary
9 to permit the individual to incur certain election-related expenses as
10 authorized by AS 15.13.100; or

11 (B) January 1 of the year of the general election;

12 (2)"

13 Insert "[TO A CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR
14 OR AN INDIVIDUAL WHO FILES WITH THE COMMISSION THE DOCUMENT
15 NECESSARY TO PERMIT THAT INDIVIDUAL TO INCUR CERTAIN ELECTION-
16 RELATED EXPENSES AS AUTHORIZED BY AS 15.13.100 FOR GOVERNOR OR
17 LIEUTENANT GOVERNOR, WHEN THE OFFICE IS TO BE FILLED AT A GENERAL
18 ELECTION, BEFORE THE LATER OF THE FOLLOWING DATES:

19 (A) THE DATE THE INDIVIDUAL

20 (i) BECOMES A CANDIDATE; OR

21 (ii) FILES WITH THE COMMISSION THE
22 DOCUMENT NECESSARY TO PERMIT THE INDIVIDUAL TO
23 INCUR CERTAIN ELECTION-RELATED EXPENSES AS
24 AUTHORIZED BY AS 15.13.100; OR

25 (B) JANUARY 1 OF THE YEAR OF THE GENERAL

1 ELECTION;
2 (2)]"

3 Page 2, line 28:

4 Delete "(3)"

5 Insert "(2) [(3)]"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 15, following line 24:

2 Insert a new bill section to read:

3 **"* Sec. 24.** AS 24.60.070(d) is amended to read:

4 (d) When making a disclosure under (a) of this section concerning a
5 relationship with a lobbyist to whom the legislator or legislative employee is married
6 or who is the legislator's or legislative employee's spousal equivalent, the legislator
7 or legislative employee shall also disclose the name and address of each employer of
8 the lobbyist and the total monetary value received from the lobbyist's employer. The
9 legislator or legislative employee shall report changes in the employer of the spouse
10 or spousal equivalent within 48 hours after the change. In this subsection, "employer
11 of the lobbyist" means the person from whom the lobbyist received amounts or things
12 of value for engaging in lobbying on behalf of the person."

13 Renumber the following bill sections accordingly.

14 Page 59, line 21:

15 Delete "89 - 94"

16 Insert "90 - 95"

17 Page 60, line 3:

18 Delete "113"

19 Insert "114"

20 Page 60, following line 3:

21 Insert a new bill section to read:

1 ** Sec. 116. (a) Section 24 of this Act takes effect only if

2 (1) a court enters a final judgment declaring that the provisions of
3 AS 24.45.165, enacted by sec. 8 of this Act, are unconstitutional; and

4 (2) either the time for appeal of that judgment expires or, if an appeal is
5 taken, the court enters a final order on appeal that the provisions of AS 24.45.165, enacted
6 by sec. 8 of this Act, are unconstitutional.

7 (b) The attorney general shall notify the revisor of statutes of the entry of a final
8 judgment described in (a) of this section.

9 (c) In this section and sec. 117 of this Act, "appeal" includes a petition for review
10 or certiorari or other discretionary judicial review, but a petition for discretionary review is
11 not considered to be "taken" unless the petition is granted.

12 * Sec. 117. If sec. 24 of this Act takes effect under sec. 116 of this Act, it takes effect 30
13 days after the later of (1) the date a court enters a final judgment that the provisions of
14 AS 24.45.165, enacted by sec. 8 of this Act, are unconstitutional; and (2) the expiration of
15 any time for appeal of that judgment, or, if an appeal is taken, the date of entry of a final
16 order on the appeal that AS 24.45.165, enacted by sec. 8 of this Act, is unconstitutional. In
17 this section, "appeal" has the meaning given in sec. 116(c) of this Act."

18 Renumber the following bill sections accordingly.

19 Page 60, line 4:

20 Delete "113. and 114"

21 Insert "114, and 115"

22 Page 60, line 6:

23 Delete "and 5 - 112"

24 Insert "5 - 23, and 25 - 113"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 47, line 13:

2 Delete ", 39.52.155,"

3 Page 48, line 27, through page 50. line 2:

4 Delete all material.

5 Renumber the following bill sections accordingly.

6 Page 59, line 21:

7 Delete "89 - 94"

8 Insert "88 - 93"

9 Page 60, line 3:

10 Delete "113"

11 Insert "112"

12 Page 60. line 4:

13 Delete "113, and 114"

14 Insert "112. and 113"

15 Page 60, line 6:

16 Delete "5 - 112"

17 Insert "5 - 111"

0-LS0074\KA.10
Cramer
4/30/97

A M E N D M E N T

*Discuss as
separate Am
w/ Full
committee*

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 25, line 17, following " :":

2 Insert "The committee shall respond to a complaint concerning the conduct of a
3 candidate for election to state office received during the campaign period in accordance
4 with (o) of this section."

5 Page 28, following line 26:

6 Insert a new bill section to read:

7 **** Sec. 49.** AS 24.60.170 is amended by adding a new subsection to read:

8 (o) The committee shall return a complaint concerning the conduct of a
9 candidate for state office received during a campaign period to the complainant unless
10 the subject of the complaint permits the committee to assume jurisdiction under this
11 subsection. If the committee receives a complaint concerning the conduct of a
12 candidate during the campaign period, the committee shall immediately notify the
13 subject of the complaint of the receipt of the complaint, of the suspension of the
14 committee's jurisdiction during the campaign period, and of the candidate's right to
15 waive the suspension of jurisdiction under this subsection. The candidate may, within
16 11 days after the committee mails or otherwise sends notice of the complaint to the
17 candidate, notify the committee that the candidate chooses to have the committee
18 proceed with the complaint under this section. If the candidate does not act within
19 that time or if the candidate notifies the committee that the candidate is not waiving
20 the suspension of committee jurisdiction, the committee shall return the complaint to
21 the complainant with notice of the suspension of jurisdiction under this subsection and
22 of the right of the complainant to file the complaint after the end of the campaign
23 period. A campaign period under this subsection begins on the later of 45 days before
24 a primary election in which the legislator or legislative employee is a candidate for

0-LS0074\KA.10

1 state office or the day, on which the individual files as a candidate for state office, and
2 ends at the close of election day for the general or special election in which the
3 individual is a candidate or on the day that the candidate withdraws from the election,
4 if earlier. For a candidate who loses in the primary election, the campaign period
5 ends on the day that results of the primary election showing that another individual
6 won the election are certified."

7 Renumber the following bill sections accordingly.

8 Page 59, line 21:

9 Delete "89 - 94"

10 Insert "90 - 95"

11 Page 60, line 3:

12 Delete "113"

13 Insert "114"

14 Page 60, line 4:

15 Delete "113, and 114"

16 Insert "114, and 115"

17 Page 60, line 6:

18 Delete "5 - 112"

19 Insert "5 - 113"

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

Include in CS
Cur AM to Ban on
return
Special
lobbying

1 Page 8, following line 4:

2 Insert a new bill section to read:

3 **** Sec. 8.** AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

24 (7) the identification of a legislator, legislative employee, or upper-
25 level employee in the executive branch of state government as defined in

1 AS 39.52.960 to whom the lobbyist is married or who is the spousal equivalent
2 of the lobbyist."

3 Renumber the following bill sections accordingly.

4 Page 15, line 17:

5 Following "whom the":

6 Insert "legislator or"

7 Following "is the":

8 Insert "legislator's or"

9 Page 15, line 18, following "the":

10 Insert "legislator or"

11 Page 15, line 20, following "The":

12 Insert "legislator or"

13 Renumber internal references to bill sections in accordance with this amendment. Below are
14 all internal bill section references in this bill:

15 Page 59, line 21

16 Page 59, line 28

17 Page 60, line 1

18 Page 60, line 3

19 Page 60, line 4

20 Page 60, line 6

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

SUBJECT: Title of CSSB 105(FIN) am (Legislative and Executive branch ethics and campaign finance)

TO: Senator Tim Kelly
Attn: Ben Brown

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked for a memorandum concerning whether a resolution is needed to waive application of the Uniform Rules for a title amendment to the campaign finance and ethics bill referenced above. The title as passed by the Senate reads:

"An Act relating to legislative and executive branch ethics; relating to campaign finances for candidates for state office; relating to the conduct and regulation of lobbyists with respect to public officials; relating to the filing of disclosures by certain state employees and officials; making a conforming amendment to the definition of 'public official' for employment security statutes; and providing for an effective date."

As passed by the Senate, the bill contains an amendment to AS 15.13.072(d) which affects municipal elections as well as elections for state office (for the governor, lieutenant governor, and members of the legislature) but there was a drafting error and the amendment inadvertently failed to amend the bill title.¹¹ To correct this oversight, the title should be amended. One possibility is to amend the second clause of the title to read: "relating to campaign finances for candidates for state or municipal office."

¹¹ Existing law prohibits a legislator or legislative employee who is a candidate for any office from soliciting and accepting contributions during a legislative session. The amendment to AS 15.13.072(d) in the bill prohibits all candidates who are running for election to state office from soliciting contributions during a legislative session. Current law prohibits legislators and legislative employees who are running for municipal office from soliciting or accepting contributions during a session but under the bill they would be permitted to do so.

Senator Tim Kelly
February 26, 1998
Page 2

Although the bill is in the second house, it is my opinion that the title change described above does not require a concurrent resolution waiving the Uniform Rules. While Uniform Rule 24(c) prohibits a committee of the second house from reporting out a committee substitute or amendment that requires a title change, other than a clerical or technical one, the title change here is not "required" by an amendment or change in the second house. Rather, it is required to correct the defective title in bill as passed by the first house. Accordingly, our office has in the past considered such changes to be "technical." The requirements of Uniform Rules 35 and 41(b) are consistent with Uniform Rule 24, stating that motions or propositions that require a change in the title of the bill as enacted in the house of origin, other than a clerical or technical change, are out of order. Of course, the Senate will still have the right to consider whether to concur in any changes to the bill made by the House, including a change to the title.

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

TC:jdr
98-118.jdr

O-LS0074\KA.10
Cramer
4/30/97

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 25, line 17, following "1":

2 Insert "The committee shall respond to a complaint concerning the conduct of a
3 candidate for election to state office received during the campaign period in accordance
4 with (o) of this section."

5 Page 28, following line 26:

6 Insert a new bill section to read:

7 **** Sec. 49.** AS 24.60.170 is amended by adding a new subsection to read:

8 (o) The committee shall return a complaint concerning the conduct of a
9 candidate for state office received during a campaign period to the complainant unless
10 the subject of the complaint permits the committee to assume jurisdiction under this
11 subsection. If the committee receives a complaint concerning the conduct of a
12 candidate during the campaign period, the committee shall immediately notify the
13 subject of the complaint of the receipt of the complaint, of the suspension of the
14 committee's jurisdiction during the campaign period, and of the candidate's right to
15 waive the suspension of jurisdiction under this subsection. The candidate may, within
16 11 days after the committee mails or otherwise sends notice of the complaint to the
17 candidate, notify the committee that the candidate chooses to have the committee
18 proceed with the complaint under this section. If the candidate does not act within
19 that time or if the candidate notifies the committee that the candidate is not waiving
20 the suspension of committee jurisdiction, the committee shall return the complaint to
21 the complainant with notice of the suspension of jurisdiction under this subsection and
22 of the right of the complainant to file the complaint after the end of the campaign
23 period. A campaign period under this subsection begins on the later of 45 days before
24 a primary election in which the legislator or legislative employee is a candidate for

0-LS0074\KA.10

1 state office or the day on which the individual files as a candidate for state office and
2 ends at the close of election day for the general or special election in which the
3 individual is a candidate or on the day that the candidate withdraws from the election.
4 if earlier. For a candidate who loses in the primary election, the campaign period
5 ends on the day that results of the primary election showing that another individual
6 won the election are certified."

7 Renumber the following bill sections accordingly.

8 Page 59, line 21:

9 Delete "89 - 94"

10 Insert "90 - 95"

11 Page 60, line 3:

12 Delete "113"

13 Insert "114"

14 Page 60, line 4:

15 Delete "113, and 114"

16 Insert "114, and 115"

17 Page 60, line 6:

18 Delete "5 - 112"

19 Insert "5 - 113"

AMENDMENT

OFFERED IN THE HOUSE

by Representative Berkowitz

TO: CSSB 105(FIN) am

- 1 Page 1, line 11, following "to":
- 2 Delete "state office"
- 3 Insert "the legislature"

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

Page 12, line 19:

Delete "a new subsection"

Insert "new subsections"

Page 12, following line 27:

Insert a new subsection to read:

"(i) A legislator or legislative employee may only use public funds, facilities, equipment, services, or other assets or resources in a matter that involves partisan politics if the public purpose of the activity outweighs the partisan political purpose. A group mailing addressed to members of only one political party is presumed to have a partisan political purpose. The legislator or legislative employee may overcome that presumption with substantial evidence that the public purpose of the mailing outweighs the partisan political purpose."

Will be reworded.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 48, following line 15:

2 Insert a new subsection to read:

3 "(b) An elected official may not hold a campaign fund raising event in a place
4 other than the capital city to which the elected official traveled at state expense
5 immediately preceding the event. This subsection does not prohibit an elected official
6 from holding a campaign fund raising event in a place to which the elected official
7 traveled at state expense if the travel to the place was scheduled to be completed at
8 least 48 hours before the event was scheduled to begin. In this subsection, "elected
9 official" means the governor or the lieutenant governor."

10 Reletter the following subsection accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

1 Page 35, line 21, through page 41, line 10:

2 Delete all material and insert:

3 * Sec. 64. AS 39.50.020 is amended to read:

4 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
5 official other than the governor or the lieutenant governor [JUDICIAL OFFICER,
6 COMMISSIONER, CHAIR OR MEMBER OF A STATE COMMISSION OR
7 BOARD SPECIFIED IN AS 39.50.200(b), A PERSON HIRED OR APPOINTED
8 AS HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A
9 DEPARTMENT IN THE EXECUTIVE BRANCH, A PERSON APPOINTED
10 AS ASSISTANT TO THE GOVERNOR, A STATE INVESTMENT OFFICER AND
11 THE STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, AND A
12 MUNICIPAL OFFICER] shall file a statement giving income sources and business
13 interests, under oath and on penalty of perjury, within 30 days after taking office as
14 a public official. Candidates for state elective office other than a candidate who is
15 subject to AS 24.60 shall file the [SUCH A] statement with the director of elections
16 at the time of filing a declaration of candidacy or a nominating petition [,] or
17 [WITHIN 30 DAYS OF] becoming a candidate by any other means. Candidates for
18 elective municipal office shall file the [SUCH A] statement at the time of filing a
19 nominating petition, declaration of candidacy, or other required filing for the elective
20 municipal office. Refusal or failure to file within the time prescribed shall require that
21 the candidate's filing fees, if any, and filing for office be refused or that a previously
22 accepted filing fee be returned and the candidate's name removed from the filing
23 records. A statement shall also be filed by public officials no later than March
24 [APRIL] 15 or 15 days after the person files a federal income tax return in each
25 following year, whichever comes first. Persons who are members of boards or

1 commissions not named in AS 39.50.200(b) are not required to file financial
2 statements.

3 (b) A public official other than an elected or appointed municipal officer
4 [THE GOVERNOR, LIEUTENANT GOVERNOR, JUDICIAL OFFICERS, EACH
5 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A
6 DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH,
7 ASSISTANT TO THE GOVERNOR, STATE INVESTMENT OFFICERS AND THE
8 STATE COMPTROLLER IN THE DEPARTMENT OF REVENUE, OR CHAIR OR
9 MEMBER OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER
10 THIS CHAPTER,] shall file the statement with the Alaska Public Offices
11 Commission. Candidates for the office of governor and lieutenant governor and, if
12 the candidate is not subject to AS 24.60, the legislature shall file the statement under
13 AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective municipal
14 office, shall file with the municipal clerk or other municipal official designated to
15 receive their filing for office. All statements required to be filed under this chapter
16 are public records.

17 * Sec. 65. AS 39.50.030(a) is amended to read:

18 (a) Each statement must [SHALL] be an accurate representation of the
19 financial affairs of the public official or candidate and must [SHALL] contain the
20 same information for each member of the person's family, as specified in (b) and (d)
21 of this section, to the extent that it is ascertainable by the public official or candidate.
22 [AN ASSET OR LIABILITY UNDER \$500, HOUSEHOLD GOODS, AND
23 PERSONAL EFFECTS NEED NOT BE IDENTIFIED.]

24 * Sec. 66. AS 39.50.030(b) is amended to read:

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

27 (1) the source of all income over \$1,000 [\$100] during the preceding
28 calendar year, including taxable and nontaxable capital gains, received by the person,
29 the person's spouse or dependent child, or a nondependent child of the person who is
30 living with that person, except that a source of income that is a gift must be
31 included if the value of the gift exceeds \$250:

32 (2) the identity, by name and address, of each business in which the

1 person, the person's spouse or dependent child, or a nondependent child of the person
2 who is living with that person was a stockholder, owner, officer, director, partner,
3 proprietor, or employee during the preceding calendar year;

4 (3) the identity and nature of each interest owned in any business
5 during the preceding calendar year by the person, the person's spouse or dependent
6 child, or a nondependent child of the person who is living with that person;

7 (4) the identity and nature of each interest in real property, including
8 an option to buy, owned at any time during the preceding calendar year by the person,
9 the person's spouse or dependent child, or a nondependent child of the person who is
10 living with that person;

11 (5) the identity of each trust or other fiduciary relation in which the
12 person, the person's spouse or dependent child, or a nondependent child of the person
13 who is living with that person held a beneficial interest exceeding \$1,000 during the
14 preceding calendar year, a description and identification of the property contained in
15 each trust or relation, and the nature and extent of the beneficial interest in it;

16 (6) any loan or loan guarantee of more than \$1,000 made to the
17 person, the person's spouse or dependent child, or a nondependent child of the person
18 who is living with that person, and the identity of the maker of the loan or loan
19 guarantor and the identity of each creditor to whom the person, the person's spouse
20 or dependent child, or a nondependent child of the person who lives with that person
21 owed more than \$1,000; this paragraph requires disclosure of a loan, loan
22 guarantee, or indebtedness only if the loan or guarantee was made, or the
23 indebtedness incurred, during the preceding calendar year, or if the amount still
24 owing on the loan, loan guarantee, or indebtedness was more than \$1,000 at any
25 time during the preceding calendar year [\$500 OR MORE];

26 (7) a list of all contracts and offers to contract with the state or an
27 instrumentality of the state during the preceding calendar year held, bid, or offered by
28 the person, the person's spouse or dependent child, a nondependent child of the person
29 who is living with that person, a partnership or professional corporation of which
30 the person is a member [THE PERSON'S MOTHER OR FATHER], or a corporation
31 in which the person or the person's spouse or children, or a combination of them, hold
32 a controlling interest; and

1 (8) 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 dependent child, a nondependent child of the person who is living
4 with that person, [THE PERSON'S MOTHER OR FATHER,] a partnership or
5 professional corporation of which the person is a member, or a corporation in which
6 the person or the person's spouse or children, or a combination of them, holds a
7 controlling interest.

8 * Sec. 67. AS 39.50.030 is amended by adding new subsections to read:

9 (d) In addition to the requirements of (b) of this section, each statement filed
10 under this chapter by a public official in the executive branch of state government
11 other than the chair or a member of a state commission or board must include a
12 disclosure of the formation or maintenance of a close economic association involving
13 a substantial financial matter as required by this subsection. The disclosure must be
14 sufficiently detailed so that a reader can ascertain the nature of the association. A
15 public official shall disclose a close economic association with

16 (1) a legislator;

17 (2) a public official who is not an elected or appointed municipal
18 officer;

19 (3) a lobbyist; or

20 (4) a public officer if the person required to make the disclosure is the
21 governor or the lieutenant governor.

22 (e) If a public official required to disclose a close economic association under
23 (d) of this section forms a close economic association after the date on which the
24 public official files the financial disclosure statement required by (a) of this section,
25 disclosure of the association must be made to the commission within 60 days after the
26 formation of the association.

27 (f) When making a disclosure under (d) of this section concerning a
28 relationship with a lobbyist to whom the public official is married or who is the
29 public official's spousal equivalent, the public official shall also disclose the name and
30 address of each employer of the lobbyist and the total monetary value received from
31 the lobbyist's employer. The public official shall report changes in the employers of
32 the spouse or spousal equivalent within 48 hours after the change. In this subsection,

1 "employer of the lobbyist" means the person from whom the lobbyist received money,
2 or goods or services having a monetary value, for engaging in lobbying on behalf of
3 the person.

4 (g) In this section,

5 (1) "close economic association" means a financial relationship that
6 exists between a public official required to disclose a close economic association
7 under (d) of this section and some other person or entity, including a relationship
8 where the public official serves as a consultant or advisor to, is a member or
9 representative of, or has a financial interest in an association, partnership, business,
10 or corporation;

11 (2) "public officer" has the meaning given in AS 39.52.960;

12 (3) "spousal equivalent" means a person who is cohabiting with
13 another person in a relationship that is like a marriage but that is not a legal marriage.

14 * Sec. 68. AS 39.50.070 is amended to read:

15 **Sec. 39.50.070. Failure to report by certain state employees**
16 **[DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT HEADS]. A public**
17 **official [PERSON HIRED OR APPOINTED AS THE HEAD OR DEPUTY HEAD**
18 **OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT] in the executive**
19 **branch of state government, other than the governor or lieutenant governor or a**
20 **chair or member of a state board or commission, who refuses or fails to file a**
21 **report of financial interests required under this chapter when due may not hold office,**
22 **and the person's name may not be submitted to the legislature for confirmation, until**
23 **the person complies. The person may not be confirmed, hired, or appointed, and the**
24 **person forfeits and may not be paid any salary, per diem, or travel expenses, until the**
25 **person complies. If, after installation in office or beginning employment in the**
26 **position [AS THE HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A**
27 **DIVISION WITHIN, A DEPARTMENT], the person refuses or fails to file the**
28 **required statement when due, the person is guilty of a misdemeanor and upon**
29 **conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and**
30 **shall be removed from office if compliance is not made within 30 days after the due**
31 **date of the report.**

32 * Sec. 69. AS 39.50.080 is amended to read:

1 **Sec. 39.50.080. Failure to report by a commission or board chair**
 2 **[CHAIRMAN] or member.** A person hired or appointed as a commissioner, chair,
 3 ^{or} [CHAIRMAN] or member of a state commission or board specified in
 4 AS 39.50.200(b), including the executive director of the Alaska Tourism
 5 Marketing Council, who fails to file a report of financial interests required under this
 6 chapter when due may not hold office, and the person's name may not be submitted
 7 to the legislature until the person complies. The person may not be confirmed, and
 8 the person forfeits and may not be paid any salary, per diem or travel expenses, until
 9 the person complies. If, after being seated as commissioner, chair, [CHAIRMAN]
 10 or member of the [SUCH A] commission or board the person refuses or fails to file
 11 the required statement when due, the person is guilty of a misdemeanor and upon
 12 conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and
 13 shall be removed from office if compliance is not made within 30 days after the due
 14 date.

15 * **Sec. 70.** AS 39.50.200(a)(8) is amended to read:

16 (8) "public official" means

17 (A) a judicial officer;

18 (B) [,] the governor, the lieutenant governor, a person hired or
 19 appointed as the head or deputy head of [, OR DIRECTOR OF A DIVISION,]
 20 a department in the executive branch;

21 (C) a person hired in a department in the executive branch

22 as

23 (i) the director or deputy director of a division;

24 (ii) a special assistant to the head of the department;

25 (iii) the legislative liaison for the department;

26 (iv) the procurement officer for the department;

27 (D) a person hired as [,] an employee in the office of
 28 [ASSISTANT TO] the governor or the office of the lieutenant governor
 29 other than

30 (i) a clerical, security, messenger, or maintenance
 31 employee, or other employee in the office of the governor or the
 32 office of the lieutenant governor whom the personnel board

1 designates because the employee is not employed in an executive or
 2 professional capacity or as an administrator and does not exercise
 3 discretion over policy matters:

4 (ii) an employee of the State Commission for Human
 5 Rights, including the director;

6 (iii) an employee of the office of equal employment
 7 opportunity; however, the director of the office is a public official;

8 (iv) an employee of the division of elections;
 9 however, the director of the division is a public official;

10 (v) an employee of the Alaska Human Resource
 11 Investment Council, including the director;

12 (vi) an employee of the Alaska Human Relations
 13 Commission, including the director;

14 (E) the [,] chair or a member of a state commission or board;

15 (F) [,] state investment officers and the state comptroller in the
 16 Department of Revenue;

17 (G) [,] the executive director of the Alaska Tourism Marketing
 18 Council;

19 (H) the chief procurement officer appointed under
 20 AS 36.30.010; and

21 (I) [, AND] each appointed or elected municipal officer;"

22 Renumber the following bill sections accordingly.

23 Renumber internal references to bill sections in accordance with this amendment. Below are
 24 listed all the internal bill section references in this bill:

25 Page 59, line 21

26 Page 59, line 28

27 Page 60, line 1

28 Page 60, line 3

29 Page 60, line 4

30 Page 60, line 6

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 13, 1998

SUBJECT: Explanation of the amendment to Unemployment Compensation laws contained in the Legislative and Executive Branch Ethics bill (CSSB 105(FIN) am)

TO: Senator Tim Kelly
Attn: Ben Brown

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked for an explanation of sec. 6 of the above-referenced bill. Section 6 amends AS 23.20.526(d), which sets out certain kinds of work that will not be considered "employment" for purposes of the state's unemployment compensation laws. In paragraph (8) of that subsection, existing law provides that employment by a state or a political subdivision of the state does not count as employment if the service is performed by an individual in the exercise of duties as a "public official" as defined in AS 39.50.200(a)." Section 70 of CSSB 105(FIN) am amends the definition of "public official" by adding executive branch employees who are in the exempt or partially exempt service who are compensated at Range 19 or better unless they are members of a collective bargaining unit. This amendment to AS 39.50.200 was intended to make these executive branch employees file financial disclosure statements. It was not intended to make them ineligible for unemployment compensation benefits. In order to avoid having them excluded from unemployment compensation benefits under AS 23.20.526(8), that paragraph was rewritten. Instead of relying on the definition of "public official" in AS 39.50.200(a), it now lists all of the officials who were included in the definition before the addition of Range 19-plus executive branch employees.

I hope this clarifies the purpose for this bill section. Let me know if you have additional questions about it.

TC:jdr
98-087.jdr

*Passed Am # 1 -
Remove p8 lines 5, 12
(Section 8)*



Official Business

Alaska State Legislature

Senate

Rules Committee

State Capitol
Juneau, AK. 99801-1182

TO: Representative James, Chairman
House State Affairs Committee

FROM: Benjamin Brown, Legislative Aide to Senator Kelly

DATE: ^{REB} 16 February 1998

IN RE: analysis of the second set of proposed amendments
to *CSSB 105 (Fin) am*

Amendment KA. 11: *PROHIBITIONS ON USE OF STATE RESOURCES*
This amendment adds a new subsection to the legislative ethics code that prohibits legislators and legislative employees from using public resources for partisan activities unless the public purpose outweighs the partisan purpose. The amendment sets out that a mailing to members of one party is presumed to have a partisan purpose, but allows that presumption to be overcome with substantial evidence of the public purpose.

Amendment KA. 17: *CONTINGENCY LANGUAGE FOR BAN ON LEGISLATIVE SPOUSAL LOBBYING*
Section 8 of this bill prohibits lobbying activity by legislators' spouses and cohabitants. Section 22 of the bill requires legislative employees to disclose information on a spouse or spousal equivalent's lobbying activity, including clients and compensation received. Amendment KA.17 adds contingency language to the bill so that if the ban on spousal lobbying for legislators is found unconstitutional, there won't be a hole in the law (I.E., a disclosure requirement for legislative employees, and nothing for legislators). If the ban is struck down, a disclosure requirement for legislative spousal lobbying will go into effect 30 days after a final judgment, or the expiration of an appeal or final decision in an appeal. Disclosure requirements for legislators would then be identical to those the bill prescribes for legislative and executive branch employees. Amendment KA.17 also requires lobbyists to disclose legislative, legislative employee, or executive branch spouses or spousal equivalents to APOC, along with the information that lobbyists must already disclose. N.B. - Amendment KA.17 replaces Amendments KA.3 (distributed Thursday the 5th with the first batch of amendments).

confusion across the State. While APOC has overruled the aforementioned staff interpretation of the code, Amendment KA.37 seeks to ensconce a more rational view in statute. It recognizes that that in the eyes of the U.S. Supreme Court, political speech constitutes the most highly protected type of expression covered by the First Amendment. A private citizen's ability to express political views, especially within the boundaries of private property, should only be restricted under extraordinary circumstances. Putting a campaign sign up doesn't meet this test, and Amendment KA.27 will ensure that, in future, Alaskans' First Amendment rights are not infringed upon as they promote political candidates of their choice on their own private property in a reasonable manner.

Amendment KA. 28: *DUAL USE OF BULK-MAIL PERMITS*

APOC interpretation of the campaign finance law has led some legislators to secure two separate bulk-mailing permits from the Post Office. This is an unnecessary restriction in that the use of a bulk mailing permit is not a significant advantage to a campaign or legislative office. The prime beneficiary of APOC's bulk-mailing permit policy has been the Post Office, as they see increased demand for these permits. Amendment KA.28 clarifies that the use of a bulk mailing permit is not restricted by APOC.

Amendment KA. 35: *LEGISLATIVE USE OF PRIVATE OFFICES*

The legislative ethics code as currently written explicitly prohibits use of state resources for personal gain or political ends. Specific exceptions are allowed for, in cases where use is nominal or re-embursement is made, but confusion over the level of allowable use persists. Amendment KA.35 specifies that for legislators only, a certain higher level of protection from the ban on personal gain is appropriate, given the part-time, citizen nature of Alaska's legislative branch of government. The amendment will dictate that as long as the use of a private office by a legislator doesn't interfere with governmental purposes, and costs are nominal or re-embursed, the legislator will not be breaking the ethics laws by using his or her office.

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB 105(FIN) am

Not needed now.

1 Page 8, following line 4:

2 Insert a new bill section to read:

3 **** Sec. 8.** AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

24 (7) the identification of a legislator, legislative employee, or state
25 official to whom the lobbyist is married or who is the spousal equivalent of the

1 lobbyist."

2 Renumber the following bill sections accordingly.

3 Page 15, following line 24:

4 Insert a new bill section to read:

5 **** Sec. 25.** AS 24.60.070(d) is amended to read:

6 (d) When making a disclosure under (a) of this section concerning a
7 relationship with a lobbyist to whom the legislator or legislative employee is married
8 or who is the legislator's or legislative employee's spousal equivalent, the legislator
9 or legislative employee shall also disclose the name and address of each employer of
10 the lobbyist and the total monetary value received from the lobbyist's employer. The
11 legislator or legislative employee shall report changes in the employer of the spouse
12 or spousal equivalent within 48 hours after the change. In this subsection, "employer
13 of the lobbyist" means the person from whom the lobbyist received amounts or things
14 of value for engaging in lobbying on behalf of the person."

15 Renumber the following bill sections accordingly.

16 Page 59, following line 19:

17 Insert a new bill section to read:

18 **** Sec. 114.** AS 24.45.165 is repealed."

19 Renumber the following bill sections accordingly.

20 Page 60, following line 2:

21 Insert a new bill section to read:

22 **** Sec. 117.** CONDITIONAL EFFECTIVE DATE OF CERTAIN RESTRICTIONS AND
23 REQUIREMENTS RELATING TO CERTAIN LOBBYISTS. (a) Section 8 of this Act,
24 amending AS 24.45.041(b), sec. 25 of this Act, amending AS 24.60.070(d), which is enacted
25 in sec. 24 of this Act, and sec. 114 of this Act repealing AS 24.45.165, take effect only if

26 (1) a court enters a final judgment that AS 24.45.165, enacted by sec. 9 of this

1 Act, prohibiting spouses of legislators and persons cohabiting with legislators from engaging
2 in certain lobbying violates the state or federal constitution: and

3 (2) either the time for appeal of that judgment expires or, if an appeal is
4 taken, the court enters a final order on appeal that AS 24.45.165, enacted by sec. 9 of this
5 Act, violates the state or federal constitution.

6 (b) If secs. 8, 25, and 114 of this Act take effect under (a) of this section, they take
7 effect on the later of (1) the date a court enters a final judgment that AS 24.45.165, enacted
8 by sec. 9 of this Act, is unconstitutional, and (2) the expiration of any time for appeal of that
9 judgment, or upon entry of a final order on the appeal that AS 24.45.165, enacted by sec. 9
10 of this Act, is unconstitutional. The attorney general shall promptly notify the lieutenant
11 governor and the revisor of statutes of a judgment described in this section."

12 Renumber the following bill sections accordingly.

13 Renumber internal references to bill sections in accordance with this amendment. Internal
14 bill section references occur in the following places:

15 Page 59, lines 21 and 28

16 Page 60, lines 1, 3, 4, and 6