

ALASKA LEGISLATURE COMMITTEES JULY - AUGUST 1955

(NEW)  
**FISCAL NOTE**

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSSB020-DOA-APOC-1-29-07  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title An Act relating to disclosure to the Alaska Public RDU AK Public Offices Commission  
Offices Commission of information about... Component AK Public Offices Commission  
Sponsor Senators French, Eiton, McGuire, et al.  
Requester Senate State Affairs Component No. 70

**Expenditures/Revenues** (Thousands of Dollars)

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

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

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1007 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

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

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill requires that dividends received from a limited liability company must be reported as a source of income on a legislator's financial disclosure statement. It also requires that when a legislator performs services, such as consulting services, he or she must provide a description of the services provided and the total number of hours that are spent performing the services. Lastly, it removes the requirement that amount of income need only be disclosed for sources that have a substantial interest in legislative, administrative, or political action. Rather amounts will be required for all income in excess of \$1000.

This bill should have no fiscal impact on the Alaska Public Offices Commission.

Prepared by: Brooke Miles, Executive Director Phone 465-2200  
Division Alaska Public Offices Commission Date/Time 1/29/07 1:26 PM  
Approved by: Kevin Brooks Date 1/29/2007  
Agency Department of Administration

# SENATE COMMITTEE REPORT

DATE: 1/26/07

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

State Affairs Committee considered SENATE BILL NO. 20

## SB 20 LEGISLATIVE DISCLOSURES

"An Act relating to disclosure to the Alaska Public Offices Commission of information about certain income received as compensation for personal services by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the Legislative Ethics Act; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS SB 20 (STA)
- adopt previous  SCS or  CS \_\_\_\_\_
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

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

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
ADMN	01/29			✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
<del>ADMN</del>	<del>01/29</del>			<del>✓</del>	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
		X			
		X			
Linda Green		✓			
Brande		✓			
	McBure	✓			

# NEWS ARTICLES

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## Jews & Announcements

State of Alaska > Governor > News > News Details

### Governor Palin Submits Ethics Bill

listen  Ethics Reform is Overdue, 266.7k mp3 [More Audio](#)

FOR IMMEDIATE RELEASE 07-015

Governor Palin Submits Ethics Bill to State Legislators Focuses on Restoring Trust in Government Makes Governance More Open and Transparent

January 25, 2007, Juneau, Alaska – Governor Sarah Palin announced today the introduction of her ethics bill into the State House and Senate Chambers.

"This bill cleans up our executive house and provides greater transparency," said Governor Palin. "We need to assure Alaskans that we are working for them and ensure that they have no doubt as to the intent of our decisions. As we work closely with the legislators on ethics reform, I look to swift passage so that we may also tackle PERS / TRS and the gasoline bill this session."

#### Governor Palin's ethics bill addresses six major areas:

- Greater access to campaign and financial disclosure reports through mandatory electronic filings
  - Requires candidates, groups, legislators, and public officials to file disclosure forms electronically with APOC
- More detail in financial disclosures
  - If lawmakers and other public officials receive more than \$1,000 for work, they must specify how much they received, how many hours they worked to earn it, and describe, in detail, the nature of their work
- Full and prompt disclosure of interests after leaving public office
  - Requires lawmakers and other public officials who leave office to report financial and business interests within 90 days upon leaving office
- Further defines conflict of interest
  - Helps clear up ambiguities about when public officials have a conflict of interest, including standards for the executive branch which define when the value of their stock or business interest is significant
- Bans gifts from lobbyists to all public officials, including staff
  - Prohibits executive branch officials from accepting gifts from a lobbyist, unless the lobbyist is an immediate family member
- Tightens certain employment restrictions after leaving public office
  - Tightens existing employment restrictions that apply for two years after leaving the executive branch by eliminating exception for work on legislation and regulations
  - Extends current one-year ban on lobbying to apply to more positions in the executive branch

Alaskans have to trust that each of us is working in the state's best interest and not for the advancement of our own," added Governor Palin. "We need to make sure, for example, that key staff who participate in things such as confidential gasoline negotiations on behalf of the



Photo archive: The Honorable Judge Niesje Steinkruger gave the oath of office and finalized the papers that made Governor Palin and Lt. Governor Parnell official on December 4th, 2006. [Enlarge >](#)

### Quick Links

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state, be prohibited from leaving their positions here to begin working immediately on the opposite side of the table." Under the bill, all provisions would be effective immediately, with the exception of electronic filing, which would take effect July 1, 2007.

###

- » Ethics Reform is Overdue (266.7k mp3) -
- » Restoring Trust is Most Important (320.6k mp3) -
- » Public Officials Must Disclose (163.2k mp3) -
- » Define a Conflict of Interest (201.4k mp3) -

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## Rynniva Moss

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**From:** michaeljosephson@jiethics.org  
**Sent:** Thursday, January 25, 2007 8:43 AM  
**To:** Rynniva Moss  
**Subject:** Power Point Presentation - Alaska State Legislature - January 18, 2007

**Attachments:** Alaska.ppt



Alaska.ppt (8 MB)

I am gratified that you found value in my remarks at the presentation for the Alaska State Legislature on January 18, 2007. I am pleased to share with you the PowerPoint slides that you had requested. (Note: In order to make the file manageable to send and open, I deleted some of the photos.)

In my commitment to be responsive and accessible, I've also included in this email answers to some of the questions that people at my programs most frequently ask me. I apologize that this makes my note to you so long but I've received overwhelming feedback that this additional information has been very useful.

### 1. WHAT USE CAN I MAKE OF THE POWERPOINT SLIDES?

Please feel free to use the slides in personal presentations and for your personal edification. If you want to use them broadly or reproduce any of the slides for others or in printed form, please contact James Jankowski at 310/846-4800 or at [jjankowski@jiethics.org](mailto:jjankowski@jiethics.org). We are liberal about granting permission but, depending on the use, we may ask for a moderate donation or royalty fee (the Institute is a 501c3 nonprofit organization).

### 2. HOW CAN I GET MORE INFORMATION ABOUT YOUR FREE WEEKLY E-NEWSLETTER CONTAINING YOUR RADIO COMMENTARY TRANSCRIPTS?

You may be interested to learn that over 60,000 people subscribe to receive this free e-newsletter of my daily 90-second radio essays. I've included a few transcripts of some of my favorite broadcasts at the end of this email for you to enjoy.

I have also taken the liberty to subscribe you to receive my complimentary e-newsletter with the hope that you find them of personal value and pass them on to others. It should arrive in your email inbox each Thursday afternoon. We encourage you to use them at no charge in company meetings, newsletters, speeches and other communications.

We are completely respectful of overflowing inboxes and understand that you may not wish to continue to receive the newsletter. If this is the case, please reply with "unsubscribe commentary" in the subject box to this email or click on the unsubscribe link in the e-newsletter to automatically remove your email address from future mailings.

### 3. I UNDERSTAND THAT YOU ALSO DISTRIBUTE A FREE E-NEWSLETTER FOR PEOPLE INTERESTED IN YOUTH SPORTS. HOW CAN I SUBSCRIBE TO RECEIVE THIS NEWSLETTER?

Currently over 10,000 sport parents and coaches receive our Pursuing Victory With Honor e-newsletter. To help you assess whether you would like to receive this newsletter, I have taken the liberty to initially subscribe you to receive it. If, after review, you do not wish to continue to receive this newsletter, please click on the unsubscribe link OR reply to this email and put "unsubscribe sports" in the subject box.

### 4. WHO CAN I SPEAK WITH ABOUT THE POSSIBILITY OF CONTRACTING YOU TO SPEAK OR CONSULT AT MY ORGANIZATION?

To reach me or find out about the possibility of arranging a speaking or consulting engagement, please contact Christine Feely at 310/846-4804 or [cfeely@jiethics.org](mailto:cfeely@jiethics.org).

Should you wish to contact me or my assistant by mail, our street address is:  
Josephson Institute of Ethics  
9841 Airport Boulevard, Suite 300  
Los Angeles, CA 90045

5. HAVE YOU WRITTEN ANY BOOKS?

I have written five books which can all be purchased on line at:  
[http://www.charactercounts.org/Merchant5/merchant.mvc?  
Screen=CTGY&Store\\_Code=CCMP&Category\\_Code=2](http://www.charactercounts.org/Merchant5/merchant.mvc?Screen=CTGY&Store_Code=CCMP&Category_Code=2)

Please note that special deep discounts are available to organizations that purchase in volume for distribution to employees.

"Making Ethical Decisions" is a concise booklet designed to clarify the nature of ethics and provide specific decision making strategies. You can download a personal copy of the booklet at no charge from our website at <http://www.josephsoninstitute.org/MEDIA/ED-intro+toc.htm>

"You Don't Have to Be Sick to Get Better" and "The Best is Yet to Come" are compilations of some of my favorite radio commentaries packaged as ideal gift books. They are often provided as takeaways at major meetings or used as gifts for special occasions. They can be purchased separately or as a pair.

"The Power of Character" is a compilation of essays by prominent Americans from Ralph Larsen (former Chairman of Johnson & Johnson) to Dr. Laura Schlessinger.

"Parenting to Build Character in Your Teen" is a book written in collaboration with child-rearing experts at Boys and Girls Town.

6. WHAT OTHER PROGRAMS DO YOU OFFER FOR THE WORKPLACE?

Most of the work we do with companies is customized and includes training programs, climate assessments and consultation.

Our premier program is a two-day Ethics in the Workplace program to train and certify participants to roll out a comprehensive ethics program in their respective organizations. The slides I've sent you were derived from much more extensive materials used in this program. For more information about our Ethics in the Workplace programs, please visit <http://www.josephsoninstitute.org/seminars/etw.htm>

7. HOW CAN I FIND OUT MORE ABOUT THE CHARACTER COUNTS! PROGRAM AND WHAT MY CITY CAN DO TO BRING IT TO SCHOOLS IN MY AREA?

In addition to the information at [www.charactercounts.org](http://www.charactercounts.org) you can find out who is active in your area and how you can get involved by contacting Justin Lu at 310/846-4800 or [jlu@jiethics.org](mailto:jlu@jiethics.org)

I hope this information has been helpful.

Very best wishes,  
Michael Josephson

As promised, here are two samples of my commentary:

BECOMING AN EFFECTIVE CRITIC

After talking about the responsibility of employees to express concern when they see something they think is inefficient, illegal or unethical, a man charged the podium to set me straight. "You don't know what you're talking about," he said. "Everyone I've ever worked for cheated and cut corners. I confronted a boss and all it got me was fired." He was instantly unlikable and I realized it's guys like that who give whistleblowers a bad name.

Being an effective critic isn't easy. After all, no one likes criticism and even sincere people of good character can get defensive, especially when someone is being offensive.

It's easy to discount or dismiss complaints and opinions of people who seem more interested in letting off steam and telling you how bad things are than in making them better.

If you want to improve the chances of making things better without damaging your career here are a few suggestions:

First, be prepared. Be sure of your facts and that you're talking to the right person.

Second, be respectful. Watch your tone. Be earnest but not self-righteous or accusatory. An opening like, "you stupid, unethical scum" is not likely to be productive. Don't raise your voice or make threats. Be willing to listen as well as talk.

Third, be fair. Don't assume bad motives of anyone; be open to new facts and explanations. Don't equate not agreeing with you as not listening, not caring or with being stupid.

Fourth, be honest. Don't exaggerate or omit important facts.

Fifth, stick to the point; stay focused.

#### FILLING HOLES: TAKE PRIDE IN YOUR WORK

Bill and Chuck were hard at work along side a road. Bill was diligently digging holes while Chuck waited a short interval and then filled them up. A passing supervisor noted the activity and demanded an explanation. Bill was indignant "Chuck and I have been doing this job for more than 10 years. What's the problem?"

The supervisor was dumbfounded, "For 10 years you've been digging holes just so you can fill them up again?"

"Well, not exactly," Bill said. "Until a few months ago another fellow named Phil put a bush in the hole before Chuck filled it but he retired and he was never replaced."

"Why didn't you tell somebody?" the supervisor sputtered.

"My gosh, you signed Phil's retirement letter, we figured you knew."

While management is ultimately to blame, it's equally irresponsible for employees to demean the value of their work by becoming part of a process they know to be wasteful or stupid. Each of us has a moral duty to do our best, to make things better, to pursue excellence, and to produce and demand quality.

Yet many organizations are weighted down by workers and managers who "go through the motions" and regularly engage in or witness practices that are patently inefficient and ineffective.

It's not always easy to combat the inertia of habit and in some place it will take courage but if we strive to make our work more meaningful, we make our lives more meaningful.

If you don't take pride in what you do, it's impossible to take pride in what you are.



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## House members urged to ban laptop lobbying

By PAUL CARRIER, Staff Writer  
Portland Press Herald / Maine Sunday Telegram

E-mail this page  
Reader Comments (below)

Thursday, January 25, 2007

AUGUSTA - State Rep. Stan Gerzofsky remembers peering up at the public gallery that overlooks the House of Representatives and spotting lobbyists typing on laptop computers while the House debated a bill on the floor last year.

Intrigued, he left the House chamber, walked into the gallery, peeked over the shoulders of the lobbyists, and found that they were using their computers to participate in the House debate unfolding below them.

"Every third person had a laptop open," Gerzofsky said. "They were e-mailing members of the House, helping to devise speeches and questions."

The practice was perfectly legal then and remains so today. But all that may be about to change.

The House Rules Committee is unanimously urging the House to ban the practice in the chamber. The Senate Rules Committee may take up the issue. And there's talk of asking or ordering committee chairs to prohibit electronic communications during committee meetings.

A pending House ban would appear to put the Maine Legislature at the forefront of such reforms nationally, according to the National Conference of State Legislatures. While many state legislatures ban the use of cell phones by lawmakers during sessions, only a handful specifically prohibit electronic communications.

"The lobbyists, because of the electronic age, have been invited to come right into our seats" with text messages and instant messaging, said Gerzofsky, a Brunswick Democrat and the chairman of the House Rules Committee. He said that invitation should be revoked to ensure "transparency" between legislators and special interests.

"We're seeing entire speeches, sometimes, e-mailed (to) representatives) during session," said House Speaker Glenn Cummings, D-Portland, who supports the proposed ban. That "raises a question of legislative autonomy and independence."

It's unclear how widespread the practice is. None of the lobbyists or legislators interviewed on Wednesday admitted to sending or receiving such messages, although some said they have seen the practice from time to time.

Nor do lobbyists have free rein at the State House. Anyone can sit in the Senate chamber when that body is in session. But lobbyists have long been barred from the House chamber, starting 30 minutes before the House goes into session and during the session itself.

Like anyone else, lobbyists can send written messages to senators and representatives during legislative sessions. But they must go through the legislative staff to do so.

The concern now is that some tech-savvy lobbyists equipped with cell phones, laptop computers and other devices, are secretly telling some laptop-toting legislators how to behave during committee meetings and floor debates.

Rep. Herb Adams, D-Portland, who proposed the ban, which the House may take up as soon as today, said he has overheard lobbyists outside committee rooms telling their associates to electronically transmit specific questions to legislators during committee hearings.

"It's one thing for a legislator to be asking a question," said Republican Rep. Henry Joy of Crystal, who supports the change. "It's another to be manipulated by a lobbyist."

The proposed House rule would bar lobbyists from communicating "by electronic or digital means" with representatives when the House is in session. It would force observers in the House gallery to turn off all computers and other "electronic or digital communication devices," but allow

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representatives to continue using their laptop computers during sessions.

The request to ban electronic communications during legislative sessions and committee meetings is "the simplest in a teapot," said Sen. Richard Nass, R-Acton.

He said, for example, that well-informed lobbyists facilitate the legislative process by helping legislators frame pointed questions that elicit useful information from witnesses during committee hearings.

Several lawmakers interviewed on Wednesday said they are immune from lobbyists' electronic musings because they don't use laptop computers at the Capitol and they are unfamiliar with increasingly popular communication devices such as the BlackBerry.

"I never saw a blackberry in my life that I didn't eat," Gerzofsky said.

Similarly, several veteran lobbyists said they lack the technology and the know-how to send electronic messages to legislators.

"I wish I knew how to do that," said Chris Hall of the Maine State Chamber of Commerce.

Jon Doyle, a longtime lobbyist whose clients include Central Maine Power Co. and the town of Boothbay Harbor, said that he's so old school "all of my computers are wood-burning."

Staff Writer Paul Carrier can be contacted at 622-7511 or at:

[pcarrier@pressherald.com](mailto:pcarrier@pressherald.com)

**Reader comments**

**Bat Man** of Lewiston, ME

Jan 25, 2007 10:50 AM  
And don't forget Badooog, we are paying for their health care after two terms!

**Independent** of Gardiner, ME

Jan 25, 2007 9:20 AM  
The problem is term limits in the legislature, which makes legislators more capable of being influenced by lobbyists.

**Badooog** of Biddeford, ME

Jan 25, 2007 8:44 AM  
This just makes me wonder who our "Representatives" represent, their constituents or special-interest lobbyists. And why does Maine need so many reps? California has just 80 and Maine has 151. (By the way California has twenty-seven times the population.)

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# KENNEBEC JOURNAL

## Instant messages a concern in session

By **SUSAN M. COVER**  
Staff Writer  
KENNEBEC JOURNAL Morning Sentinel

Monday, January 22, 2007

E-mail this page  
E-mail a letter to the editor  
Reader Comments (below)

### Today's Top Headlines from the Kennebec Journal

- Panel rejects wind power in Redington
- Critics take turns blasting Baldacci plan
- Snowmobile season just can't get on track
- Group hopes to save home from developer's bulldozer
- Parents request schools remain open
- Up in smoke
- Ramblers rally in Bethel
- Copy survives penalty-laden affair for bid win

All of today's News | Sports from the Kennebec Journal

### Today's Top Headlines from the Morning Sentinel

- Suspect's mother stunned at killing
- Police see links in burglaries
- Wind farm rejected
- Dealers, riders hope for winter turnaround
- Oakland grants junkyard permit to Smorgon Steel
- Jury backs defendants in trespassing case
- Panthers score 3 power play goals to top Raiders
- Eagles stay tough in busy week

All of today's News | Sports from the Morning Sentinel

AUGUSTA -- This week in Statehouse Notes, read about Rep. Sharon Treat's kayak adventures, a "facebook" for lobbyists and concern about the use of electronic devices.

### FWIW ... (FOR WHAT IT'S WORTH)

Sen. John Martin, D-Fagle Lake, is concerned about the ability of lobbyists to text message, instant message or e-mail lawmakers while they are in committee or in session.

On at least three occasions last year, lobbyists sent messages to lawmakers during officials proceedings, said Martin, assistant Senate majority leader.

That gives them immediate -- hidden -- access to legislators, who can then ask questions posed by the lobbyists.

"That seemed to be an inappropriate way for a lobbyist to have such direct ability to get a question asked when they aren't testifying," he said.

But Martin and others realize computers can be used for legitimate reasons, such as looking up a law that's being discussed. So rather than pass a rule to prohibit computers or restrict their use, Martin has asked all committee chairs to point out to lawmakers that it's not appropriate to conduct these types of communications during official business.

"Most people who are ethical will understand that it's improper," he said.

If they don't, it could be a CLM (career limiting move).

### FACES IN THE CROWD

Speaking of lobbyists, many committees have asked those who regularly testify on bills to provide them with a photo and biographical description. The "facebook" are meant to help new lawmakers recognize who's who, and who they are there to represent.

Last year, Rep. Lawrence Bliss, D-South Portland, asked all those who appear before the Utilities and Energy Committee on a regular basis to provide information for committee members. This year, he expects more than 60 people -- paid lobbyists, government spokesmen, those who represent nonprofits, and others -- to be included in his committee's book.



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"Legislators ought to know, particularly with term limits and a high percentage of turnover," he said. "It's important to know who you're talking to."

#### INEBEC KAYAKER

During a get-to-know-you introductory period in the Insurance and Financial Services Committee, Rep. Sharon Treat, D-Farmingdale, revealed something about herself and her kayak.

Treat, a former Senate Majority Leader who's returned to the Legislature, said she sometimes takes a break from the action by taking a short trip down the Kennebec.

"I've been known to bring my kayak to the Legislature and cut out during long caucuses," she said.

Toward the end of the session, legislators spend hours in party meetings -- called caucuses -- to discuss upcoming bills and how they intend to vote. For veterans like Treat, that time can be better spent watching for bald eagles from the cockpit of a kayak.

#### MORE MYSPACERS

Sen. Peter Mills, R-Cornville, isn't the only politician with a page at Myspace.com.

Turns out, Sen. Joe Perry, D-Bangor, and Sen. Lynn Bromley, D-Portland, also maintain pages on the popular Web site. Although Perry doesn't provide many personal details, Bromley lists musical interests that range from Mozart to Nirvana.

#### ENERGY WINNERS

Gov. John Baldacci honored six students last week for their energy-saving ideas.

Brian Allen, a fourth-grader at Hall-Dale Elementary School in Hallowell received an iPod Shuffle for his tip: "Use sensor lights in schools to save money."

Fifth-grader James Rose of T.C. Hamlin Elementary School in Randolph won for his idea: "Keep the computer off if no one is using it." He, too, got an iPod.

The fourth annual Energy Savings Tip contest was sponsored by the Office of Energy Independence and Maine Public Utilities Commission's Efficiency Maine program.

#### ESSAY CONTEST

Students in middle school and high school can compete to win a savings bond in a contest held each year by Secretary of State Matthew Dunlap.

The contest requires entrants to write an essay on Maine Native American history that's 500-1,000 words. The deadline is Feb. 7. To get an application form and find out more, go to <http://www.maine.gov/sos>.

#### PUBLIC HEARINGS

The public hearing schedule is starting to pick up. The Appropriations Committee will begin public hearings on the supplemental budget today (that's a \$76 million budget, not the big \$6.4 billion, two-year budget), and the Transportation Committee on Thursday will hear a bill that makes not wearing a seat belt a primary offense.

For all the details go to: <http://www.state.me.us/legis/senate/Documents/hearing/ANPHFrame.htm>.

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#### Reader comments

There are not yet any reader comments. Use the form below to submit your comment and it will appear here.

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# MODEL CODE OF CONDUCT

Model  
Code of  
Conduct

# Model Code of Conduct for Legislative Staff

## Preamble

In recognition of the importance of staff to the mission of the legislative branch of state government and of the value of excellence and professionalism in staff performance, the National Conference of State Legislatures adopts this code as a model to guide the conduct of staff members of state legislatures in their service to the state legislature, its members and the public.

## Statement Of Intent

Section 1. This code is intended to express an ideal for and provide guidance to all persons who serve as legislative staff members. It is also intended to be a model for adoption by each state legislature, which may modify it. The code contains no recommendations for enforcement. That is a matter for consideration by any legislative body or staff agency that adopts it or uses it as a basis for its own code.

Section 2. This code is intended to apply to all legislative staff members, regardless of their work assignment or responsibility. The variety of staff functions and of staffing structures within which legislative staff members serve the legislature requires that they interpret the obligations of this code from a variety of perspectives. It is particularly important whether a staff member works primarily or exclusively for an individual legislator, for a committee, for a partisan or other caucus, for a chamber, or for the whole legislative institution.

Section 3. This code is intended to supplement existing codes to which legislative staff members may already be subject. Obligations that staff members have under these codes, including various professional codes, are recognized and fully accepted.

Section 4. This code is intended to support the sense of personal responsibility that legislative staff members feel for their own actions. Reasonable people may disagree on the particulars of a code of conduct for legislative staff. The circumstances of life and work present conflicts and hard choices. Legislative staff members have the ultimate responsibility to make the day-to-day judgments necessary for this code to guide their service to the state legislature.

## Article II: Obligations Of Legislative Staff Members To Legislators

### Honest

Section 1. A trustworthy legislative staff member demonstrates the highest standards of honesty and personal integrity in all of his or her work for the state legislature.

Comment: A trustworthy staff member does not steal from his or her employer by taking public property, by using public property or his or her employment for personal gain, or by failing to give full effort for pay received. A trustworthy staff member does not lie to his or her employer. Dishonesty in any aspect of a staff member's life calls into doubt his or her honesty in work and can also harm the legislature's reputation.

### Discrete

Section 2. A trustworthy legislative staff member is discreet in what he or she reveals about work done for any legislator and, subject to the law and in accordance with custom or policy of a legislative body or agency, maintains confidentiality of communications between the staff member and any legislator.

Comment: Discretion includes knowing when information is confidential and treating it as such, when carrying out a request must necessarily involve revealing some information, and when not to speak about non-confidential matters both within and outside the legislative context. Because many legislative staff members work for more than one legislator, including working on a single project or piece of legislation for legislators with opposing objectives, it can be difficult to meet this obligation at times. Also, the expectations of leaders that they be kept informed can place staff members in difficult situations. To minimize these difficulties, legislatures must clarify the staff obligation to maintain confidentiality.

### Candid

Section 3. A trustworthy legislative staff member renders candid advice to legislators on matters of policy and procedure within the staff member's areas of work responsibility.

Comment: Candor is the full sharing of one's knowledge, in the form of information and advice, with a legislator who needs it in order to make an informed decision. The ability of a legislator to make a good decision may be lessened if a staff member fails to give the legislator the full benefit of his or her expertise. Although the obligation to be candid is clearest when a legislator asks

## Competent

Section 5. A trustworthy legislative staff member strives to acquire and maintain the knowledge and skills necessary to do the work he or she is expected to do and recognizes when to seek assistance from others.

Comment: To support the legislature in its mission, staff members must be competent. A staff member needs to be aware of his or her kind and degree of expertise, to be forthright with legislators about what he or she can do, to know when to seek assistance, and to take every opportunity to continue to learn.

## Diligent

Section 6. A trustworthy legislative staff member gives a hard-working effort to each work task, uses available time in a productive and efficient manner, and completes work in the most timely fashion possible.

Comment: Diligence is the application of full effort to the performance of one's work. The demands of the legislative process often make it difficult for a staff member to be as careful and thorough as he or she would like to be in completing a task. It may be appropriate to inform a legislator of the constraints of time or resources and to discuss what can reasonably be accomplished. The obligation of diligence requires that the staff member do his or her best in the time and with the resources available.

## Fair

Section 7. A trustworthy legislative staff member treats all legislators with equal respect and provides services of equal quality to all legislators to whom he or she is responsible.

Comment: By virtue of their office, all legislators deserve respectful and dignified treatment by all legislative staff members. All legislators who have the right to ask for and receive services from a staff member expect that a diligent effort will be forthcoming and will not be lacking due to the legislator's political or religious beliefs, race, ethnic origin, sex, or physical ability.

agencies, and lobbyists to have information about the legislature. They will, subject to legal and policy guidelines, attempt to meet that need. If a staff member does not have what is requested, he or she will help citizens find the information or assistance they seek.

#### Law-Abiding

Section 2. A trustworthy legislative staff member is law-abiding. He or she encourages lawfulness in the activities of all participants in the legislative process.

Comment: A legislative staff member has the same obligation as any citizen in this regard. But because of the position he or she holds as the employee of a law-making organization, the staff member is subject to a high standard of knowledge and conduct. If a staff member is directly aware of unlawful activities which involve the legislative process, it is consistent with this code for him or her to pursue appropriate channels, subject to other codes and obligations.

### Article V: Staff Expectations Of The Legislature

#### Supportive

Section 1. In placing their knowledge and skills at the service of the legislature and in committing themselves to be trustworthy servants of the legislature, legislative staff members rightfully expect that the legislature will clarify staff responsibilities and will support staff members in fulfilling their obligations under this code of conduct.

**Sec. 24.60.130. Select committee on legislative ethics.**

(a) There is established as a permanent interim committee within the legislative branch of state government the Select Committee on Legislative Ethics.

(b) The committee consists of nine members, in two subcommittees, as follows:

(1) the senate subcommittee, which consists of two members of the senate, one of whom shall be a member of the minority organizational caucus, if any, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the senate, and includes the five public members appointed under (3) of this subsection;

(2) the house subcommittee, which consists of two members of the house, one of whom shall be a member of the minority organizational caucus, if any, appointed by the speaker of the house with the concurrence by roll call vote of two-thirds of the full membership of the house, and includes the five public members appointed under (3) of this subsection; and

(3) five public members who are selected by the Chief Justice of the Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house.

(c) No more than one public member may be a former legislator and no more than two public members of the committee may be members of the same political party.

(d) The members of each subcommittee shall elect a chair and a vice-chair, who serve a term of two years. Neither a chair nor a vice-chair may be a member of the legislature. An officer may not hold the same office for more than two consecutive terms. The vice-chair shall act as chair in the absence of the chair. The chair selected by the senate subcommittee shall chair the full committee beginning the first day of the regular session in odd-numbered years and the chair selected by the house subcommittee shall chair the full committee beginning the first day of the regular session in even-numbered years.

(e) Except as provided in this subsection, a vacancy on the committee shall be filled under (b) of this section. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the first regular session of a legislature or during the interim between regular sessions of that legislature serves without concurrence or ratification through the 10th day of the second regular session of the legislature. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the second regular session of a legislature or during the interim after the second regular session serves without concurrence or ratification through the convening of the first regular session of the next legislature.

(f) The committee may contract for professional services and may employ staff as it considers necessary. A committee employee, including a person who provides personal services under a contract with the committee, may not be a legislator, an elected or appointed official of a state or local governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist. The legislative council shall provide office space, equipment, and additional staff support for the committee. The committee shall submit a budget for each fiscal year to the finance committees of the legislature and shall annually submit an estimated budget to the governor for information purposes in preparation of the state operating budget. Public members of the committee serve without compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

(g) Each legislative member serves for the duration of the legislature during which the member is appointed. Each public member serves for a term that commences on the date the member is ratified and ends on the first day of the third regular session that follows the ratification. A public member whose term has expired continues in office until a successor has been appointed and ratified or until the 30th calendar day of the first legislative session that follows the successor's appointment, whichever is earlier. A member of the committee may be removed from membership on the committee for failure to carry out the person's duties as a member of the committee. A legislator may be removed with the concurrence by roll call vote of two-thirds of the full membership of the house of the legislature to which the member belongs. A public member may be removed with the concurrence by roll call vote of two-thirds of the full membership of each house of the legislature.

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an employee whose work is supervised by the member or an advisory opinion requested by the member. If a regular legislative member of the committee is disqualified under this subsection from participating in a proceeding involving a complaint, the member's alternate shall be designated under (n) of this section.

(i) A quorum of the committee consists of a majority of the members and must include at least two legislative members and three public members. A quorum of a subcommittee established under this section consists of a majority of the members of the subcommittee and must include at least one legislative member and three public members. A vote of a majority of the members appointed to the committee or a subcommittee is required for official action.

(j) Except to the extent that a provision would prevent the committee from complying with the confidentiality provisions of this chapter, the committee is subject to AS 44.62.310 - 44.62.312 and to the procurement provisions adopted by the legislative council under AS 36.30.020. In this subsection, "committee" includes a subcommittee.

(k) A member or an employee or contractor of the committee may obtain access to closed committee files containing information that is made confidential by law only if the

committee determines that the person has a need to obtain access to the closed files that relates to the official duties of the committee and the person seeking access.

(l) The committee or a subcommittee shall meet at the call of the chair or a majority of the members. The committee or a subcommittee may meet by teleconference.

(m) Except as provided in (b)(1) and (2) of this section, a member may not be a legislator, a legislative employee, an elected or appointed official required to make disclosures under AS 39.50 (public official financial disclosure), an officer of a political party, a candidate for public office, or a registered lobbyist.

(n) When appointing members of the legislature to serve on the committee, the speaker of the house or the president of the senate, as appropriate, shall appoint an alternate member for each regular member. An alternate must have the same qualifications as the regular member for whom the alternate stands as alternate and is subject to confirmation as required for the regular member. If a regular legislative member of the committee or a subcommittee is disqualified under (h) of this section from serving on the committee or the subcommittee concerning a proceeding under AS 24.60.170, the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member in the proceeding unless the alternate is also disqualified from serving. The designation shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential.

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

Sec. 24.60.134. Prohibited conduct by public members and committee employees and contractors.

(a) Except as provided in (c) of this section, in addition to complying with the other requirements of this chapter, a public member of the committee, an employee of the committee, or a person under contract to provide personal services to the committee may not, during the person's term of office or employment or during the life of the contract, participate in

(1) political management or in a political campaign for a candidate for election to federal, state, or local office, regardless of whether the campaign is partisan or nonpartisan, or for passage or defeat of a ballot measure of any type;

(2) the campaign of, attend campaign fund-raising events for, or make a financial contribution to

(A) a candidate for the legislature;

(B) an incumbent legislator or legislative employee who is a candidate for another public office; or

(C) a person running for another office against an incumbent legislator or legislative employee;

(3) a fund-raising event held on behalf of a political party or attend a political party fund-raising event; or

(4) lobbying activities that would require the person to register as a lobbyist except as required to inform the legislature concerning legislation requested by the committee or other matters related to the committee.

(b) A violation or alleged violation of this section shall be treated as any other violation of this chapter and shall be dealt with by the committee accordingly. During the pendency of a complaint against a member, committee employee, or committee contractor, the person complained against may not participate in official action of the committee.

(c) A person under contract to provide personal services to the committee who is part of a corporation or partnership that includes individuals who will not be participating directly in the work performed by the entity for the committee may request the committee to exclude members of the entity from some or all of the provisions of this section. The committee may grant the request if it finds that doing so will not lead to the appearance that the committee is subject to undue political influence and if there is no appearance of impropriety.

#### Sec. 24.60.140. Authority of the committee.

(a) The senate subcommittee has authority over proceedings concerning conduct by a member or former member of the senate or a person employed by a member or a committee of the senate.

(b) The house subcommittee has authority over proceedings concerning the conduct by a member or former member of the house or a person employed by a member or a committee of the house.

(c) The full committee has authority

(1) over proceedings concerning the conduct by an employee of an agency of the legislature;

(2) to review any matter arising under this chapter that would result in action being required by both houses of the legislature; and

(3) to issue advisory opinions under AS 24.60.160.

Sec. 24.60.150. Duties of the committee.

(a) The committee shall

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

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

(b) The committee may

(1) recommend legislation to the legislature the committee considers desirable or necessary to promote and maintain high standards of ethical conduct in government;

(2) subpoena witnesses, administer oaths, and take testimony relating to matters before the committee, and may require the production for examination of any books or papers relating to any matter under investigation before the committee.

Sec. 24.60.158. Informal advice.

The committee shall authorize and train its staff to give oral advice and provide a written informal nonbinding advice letter to persons seeking guidance as to the spirit or legal requirements of this chapter, provided that the advice is given with the express stipulations that

(1) the opinions given are not necessarily those of the committee;

(2) although the advice is given in good faith, the person seeking the advice relies on it at the person's own risk; and

(3) the advice is not binding upon the committee.

Sec. 24.60.160. Advisory opinions.

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

(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case

unless material facts were omitted or misstated in the request for the advisory opinion. Except as provided in this chapter, an advisory opinion is confidential but shall be made public if a written request by the person who requested the opinion is filed with the committee.

Sec. 24.60.165. Use of information submitted with request for advice.

The committee may not bring a complaint against a person based upon information voluntarily given to the committee by the person in connection with a good faith request for advice under AS 24.60.158 or 24.60.160, and may not use that information against the person in a proceeding under AS 24.60.170. This section does not preclude the committee from acting on a complaint concerning the subject of a person's request for advice if the complaint is brought by another person, or if the complaint arises out of conduct taking place after the advice is requested, and does not preclude the committee from using information or evidence obtained from an independent source, even if that information or evidence was also submitted with a request for advice.

Sec. 24.60.170. Proceedings before the committee; limitations.

(a) The committee shall consider a complaint alleging a violation of this chapter if the alleged violation occurred within two years before the date that the complaint is filed with the committee and, when the subject of the complaint is a former member of the legislature, the complaint is filed within one year after the subject's departure from the legislature. The committee may not consider a complaint filed against all members of the legislature, against all members of one house of the legislature, or against a person employed by the legislative branch of government after the person has terminated legislative service. However, the committee may reinstate the proceedings concerning a complaint that was closed because a former employee terminated legislative service or because a legislator left the legislature if the former employee or legislator resumes legislative service, whether as an employee or a legislator, within two years after the alleged violation. The time limitations of this subsection do not bar proceedings against a person who intentionally prevents discovery of a violation of this chapter.

(b) A complaint may be initiated by any person. The complaint must be in writing and signed under oath by the person making the complaint and must contain a statement that the complainant has reason to believe that a violation of this chapter has occurred and describe any facts known to the complainant to support that belief. The committee shall upon request provide a form for a complaint to a person wishing to file a complaint. Upon receiving a complaint, the committee shall advise the complainant that the committee or the subject of the complaint may ask the complainant to testify at any stage of the proceeding as to the complainant's belief that the subject of the complaint has violated this chapter. The committee shall respond to a complaint concerning the conduct of a candidate for election to state office received during the campaign period in accordance with (c) of this section. The committee shall treat a complaint concerning the conduct of a candidate for election to state office that is pending at the beginning of a

campaign period in accordance with (p) of this section. The committee shall immediately provide a copy of the complaint to the person who is the subject of the complaint.

(c) When the committee receives a complaint under (a) of this section, it may assign the complaint to a staff person. The staff person shall conduct a preliminary examination of the complaint and advise the committee whether the allegations of the complaint, if true, constitute a violation of this chapter and whether there is credible information to indicate that a further investigation and proceeding is warranted. The staff recommendation shall be based on the information and evidence contained in the complaint as supplemented by the complainant and by the subject of the complaint, if requested to do so by the staff member. The committee shall consider the recommendation of the staff member, if any, and shall determine whether the allegations of the complaint, if true, constitute a violation of this chapter. If the committee determines that the allegations, if proven, would not give rise to a violation, that the complaint is frivolous on its face, that there is insufficient credible information that can be uncovered to warrant further investigation by the committee, or that the committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the complaint and shall notify the complainant and the subject of the complaint of the dismissal. The committee may ask the complainant to provide clarification or additional information before it makes a decision under this subsection and may request information concerning the matter from the subject of the complaint. Neither the complainant nor the subject of a complaint is obligated to provide the information. A proceeding conducted under this subsection, documents that are part of a proceeding, and a dismissal under this subsection are confidential as provided in (l) of this section unless the subject of the complaint waives confidentiality as provided in that subsection.

(d) If the committee determines that some or all of the allegations of a complaint, if proven, would constitute a violation of this chapter, or if the committee has initiated a complaint, the committee shall investigate the complaint, on a confidential basis. Before beginning an investigation of a complaint, the committee shall adopt a resolution defining the scope of the investigation. A copy of this resolution shall be provided to the complainant and to the subject of the complaint. As part of its investigation, the committee shall afford the subject of the complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

(e) If during the investigation under (d) of this section, the committee discovers facts that justify an expansion of the investigation and the possibility of additional charges beyond those contained in the complaint, the resolution described in (d) of this section shall be amended accordingly and a copy of the amended resolution shall be provided to the subject of the complaint.

(f) If the committee determines after investigation that there is not probable cause to believe that the subject of the complaint has violated this chapter, the committee shall dismiss the complaint. The committee may also dismiss portions of a complaint if it finds no probable cause to believe that the subject of the complaint has violated this chapter as alleged in those portions. The committee shall issue a decision explaining its dismissal.

Committee deliberations and vote on the dismissal order and decision are not open to the public or to the subject of the complaint. A copy of the dismissal order and decision shall be sent to the complainant and to the subject of the complaint. Notwithstanding (l) of this section, a dismissal order and decision is open to inspection and copying by the public.

(g) If the committee investigation determines that a probable violation of this chapter exists that may be corrected by action of the subject of the complaint and that does not warrant sanctions other than correction, the committee may issue an opinion recommending corrective action. This opinion shall be provided to the complainant and to the subject of the complaint, and is open to inspection by the public. Within 20 days after receiving the opinion, the subject of the complaint may request a confidential meeting with the committee at which meeting the committee shall explain the reasons for its recommendations. The committee may divulge confidential information to the subject of the complaint. The information remains confidential. The subject of the complaint may comply with the opinion or may request a hearing before the committee under (j) of this section. After the hearing, the committee may amend or affirm the opinion. If the subject of the complaint agrees to comply with the opinion but later fails to complete the corrective action in a timely manner, the committee may formally charge the person as provided in (h) of this section or may refer the matter to the appropriate house of the legislature, in the case of a legislator, or, in the case of a legislative employee, to the employee's appointing authority. The appropriate house of the legislature or the appointing authority, as appropriate, may take action to enforce the corrective action or may decline to take action and refer the matter to the committee. In either case, the committee may formally charge the person under (h) of this section.

(h) If the subject of a complaint fails to comply with an opinion and the committee decides under (g) of this section to charge the person, or if the committee determines after investigation that there is probable cause to believe that the subject of the complaint has committed a violation of this chapter that may require sanctions instead of or in addition to corrective action, the committee shall formally charge the person. The charge shall be served on the person charged, in a manner consistent with the service of summons under the rules of civil procedure, and a copy of the charge shall be sent to the complainant. The person charged may file a responsive pleading to the committee admitting or denying some or all of the allegations of the charge.

(i) A person charged under (h) of this section may engage in discovery in a manner consistent with the Alaska Rules of Civil Procedure. The committee may adopt procedures that

(1) impose reasonable restrictions on the time for this discovery and on the materials that may be discovered;

(2) permit a person who is the subject of a complaint to engage in discovery at an earlier stage of the proceedings;

(3) impose reasonable restrictions on the release of information that the subject of a complaint acquires from the committee in the course of discovery, or on information obtained by use of the committee's authority, in order to protect the privacy of persons not under investigation to whom the information pertains; however, the committee may not impose restrictions on the release of information by the subject of the complaint unless the complainant has agreed to be bound by similar restrictions and has not made public the information contained in the complaint, information about the complaint, or the fact of filing the complaint.

(j) If the committee has issued a formal charge under (h) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to present the case against the person charged if that individual does not provide and has not provided legal advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless the person agrees to a later hearing date. At the hearing, the person charged shall have the right to appear personally before the committee, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The committee is not bound by the rules of evidence, but the committee's findings must be based upon clear and convincing evidence. Testimony taken at the hearing shall be recorded, and evidence shall be maintained.

(k) Following the hearing, the committee shall issue a decision stating whether or not the subject of the complaint violated this chapter, and explaining the reasons for the determination. The committee's decision may also indicate whether the subject cooperated with the committee in its proceedings. If the committee finds a violation, or lack of cooperation by the subject, the decision shall recommend what sanctions, if any, the committee believes are appropriate. If there has not been a hearing because the person charged admitted to the allegations of the charge, the committee shall issue a decision outlining the facts of the violation and containing a sanctions recommendation.

(l) Proceedings of the committee relating to complaints before it are confidential until the committee determines that there is probable cause to believe that a violation of this chapter has occurred. Except to the extent that the confidentiality provisions are waived by the subject of the complaint, the person filing a complaint shall keep confidential the fact that the person has filed a complaint under this section as well as the contents of the complaint filed. The complaint and all documents produced or disclosed as a result of the committee investigation are confidential and not subject to inspection by the public. If in the course of an investigation or probable cause determination the committee finds evidence of probable criminal activity, the committee shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the committee finds evidence of a probable violation of AS 15.13, the committee shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. All meetings of the

committee before the determination of probable cause are closed to the public and to legislators who are not members of the committee. However, the committee may permit the subject of the complaint to attend a meeting other than the deliberations on probable cause. The confidentiality provisions of this subsection may be waived by the subject of the complaint. Except to the extent that the confidentiality provisions are waived by the subject of the complaint, if the committee finds that a complainant has violated any confidentiality provision, the committee shall immediately dismiss the complaint. Dismissal of a complaint under this subsection does not affect the right of the committee or any person other than the complainant to initiate a complaint based on the same factual allegations.

(m) All documents issued by the committee after a determination of probable cause to believe that the subject of a complaint has violated this chapter, including an opinion recommending corrective action under (g) of this section and a formal charge under (h) of this section, are subject to public inspection. Hearings of the committee under (j) of this section are open to the public, and documents presented at a hearing, and motions filed in connection with the hearing, are subject to inspection by the public. Deliberations of the committee following a hearing, deliberations on motions filed by the subject of a charge under (h) of this section, and deliberations concerning appropriate sanctions are confidential.

(n) The committee shall dismiss a complaint against a person employed by the legislative branch of government if the person terminates legislative service. The committee may in its discretion dismiss a complaint against a former member of the legislature whether the complaint was filed before or after the former member departed from the legislature.

(o) The committee shall return a complaint concerning the conduct of a candidate for state office received during a campaign period to the complainant unless the subject of the complaint permits the committee to assume jurisdiction under this subsection. If the committee receives a complaint concerning the conduct of a candidate during the campaign period, the committee shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the committee's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the committee mails or otherwise sends notice of the complaint to the candidate, notify the committee that the candidate chooses to have the committee proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the committee that the candidate is not waiving the suspension of committee jurisdiction, the committee shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(p) When the committee has a complaint concerning the conduct of a candidate for state office pending before it at the beginning of a campaign period that has not resulted in the issuance of formal charges under (h) of this section, the committee may proceed

with its consideration of the complaint only to the extent that the committee's actions are confidential under this section. The committee may not, during a campaign period, issue a dismissal order or decision under (f) of this section, issue an opinion under (g) of this section, or formally charge a person under (h) of this section. If the committee has formally charged a person under (h) of this section and the charge is still pending when a campaign period begins, the committee shall suspend any public hearings on the matter until after the campaign period ends. The parties to the hearing may continue with discovery during the campaign period. If a hearing has been completed before the beginning of a campaign period but the committee has not yet issued its decision, the committee may not issue the decision until after the end of the campaign period. Notwithstanding the suspension of public proceedings provided for in this subsection, a candidate who is the subject of a complaint may notify the committee in writing that the candidate chooses to have the committee proceed with the complaint under this section.

(q) A campaign period under this section begins on the later of 45 days before a primary election in which the legislator or legislative employee is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

(r) At any point in the proceedings when the subject of a complaint appears before the committee, the subject of a complaint may choose to be accompanied by legal counsel or another person who may also present arguments before the committee. The choice of counsel or another person is not subject to review and approval or disapproval by the committee. The choice by the subject of a complaint to be accompanied under this subsection does not constitute a waiver of any confidentiality provision in this chapter.

Sec. 24.60.174. Recommendations to the legislature where violator is a legislator.

(a) If the person found to have violated this chapter is or was a member of the legislature, the committee's recommendations shall be forwarded by the chair of the committee to the presiding officer of the appropriate house of the legislature. If the committee recommends sanctions other than expulsion from the legislature, the committee recommendation

(1) must include a suggested timetable for the compliance reports required under (e) of this section, if any; and

(2) may include recommended fines that the legislature may impose if the legislator who was found to have violated this chapter does not comply with the sanctions imposed by the legislature in a timely manner.

(b) If the legislature is in session, the appropriate house shall determine the sanctions, if any, that are to be imposed. The vote shall be taken within 10 legislative days of receipt of the committee's recommendations.

(c) If the legislature is not in session, the presiding officer of the appropriate house may request the legislature to consider convening itself into special session under AS 24.05.100 (a)(2) to consider the committee's recommendations. If expulsion is recommended, the presiding officer shall so request. If the legislature does not convene itself into special session, the appropriate house shall consider the recommendations during the first 10 days of the next regular session.

(d) Except in the case of expulsion, which requires a two-thirds vote, all other sanctions shall be determined by a majority vote of the full house of which the legislator is a member.

(e) When a house of the legislature imposes a sanction other than expulsion on a member or former member, it shall advise the committee at the time of imposing the sanction of the terms it has imposed and of the timetable for compliance adopted with the sanctions. A legislator or former legislator on whom sanctions other than expulsion have been imposed shall report to the committee as required by the timetable. If the committee determines that the legislator or former legislator has not complied fully and in a timely manner with the sanctions imposed by the legislature, the committee may recommend that the legislature impose a fine or additional sanctions.

Sec. 24.60.176. Recommendations where violator is a legislative employee.

(a) If the person found to have violated this chapter is or was a legislative employee, the committee's recommendations shall be forwarded to the appropriate appointing authority which shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed. The appointing authority may not question the committee's findings of fact. The appointing authority shall assume the validity of the committee's findings and determine and impose the appropriate sanctions. The appointing authority has the power to impose a sanction recommended by the committee or to impose a different sanction. The appointing authority shall enforce the sanction and shall report to the committee at a time specified by the committee concerning the employee's compliance with the sanction.

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

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

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

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

(4) the appropriate rules committee for employees of

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

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

(C) house records and senate records;

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

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

(7) the legislature for the ombudsman.

Sec. 24.60.178. Recommended sanctions.

(a) When the committee finds that a person has violated this chapter, the committee may recommend appropriate sanctions, including sanctions set out in (b) of this section.

(b) The sanctions that the committee may recommend include:

(1) imposition of a civil penalty of not more than \$5,000 for each offense or twice the amount improperly gained, whichever is greater;

(2) divestiture of specified assets or withdrawal from specified associations;

(3) additional, detailed disclosure, either as a public disclosure or as a confidential disclosure to the committee;

(4) in the case of a legislative employee, suspension of employment with or without pay for a stated period of time or until stated conditions are met, or termination from legislative employment;

(5) restitution of property or reimbursement of improperly received benefits;

(6) public or private written reprimand;

(7) censure, including, in the case of a legislator, removal from a leadership position or committee membership and a determination that the legislator will not be appointed to serve in a leadership position or on a committee during the remainder of that legislature;

(8) placing the person on probationary status;

(9) in the case of a legislator, expulsion from the house of the legislature;

(10) any other appropriate measure.

(c) In addition to or in place of a sanction recommended under (b) of this section, the committee may recommend that the subject of a complaint be required to pay all or a portion of the costs related to the investigation and adjudication of a complaint.

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ETHICS

Ethics

### FAX COVER SHEET

Alaska State Legislature  
 Select Committee on Legislative Ethics  
 P.O. Box 101468  
 Anchorage AK 99510-1468  
 (907) 269-0150  
 Fax (907) 269-0152

DATE: 1-26-07  
 TO: Iris, Mike, Cindy, Jane & Sharon  
 DEPT: \_\_\_\_\_  
 PHONE: \_\_\_\_\_  
 FAX: \_\_\_\_\_

FROM: Joyce Anderson *Joyce*  
 Administrator, Ethics Committee

Number of pages, including cover sheet: 6

*Ethics draft*  
*language*

WORK DRAFT

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WORK DRAFT

24-LS1268\G  
Wayne  
12/28/05

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Introduced:  
Referred:

*Draft*  
*technical amendments recommended by the Ethics Committee*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative ethics."

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

3 \* Section 1. AS 24.60.040 is amended by adding a new subsection to read:

4 (d) Disclosure by a legislator or legislative employee under this section shall  
5 be made in writing to the committee, which shall maintain a public record of the  
6 disclosure and forward the disclosure to the respective house for inclusion in the  
7 journal.

8 \* Sec. 2. AS 24.60.050(c) is amended to read:

9 (c) A legislator or legislative employee who participates in a program or  
10 receives a loan that is not exempt from disclosure under (a) of this section shall make  
11 written disclosure to [FILE A WRITTEN REPORT WITH] the committee by the  
12 date required under AS 24.60.105 stating the amounts of the loans outstanding or  
13 benefits received during the preceding calendar year from nonqualifying programs. If  
14 the committee requests additional information necessary to determine the propriety of  
15 participating in the program or receiving the loan, it shall be promptly provided. The

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1 committee shall promptly compile a list of the statements indicating the loans and  
2 programs and amounts and send it to the presiding officer of each house who shall  
3 have it published in the supplemental journals with the next regular publication, by  
4 the senate secretary and the house chief clerk, of disclosures under this chapter  
5 [WITHIN THREE WEEKS AFTER THE FILING DATE]. A legislator or legislative  
6 employee who believes that disclosure of participation in a program would be an  
7 invasion of the participant's right to privacy under the state constitution may request  
8 the committee to keep the disclosure confidential. If the committee finds that  
9 publication would constitute an invasion of privacy, the committee shall publish only  
10 the fact that a person has participated in the program and the amount of benefit that the  
11 unnamed person received. The committee shall maintain the disclosure of the name of  
12 the person as confidential and may only use the disclosure in a proceeding under  
13 AS 24.60.170. If the disclosure becomes part of the record of a proceeding under  
14 AS 24.60.170, the disclosure may be made public as provided in that section.

15 \* Sec. 3. AS 24.60.080(c) is amended to read:

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

18 (1) hospitality, other than hospitality described in (4) of this  
19 subsection,

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

23 (B) at a social event or meal;

24 (2) discounts that are available

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

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

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

31 (4) travel and hospitality primarily for the purpose of obtaining

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1 information on matters of legislative concern;

STACK: 2 (5) gifts from the immediate family of the person;

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

4 (7) a discount for all or part of a legislative session, including time

5 immediately preceding or following the session, or other gift to welcome a legislator

6 or legislative employee who is employed on the personal staff of a legislator or by a

7 standing or special committee to the capital city or in recognition of the beginning of a

8 legislative session if the gift or discount is available generally to all legislators and the

9 personal staff of legislators and staff of standing and special committees; this

10 paragraph does not apply to legislative employees who are employed by the

11 Legislative Affairs Agency, the office of the chief clerk, the office of the senate

12 secretary, the legislative budget and audit committee, the office of victims' rights, or

13 the office of the ombudsman;

14 (8) a gift of legal services in a matter of legislative concern and a gift

15 of other services related to the provision of legal services in a matter of legislative

16 concern;

17 (9) a gift of transportation from a legislator to a legislator if the

18 transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other

19 means of transport owned or under the control of the donor; this paragraph does not

20 apply to travel described in (4) of this subsection or travel for political campaign

21 purposes; or

22 (10) tickets from a lobbyist for a charity event at any time, including

23 during a legislative session, except that tickets to or gifts received at a charity event

24 under this paragraph are subject to the calendar year limit on the value of gifts

25 received by a legislator or legislative employee in (a) of this section; in this paragraph,

26 "charity event" means an event the proceeds of which go to a charitable organization

27 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council

28 has approved in advance; the tickets may entitle the bearer to admission to the event,

29 to entertainment, to food or beverages, or to other gifts or services involved in the

30 charity event.

31 \* Sec. 4. AS 24.60.080(i) is amended to read:

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1 (i) A legislator or legislative employee who knows or reasonably should know  
2 that a family member has received a gift because of the family member's connection  
3 with the legislator or legislative employee shall make written disclosure to the  
4 committee regarding the gift [REPORT THE RECEIPT OF THE GIFT BY THE  
5 FAMILY MEMBER TO THE COMMITTEE] if the gift would have to be reported  
6 under this section if it had been received by the legislator or legislative employee or if  
7 receipt of the gift by a legislator or legislative employee would be prohibited under  
8 this section. The committee shall maintain a public record of the disclosure and  
9 forward the disclosure to the respective house for inclusion in the journal.

10 \* Sec. 5. AS 24.60.176(b) is amended to read:

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

12 (1) the legislative council for employees of the Legislative Affairs  
13 Agency and of the legislative council and for legislative employees not otherwise  
14 covered under this subsection;

15 (2) the Legislative Budget and Audit Committee for the legislative  
16 fiscal analyst and employees of the division of legislative finance, the legislative  
17 auditor and employees of the division of legislative audit, and employees of the  
18 Legislative Budget and Audit Committee;

19 (3) the appropriate finance committee for employees of the senate or  
20 house finance committees;

21 (4) the appropriate rules committee for employees of

22 (A) standing committees of the legislature, other than the  
23 finance committees;

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

26 (C) house records and senate records;

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

30 (6) the ombudsman for employees of the office of the ombudsman,  
31 other than the ombudsman;

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(7) the legislature for the ombudsman;

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

(9) the legislative council for the victims' advocate.

\* Sec. 6. AS 24.60.210(a) is amended to read:

(a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year, except that a legislator appointed under AS 15.40.320 - 15.40.350, a public member of the committee, and a legislative director must file within 30 days after the person's initial appointment.

\* Sec. 7. AS 24.60.250(c) is amended to read:

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

# LEGAL OPINIONS

legal  
opinions

# LEGAL SERVICES

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

(907) 465-2457 or 465-2450  
FAX (907) 465-2029  
Mail Stop 01

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

## MEMORANDUM

January 22, 2007

**SUBJECT:** Certain ethics issues raised by Mr. Josephson  
(Work Order No. 25-LS0423)

**TO:** Representative John Coghill  
Attn: Rynnieva Moss

**FROM:** Tamara Brandt Cook  
Director

TBC

*(1) Should the "Findings and Purpose" section of the legislative standards of conduct Act be placed in a codified section of law?*

The Manual of Legislative Drafting directs that findings and purposes clauses not be placed in codified law. The 2005 Manual states at page 14:

The purpose or intent of a bill should be clear in the body of the bill or expressed in a letter of intent or other legislative history so that a general provision setting out the purpose or legislative intent of the bill should be unnecessary. . . . When a purpose section is necessary, it should be drafted as a temporary law provision that precedes the body of the bill. Only when a statement of purpose is absolutely necessary to explain or otherwise place in contest codified provisions of law should the section be drafted as codified law. Even then, it is generally preferable to enact the purpose provision as temporary law and rely on cross-reference and other notes in the Alaska Statutes to inform interested persons of the purpose. . . . Findings are often combined with statements of purpose, set out as a separate subsection within the first section of a bill. As mentioned in connection with statements of purpose, it is important that the finds not be used to make up for poor drafting or to close gaps in the substantive provisions of the bill.

Despite the direction in the Manual of Legislative Drafting, as it happens the legislative findings and purpose section for the legislative Standards of Conduct Act have been placed in codified law and are found at AS 24.60.010.

*(2) Are spouses of legislators permitted to lobby?*

Representative John Coghill

January 22, 2007

Page 2

Spouses and domestic partners of legislators are permitted to lobby, but special disclosure requirements apply. A lobbyist must file a registration statement that includes: "the identification of a legislator, legislative employee, or public official to whom the lobbyist is married or who is the domestic partner of the lobbyist; in this paragraph 'domestic partner' has the meaning given in AS 39.50.200(a)." (AS 24.45.041(b)(7)) Under AS 24.60.070(a), a legislator must disclose "a close economic association involving a substantial financial matter" with a lobbyist. (See also AS 24.60.070(d)) Subsection (c) of that same statute states in full:

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

(3) *Describe the Uniform Rule regarding abstaining from voting and comment on Mr. Josephson's suggestion during the recent ethics training session that legislators engage in "civil disobedience" rather than vote in a conflict situation.*

Uniform Rule 34(b) states in full:

(b) Abstention. Every member present in the house shall vote unless the house for special reasons permits a member to abstain. All motions excusing a member from voting shall be made before the house divides or before the call for the yeas and nays is commenced. A member requesting to be excused from voting may make a brief oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. A member may not explain a vote, may not discuss the question while the yeas and nays are being called, and may not change a vote after the roll call result has been announced. Upon division and count of the house of any question a member who is not within the chamber may not be counted. A member may not be permitted to abstain except upon the unanimous consent of the membership.

From the territorial days through 1968, Alaska permitted a legislator to abstain from voting only with the permission of the body. This appears to follow the general rule applicable to legislative bodies. (See Mason's Manual, sec. 521) Unlike some of the examples involving an individual who abstains from acting in a conflict of interest

Representative John Coghill

January 22, 2007

Page 3

situation discussed by Mr. Josephson, a judge recusing himself or herself for example, when a vote in a legislative body requires a particular number in support, failure to vote is not without effect. It has the effect of a negative vote. (Mason's Manual, sec. 515(b)) Furthermore, the legislator's constituents are deprived of representation in the matter in which the legislator abstains. While a judge who has a potential conflict of interest can be replaced with one who does not, there is no substitute for an abstaining legislator. Consequently, along with the power to compel the attendance of its members, it is within the power of a legislative body to compel a member to vote. (Mason's Manual, sec. 521) This precludes a legislator, as an act of civil disobedience, from properly refusing to vote when directed to do so by the body.

On the other hand, most legislative bodies do permit a member to abstain from voting in clear cases when the member has a direct personal interest in the outcome of the vote. (Mason's Manual, sec. 522) In fact, a legislator in this state may abstain from voting under Uniform Rule 34, but only if no other member of the body objects. The requirement of unanimous consent before a legislator may abstain from voting was added to the Uniform Rules in 1969 and has been in place since that year.

While there are good public policy arguments, as suggested by Mr. Josephson, for permitting a legislator to refrain from voting, there are probably also public policy arguments to be made for requiring a legislator to vote. A voting requirement prevents a legislator from ducking a hard vote and creates a public record of the legislator's position in that context.

TBC:ljw

07-024.ljw

# LEGAL SERVICES

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

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

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

## MEMORANDUM

January 23, 2007

**SUBJECT:** Campaign contributions (Work Order No. 25-LS0424)

**TO:** Representative John Coghill  
Attn: Rynnieva Moss

**FROM:** Tamara Brandt Cook  
Director *TBC*

*(1) Describe the law regarding campaign contributions by lobbyists.*

Lobbyists are permitted to make personal contributions to candidates, but restrictions are placed on other campaign activities by lobbyists. AS 24.45.121(a)(8) states:

A lobbyist may not . . .

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

Under AS 15.13.074(g), a person required to register as a lobbyist may not make a contribution to a candidate for the legislature while subject to the registration requirement and for a year after, except to a candidate in a district in which the lobbyist or former lobbyist may vote. (See also AS 15.13.074(g)(4).)

*(2) Describe the law that applies to use of left-over campaign contributions by a candidate.*

AS 15.13.112 sets out the uses that may be made of campaign contributions and limits those uses. AS 15.13.116 describes what may be done with campaign contributions after the election in considerable detail. Subsection (a) provides:

(a) A candidate who, after the date of the general, special, municipal, or municipal runoff election or after the date the candidate withdraws as a candidate, whichever comes first, holds unused campaign contributions shall distribute the amount held on February 1 for a general election or within 90 days after a special election. The distribution may only be made to

(1) pay bills incurred for expenditures reasonably related to the campaign and the winding up of the affairs of the campaign, including a victory or thank you party, thank you advertisements, and thank you gifts to campaign employees and volunteers, and to pay expenditures associated with post-election fund raising that may be needed to raise funds to pay off campaign debts;

(2) make donations, without condition, to

(A) a political party;

(B) the state's general fund;

(C) a municipality of the state; or

(D) the federal government;

(3) make donations, without condition, to organizations qualified as charitable organizations under 26 U.S.C. 501(c)(3) if the organization is not controlled by the candidate or a member of the candidate's immediate family;

(4) repay loans from the candidate to the candidate's own campaign under AS 15.13.078(b);

(5) repay contributions to contributors, but only if repayment of the contribution is made pro rata in approximate proportion to the contributions made using one of the following, as the candidate determines:

(A) to all contributors;

(B) to contributors who have contributed most recently; or

(C) to contributors who have made larger contributions;

(6) establish a fund for, and from that fund to pay, attorney fees or costs incurred in the prosecution or defense of an administrative or civil judicial action that directly concerns a challenge to the victory or defeat of the candidate in the election;

(7) transfer all or a portion of the unused campaign contributions to an account for a future election campaign; a transfer under this paragraph is limited to

(A) \$50,000, if the transfer is made by a candidate for governor or lieutenant governor;

(B) \$10,000, if the transfer is made by a candidate for the state senate;

(C) \$5,000, if the transfer is made by a candidate for the state house of representatives; and

(D) \$5,000, if the transfer is made by a candidate for an office not described in (A) - (C) of this paragraph;

(8) transfer all or a portion of the unused campaign contributions to a public office expense term account or to a public office expense term account reserve in accordance with (d) of this section; a transfer under this paragraph is subject to the following:

(A) the authority to transfer is limited to candidates who are elected to the state legislature;

(B) the public office expense term account established under this paragraph may be used only for expenses associated with the candidate's serving as a member of the legislature;

(C) all amounts expended from the public office expense term account shall be annually accounted for under AS 15.13.110(a)(4); and

(D) a transfer under this paragraph is limited to \$5,000 multiplied by the number of years in the term to which the candidate is elected plus any accumulated interest; and

(9) transfer all or a portion of the unused campaign contributions to a municipal office account; a transfer under this paragraph is subject to the following:

(A) the authority to transfer is limited to candidates who are elected to municipal office, including a municipal school board;

(B) the municipal office account established under this paragraph may be used only for expenses associated with the candidate's serving as mayor or as a member of the assembly, city council, or school board;

(C) all amounts expended from the municipal office account shall be annually accounted for under AS 15.13.110(a)(4); and

(D) a transfer under this paragraph is limited to \$5,000.

AS 15.13.116(b) permits retention by a candidate of some limited campaign assets. Subsection (d) permits a person who has been elected to the House of Representatives to transfer up to \$10,000 from unused campaign contributions to a public office expense term account reserve and permits a person who has been elected to the Senate to transfer up to \$20,000 from unused campaign contributions to a public office expense term account reserve. This use of campaign contributions is referred to in subsection (a)(8) and use of the transferred money is described in detail. Lastly, subsection (c) generally requires that campaign assets remaining after other permitted uses are forfeited to the state.

GARA  
MEMO

Gara  
Memo

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES CARA

## MEMORANDUM

DATE: January 24, 2007

TO: Rep. Bob Roses, Rep. John Coghill, Rep. Max Gruenberg

FROM: Rep. Les Gara

RE: Ethics Proposals

---

Congratulations on your recent appointment to the subcommittee to work on these important issues. We have three ethics law issues for your consideration, one of which is an easy fix to concerns that were expressed on HB 10 at this week's hearing. Our office has worked in detail on a number of ethics matters the past few years, and we would be happy to assist you with any questions.

1. HB 10: One goal behind HB 10 is to draw a line between work legislators should not be paid for, and legitimate work that allows for a citizen legislature. The bill aims to prevent legislators from charging money for providing legislative advice, or helping to pass or stop legislation. Those are things legislators are paid for through our salary. The bill says legislators cannot charge for "legislative, administrative or political action." Those terms are defined in various ways in our statutes. The definitions of administrative and legislative action in AS 24.45.171 draw the line discussed above, and avoid the problem discussed in committee by more expansive definitions of those terms found elsewhere in the code.

Proposed fix: Specifically state in the bill that the terms "legislative action" and "Administrative action" shall be defined as stated in AS 24.45.171, and the term "political action" shall be defined as stated in AS 24.60.990. I am submitting the summaries of two of the House Bills which I hope can be incorporated into your committee bill.

2. Bribery Loophole: House Bill 38 (HB 38), closes a current loophole in Alaska state law which allows for Legislators or candidates to change their vote on an issue in exchange for a campaign contribution. This bill is narrowly drafted, to recognize that a candidate should not be prevented from accepting a legal campaign donation just because the candidate agrees on an issue with a donor. Under HB 38 the donor and candidate will only be held criminally liable if the prosecution proves, beyond a reasonable doubt, that the Legislator and donor had an express, specific agreement that the Legislator would change his or her position on a matter in exchange for a donation.

3. Needed Executive Ethics Act Fixes. House Bill 58 (HB 58) seeks to fix a current problem with the Alaska Executive Ethics Act. Those problems came to light during a controversy relating to our former Attorney General. Currently the Ethics Act does not spell out clearly what sorts of financial interests constitute a conflict of interest. The bill sets out a series of bright financial lines for executive branch employees. For example, current law provides no guidance whatsoever as to the size of investment that an executive branch employee may own and still take official state action that affects the investment. HB 58 declares that either \$5000 worth of stock, or one percent of a company's stock, whichever is *less*, means that the executive branch employee must not be involved in state actions that impact that investment. While it seems like common sense to have such a concrete definition, current law does not provide one.

The bill also describes with particularity other sorts of forbidden financial interests. An executive branch employee may not own a controlling interest in a business, may not own an equity interest in a business worth more than \$5000, may not be a member of a company's board of directors and may not be an employee of a business. Finally, the bill also expands the definition of "official action" to more clearly capture the day to day duties of our executive branch employees.

I look forward to assisting in anyway the subcommittee would like. Please do not hesitate to contact my office if we can provide more information to assist you.

Thank you for your time and consideration.

*Political action defined in AS 21.60.990*



Sec. 24.45.171. Definitions.

In this chapter

(1) "administrative action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by any state agency of any rule or regulation, or any other quasi-legislative or quasi-judicial action or proceeding whether or not governed by AS 44.62 (Administrative Procedure Act); "administrative action" does not include

(A) a proceeding or an action to determine the rights or duties of a person under existing statutes, regulations, or policies;

(B) the issuance, amendment, or revocation of a permit, license, or entitlement for use under existing statutes, regulations, or policies by the agency authorized to issue, amend, or revoke the permit, license, or entitlement for use;

(C) the enforcement of compliance with existing law or the imposition of sanctions for a violation of existing law;

(D) procurement activity, including the purchase or sale of property, goods, or services by the agency or the award of a grant contract;

(E) the issuance of, or ensuring compliance with, an opinion or activity related to a collective bargaining agreement including negotiating or enforcing the agreement;

(2) "agency" means a state department, division, commission, board, office, bureau, institution, corporation, authority, organization, committee, council or board in the executive branch, or independent of the executive branch, of state government;

(3) "commission" means the Alaska Public Offices Commission;

(4) "communicate directly" means to speak with a legislator, legislative employee, or public official;

(A) by telephone;

(B) by two-way electronic communication; or

(C) in person;

(5) "gift"

(A) means any payment to the extent that consideration of equal or greater value is not received;

(B) includes but is not limited to

(i) a loan, loan guarantee, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except when full and adequate consideration is received;

(ii) the purchase of tickets for travel or for entertainment events; and

(iii) the granting of discounts or rebates for goods or services not extended to the public generally;

(C) does not include

(i) informational or promotional materials, including but not limited to books, reports, pamphlets, calendars, or periodicals; however, payments for travel or reimbursement for expenses may not be considered "informational material";

(ii) food and beverages consumed in places of public accommodation;

(6) "immediate family" means the spouse and dependent children of an individual;

(7) "individual" means a natural person;

(8) "influencing legislative or administrative action" means to communicate directly for the purpose of introducing, promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative or administrative action;

(9) "legislative action" means the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, defeat, or rejection of any bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the legislature, or by a standing, interim, or special committee of the legislature, or by a member or employee of the legislature acting in an official capacity; it includes, but is not limited to, the action of the governor in approving or vetoing a bill or the action of the legislature in considering, overriding, or sustaining that veto and the action of the legislature in considering, confirming, or rejecting an executive appointment of the governor;

(10) "lobbyist" means a person who

(A) is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislation or administrative action for more than 10 hours in any 30-day period in one calendar year; or

(B) represents oneself as engaging in the influencing of legislative or administrative action as a business, occupation, or profession;

(11) "payment" means the disbursement, distribution, transfer, loan, advance, deposit, gift, or other rendering or tendering of money, property, goods, or services or anything else of value;

(12) "payment to influence legislative or administrative action" means any of the following:

(A) a direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;

## Sec. 24.60.990. Definitions.

(a) In this chapter,

(1) "administrative action" means ~~conduct~~ conduct related to the development, drafting, consideration, enactment, defeat, ~~application, or interpretation of a rule,~~ regulation, policy, or other action in a regulatory proceeding or a proceeding involving a license, permit, franchise, or entitlement for use;

(2) "anything of value," "benefit," or "thing of value" includes all matters, whether tangible or intangible, that could reasonably be considered to be a material advantage, of material worth, use, or service to the person to whom it is conferred; the terms are intended to be interpreted broadly and encompass all matters that the recipient might find sufficiently desirable to do something in exchange for; "anything of value," "benefit," or "thing of value" does not include

(A) an item listed in AS 24.60.080 (c);

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

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

(D) grants under AS 37.05.316 to named recipients;

(3) "committee" means the Select Committee on Legislative Ethics and includes, when appropriate, the senate or house subcommittee;

(4) "compensation" means remuneration for personal services rendered, including salary, fees, commissions, bonuses, and similar payments, but does not include reimbursement for actual expenses incurred by a person;

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

(6) "immediate family" means

(A) the spouse or domestic partner of the person; or

(B) a parent, child, including a stepchild and an adoptive child, and sibling of a person if the parent, child, or sibling resides with the person, is financially dependent on the person, or shares a substantial financial interest with the person;

(7) "income" means assets that are received, regardless of whether they are earned or unearned; inheritances and other gifts are not income;

(8) "knowingly" has the meaning given in AS 11.81.900 ;

(9) "legislative action" means conduct relating to the development, drafting, consideration, sponsorship, enactment or defeat, ~~support or opposition to~~ support or opposition to or of a law, amendment, resolution, report, nomination, or other matter affected by legislative action or inaction;

(10) "legislative director" means the director of the legislative finance division, the legislative auditor, the director of the legislative research agency, the ombudsman, the victims' advocate, the executive director of the Legislative Affairs Agency, and the directors of the divisions within the Legislative Affairs Agency;

(11) "legislative employee" means a person, other than a legislator, who is compensated by the legislative branch in return for regular or substantial personal services, regardless of the person's pay level or technical status as a full-time or part-time employee, independent contractor, or consultant; it includes public members and staff of the committee; it does not include individuals who perform functions that are incidental to legislative functions, including security, messenger, maintenance, and print shop employees, and other employees designated by the committee;

(12) "lobbyist" means a person who is required to register under AS 24.45.041 and is described under AS 24.45.171, but does not include a volunteer lobbyist described in AS 24.45.161 (a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission;

(13) "political action" means conduct in which public officials, including legislators or legislative employees, use their official position or political contacts to exercise influence on state and local government employees or entities; it includes but is not limited to endorsing and pledging support or actively supporting a legislative matter, a nominee, or a candidate for public office; ✓



### FAX COVER SHEET

Alaska State Legislature  
 Select Committee on Legislative Ethics  
 P.O. Box 101468  
 Anchorage AK 99510-1468  
 (907) 269-0150  
 Fax (907) 269-0152

DATE: 1-26-07  
 TO: Iris, Mike, Cindy, Jane & Sharon  
 DEPT: \_\_\_\_\_  
 PHONE: \_\_\_\_\_  
 FAX: \_\_\_\_\_

FROM: Joyce Anderson  
 Administrator, Ethics Committee

*Joyce*

Number of pages, including cover sheet: 6

Ethics draft  
language

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24-LS1268VG  
Wayne  
12/28/05

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Introduced:  
Referred:

*Draft*  
*technical amendments recommended by the Ethics Committee*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative ethics."

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

3 \* Section 1. AS 24.60.040 is amended by adding a new subsection to read:

4 (d) Disclosure by a legislator or legislative employee under this section shall  
5 be made in writing to the committee, which shall maintain a public record of the  
6 disclosure and forward the disclosure to the respective house for inclusion in the  
7 journal.

8 \* Sec. 2. AS 24.60.050(c) is amended to read:

9 (c) A legislator or legislative employee who participates in a program or  
10 receives a loan that is not exempt from disclosure under (a) of this section shall make  
11 written disclosure to [FILE A WRITTEN REPORT WITH] the committee by the  
12 date required under AS 24.60.105 stating the amounts of the loans outstanding or  
13 benefits received during the preceding calendar year from nonqualifying programs. If  
14 the committee requests additional information necessary to determine the propriety of  
15 participating in the program or receiving the loan, it shall be promptly provided. The

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1 committee shall promptly compile a list of the statements indicating the loans and  
2 programs and amounts and send it to the presiding officer of each house who shall  
3 have it published in the supplemental journals with the next regular publication, by  
4 the senate secretary and the house chief clerk, of disclosures under this chapter  
5 [WITHIN THREE WEEKS AFTER THE FILING DATE]. A legislator or legislative  
6 employee who believes that disclosure of participation in a program would be an  
7 invasion of the participant's right to privacy under the state constitution may request  
8 the committee to keep the disclosure confidential. If the committee finds that  
9 publication would constitute an invasion of privacy, the committee shall publish only  
10 the fact that a person has participated in the program and the amount of benefit that the  
11 unnamed person received. The committee shall maintain the disclosure of the name of  
12 the person as confidential and may only use the disclosure in a proceeding under  
13 AS 24.60.170. If the disclosure becomes part of the record of a proceeding under  
14 AS 24.60.170, the disclosure may be made public as provided in that section.

15 \* Sec. 3. AS 24.60.080(c) is amended to read:

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

18 (1) hospitality, other than hospitality described in (4) of this  
19 subsection,

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

23 (B) at a social event or meal;

24 (2) discounts that are available

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

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

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

31 (4) travel and hospitality primarily for the purpose of obtaining

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1 information on matters of legislative concern;  
 2 (5) gifts from the immediate family of the person;  
 /GenStrips (6) gifts that are not connected with the recipient's legislative status;  
 false (7) a discount for all or part of a legislative session, including time  
 4 immediately preceding or following the session, or other gift to welcome a legislator  
 5 or legislative employee who is employed on the personal staff of a legislator or by a  
 6 standing or special committee to the capital city or in recognition of the beginning of a  
 7 legislative session if the gift or discount is available generally to all legislators and the  
 8 personal staff of legislators and staff of standing and special committees; this  
 9 paragraph does not apply to legislative employees who are employed by the  
 10 Legislative Affairs Agency, the office of the chief clerk, the office of the senate  
 11 secretary, the legislative budget and audit committee, the office of victims' rights, or  
 12 the office of the ombudsman;  
 13  
 14 (8) a gift of legal services in a matter of legislative concern and a gift  
 15 of other services related to the provision of legal services in a matter of legislative  
 16 concern;  
 17 (9) a gift of transportation from a legislator to a legislator if the  
 18 transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other  
 19 means of transport owned or under the control of the donor; this paragraph does not  
 20 apply to travel described in (4) of this subsection or travel for political campaign  
 21 purposes; or  
 22 (10) tickets from a lobbyist for a charity event at any time, including  
 23 during a legislative session, except that tickets to or gifts received at a charity event  
 24 under this paragraph are subject to the calendar year limit on the value of gifts  
 25 received by a legislator or legislative employee in (a) of this section; in this paragraph,  
 26 "charity event" means an event the proceeds of which go to a charitable organization  
 27 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council  
 28 has approved in advance, the tickets may entitle the bearer to admission to the event,  
 29 to entertainment, to food or beverages, or to other gifts or services involved in the  
 30 charity event.

31 \* Sec. 4. AS 24.60.080(i) is amended to read:

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1 (i) A legislator or legislative employee who knows or reasonably should know  
2 that a family member has received a gift because of the family member's connection  
3 with the legislator or legislative employee shall make written disclosure to the  
4 committee regarding the gift [REPORT THE RECEIPT OF THE GIFT BY THE  
5 FAMILY MEMBER TO THE COMMITTEE] if the gift would have to be reported  
6 under this section if it had been received by the legislator or legislative employee or if  
7 receipt of the gift by a legislator or legislative employee would be prohibited under  
8 this section. The committee shall maintain a public record of the disclosure and  
9 forward the disclosure to the respective house for inclusion in the journal.

10 \* Sec. 5. AS 24.60.176(b) is amended to read:

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

12 (1) the legislative council for employees of the Legislative Affairs  
13 Agency and of the legislative council and for legislative employees not otherwise  
14 covered under this subsection;

15 (2) the Legislative Budget and Audit Committee for the legislative  
16 fiscal analyst and employees of the division of legislative finance, the legislative  
17 auditor and employees of the division of legislative audit, and employees of the  
18 Legislative Budget and Audit Committee;

19 (3) the appropriate finance committee for employees of the senate or  
20 house finance committees;

21 (4) the appropriate rules committee for employees of

22 (A) standing committees of the legislature, other than the  
23 finance committees;

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

26 (C) house records and senate records;

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

30 (6) the ombudsman for employees of the office of the ombudsman,  
31 other than the ombudsman;

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- 1 (7) the legislature for the ombudsman;  
2 (8) the victims' advocate for the employees, other than the victims'  
3 advocate, of the office of victims' rights;  
4 (9) the legislative council for the victims' advocate.

5 \* Sec. 6. AS 24.60.210(a) is amended to read:

6 (a) A person required to file a disclosure statement under AS 24.60.200 shall  
7 file an annual report with the Alaska Public Offices Commission, covering the  
8 previous calendar year, containing the disclosures required by AS 24.60.200, on or  
9 before March 15 of each year, except that a legislator appointed under  
10 AS 15.40.320 - 15.40.350, a public member of the committee, and a legislative  
11 director must file within 30 days after the person's initial appointment.

12 \* Sec. 7. AS 24.60.250(c) is amended to read:

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

TRANSACTION REPORT

JAN-26-2007 FRI 03:08 PM

FOR: REPRESENTATIVE BOB LYNN 907 465 4316

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Suggested Language (Prepared in 2005)

AS 24.60.130(n)

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

**Suggested Language** (prepared in 2005)

**AS 24.60.150**

(a) The committee shall

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

(2) **publish advisory opinions annually; and**

(3) publish [SEMI-]annual summaries of decisions [AND ADVISORY OPINIONS] with sufficient deletions in the summaries to prevent disclosing the identity of the person involved in the decisions [OR OPINIONS] that have remained confidential.

**AS 24.60.160**

(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY OPINION IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN REQUEST BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH THE COMMITTEE.] **All advisory opinions shall be issued with sufficient deletions to prevent disclosing the identity of the persons involved. Unless the requester and anyone else named in the request who is covered by the ethics code waives confidentiality, advisory opinion discussions and deliberations are confidential. The committee vote will be a public record.**

**January 25, 2007 -- Suggested substantive changes to AS 24.60 Ethics Code**

(These suggestions do not include changes already proposed in 2007 ethics bills.)

These suggestions are the result of either an advisory opinion issued by the committee, committee discussion or observations by ethics staff or individual committee members.

1. **AS 24.60.160 Advisory Opinions** - Add language allowing the Ethics Committee and/or staff to request an advisory opinion. Currently, the request must relate to a set of circumstances of a particular situation that effect the person requesting the opinion. Many times the person does not want to request an opinion. Advisory opinions are referenced when a similar request is received.
2. **AS 24.60.160 Advisory Opinions** – Add language allowing the Ethics Committee to request an advisory opinion from APOC and for APOC to request one from the Ethics Committee. APOC statutes and ethics statutes are much intertwined and many times clarification is needed from one oversight agency for the other agency to issue an advisory opinion.
3. **AS 24.60.160(b) Advisory Opinions** – Clarify the language in this section. Make it clear advisory opinions will be issued with sufficient deletions to prevent disclosure of the identity of the person requesting the opinion and any other persons named in the request. (suggested language approved by the ethics committee will be transmitted in a separate document)
4. **AS 24.60.150(a) Duties of the committee** – Delete in (a)(2) the requirement that summaries of public decisions and advisory opinions be published on a semi-annual basis. Public decisions have been published annually since 1999 and advisory opinions since 1995. (suggested language approved by the ethics committee will be transmitted in separate document)
5. **AS 24.60.130(n) Select committee on legislative ethics** – Add language to allow the chair of the committee or subcommittee to designate the alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the alternate member may only serve if the regular member has a conflict. This change would allow the committee to meet in a more timely fashion. (suggested language approved by the ethics committee will be transmitted in a separate document)
6. **AS 24.60.030(f) Boards and Commissions** - Legislators currently have double disclosure requirements for membership on boards and commissions. Reporting is inclusive for APOC and subjective for Ethics. Membership on boards and commissions is only required if the board and commission will have an interest in legislation. This is very confusing and often times not reported properly. Should be inclusive for both oversight agencies. Reporting of membership on boards and

commissions is on the ethics web site for the public to view. APOC need this information to administer the financial disclosure reporting requirement.

7. **AS 24.60.050 State programs and loans** - Add a section that allows the committee to refrain from publishing disclosures that would be considered an invasion of the discloser's privacy. Currently a person who is a participant of the Violent Crimes Compensation program would have to disclose. The committee has determined they do not have the authority to withhold publication. They have, however, determined the dollar amount need not be disclosed.
8. **AS 24.60.105 Deadlines for filing disclosures** - Filing dates for ethics disclosures are very confusing. Some disclosures are required within 30 days of association at certain times of the year, some annually, and no disclosures are required during the timeframe of 30 days prior to the end of session. Suggest all disclosures be filed within 30 days of the association or interest.
9. **AS 24.60.031(1) Restrictions on fund raising** - The ethics committee defined 'acceptance' of a campaign contribution in Advisory Opinion 94-05. APCOC differentiates between 'receiving' and 'accepting' a contribution. See 2 AAC 50.333. Clarification of these terms is needed so both ethics and APOC are disseminating the same information to candidates who are also sitting legislators.
10. Include in the ethics code an education program and/or training class.
11. **AS 24.60.030(c) Prohibitions related to conflicts of interest and unethical conduct** - Prohibit the distribution of legislative newsletters within the 30 days preceding an election. Many calls are received from the public asking why a legislator is allowed to send a legislative newsletter so close to an election. The newsletter is perceived as a campaign piece.
12. **Article 4 of AS 24.60** - Change the title from "Required Annual Financial Disclosure" to "Disclosure Statements" since the section covers both financial disclosure requirements and some ethics disclosures.
13. **AS 24.60.080(c)(10) Gifts** - Legislative Council presently approves 501(c)(3) charity events during session. Lobbyists are then allowed to give free tickets to attend the event. Change the approving authority from Legislative Council to the Ethics Committee. This will allow oversight from one area and provide consistency of information provided by Ethics and APOC.
14. **AS 24.60.170 Proceedings before the committee** - The complaint section of the code does not provide for an alternate legislative member to be appointed if both the legislative member and designated alternate have a conflict and cannot serve on the ethics subcommittee hearing a complaint. The Open Meetings section, AS 24.60.037, has a provision for this type of occurrence. Add similar language to

the complaint section.

15. **AS 24.60.170(i) Proceedings before the committee** – This section states a person providing legal advice to the committee is prohibited from ever being involved in a complaint proceeding. The ethics committee discussed clarifying the language to stipulate ‘currently providing legal advice to the committee’.
  
16. **AS 24.60.170(j) Proceedings before the committee** – This section grants authority to the subject of the complaint to change the date of the public hearing to a time outside of the 90 day requirement. However, the committee does not appear to have the authority to approve the change of the date of the hearing. An example given by the committee is what if the subject of the complaint wants to change the hearing to a date 6 months in the future. The statute needs to include a provision for approval by the committee of the change in date and also allow the committee to change the date of the hearing due to, for example, a lack of a quorum.

**Suggested Technical Changes to AS 24.60, Legislative Ethics**

These suggested technical changes were approved by the Ethics Committee at the September 27, 2005 committee meeting. Draft language was drafted in 2005. See attached work drafts.)

**AS 24.60.040 Contract and Leases**

- Add language stipulating the disclosure shall be forwarded to the respective house for inclusion in the legislative journal. For some reason this section of the code was overlooked when language was added requiring other disclosures to be published. Current practice has been to have all disclosures published.

**AS 24.60.050 State Programs and Loans**

- Delete language indicating a 'written report' is required and add language a 'disclosure' is required making language consistent with other sections of the code.
- Delete language requiring the disclosure be published within three weeks after filing. Other disclosures are published in cooperation with the senate secretary and house clerk. Current practice has been to have these disclosures published along with other disclosures. Add language to this effect.

**AS 24.60.080 Gifts**

- Add to (c)(7) language to include 'the office of victims' rights in relation to 'welcome to Juneau gifts' prohibition. Currently LAA employees, office of the chief clerk and senate secretary, legislative budget and audit employees, and the office of ombudsman are included. It makes sense to include the office of victims' rights.
- Delete language in (i) indicating a 'report' is required and add language a 'disclosure' is required making language consistent with other sections of the code. Add language requiring these disclosures be published in the journal along with other required disclosures. This section of the code was overlooked when language was added requiring other disclosures to be published. Current practice has been to publish all disclosures.

**AS 24.60.176 Recommendations where violator is a legislative employee**

- Add new sections (b)(8) and (9) to address the office of victims' rights employees and who is their appointing authority when an ethics complaint is filed.

**AS 24.60.250 Effect of failure to file**

- Add language to (c) placing the victims' advocate under the Legislative Council when failing or refusing to file a financial disclosure. The ombudsman is listed as reporting to Legislative Council

**AS 25.60.210 Deadlines for filing of disclosure statements**

- Add language covering persons who must file a financial disclosure under AS 24.60.200 and who are appointed to their position after March 15. New language states legislators, public members of the committee and legislative directors must file an annual report with the Alaska Public Office Commission within 30 days after appointment. APOC indicated these positions were inadvertently left out of legislation when the law was changed. APOC has taken the position the intent of the law was to include these positions and currently notifies all appointees about filing a financial disclosure.

# AMENDMENTS

AMEND  
MENTS

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 109

1 Page 1, lines 10 - 11:

2 Delete "relating to certain restrictions on employment after leaving state service"

3 Insert "prohibiting certain activities by individuals who formerly held certain  
4 positions in the executive branch"

5

6 Page 7, line 19:

7 Delete "or deputy head"

8

9 Page 7, line 21:

10 Delete "in a policy-making position"

11

12 Page 7, line 23:

13 Delete "or deputy head"

14

15 Page 7, line 24:

16 Delete "in a policy-making position"

17

18 Page 7, following line 27:

19 Insert a new bill section to read:

20 **\*\* Sec. 12.** AS 39.52.180 is amended by adding a new subsection to read:

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

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

7 Renumber the following bill sections accordingly.  
8

9 Page 7, line 30:

10 Delete "Sections 10 and 11"

11 Insert "Sections 10 - 12"  
12

13 Page 7, lines 30 - 31:

14 Delete "state service"

15 Insert "a position in the executive branch"  
16

17 Page 7, line 31:

18 Delete "secs. 10 and 11"

19 Insert "secs. 10 - 12"  
20

21 Page 8, line 2:

22 Delete "sec. 13"

23 Insert "sec. 14"

AMENDMENT

OFFERED IN THE HOUSE  
TO: HB 20

BY REPRESENTATIVE HARRIS

1 Page 1, lines 1 - 4:

2 Delete all material and insert:

3 **""An Act prohibiting lobbying, other than as a volunteer or representational**  
4 **lobbyist, by spouses and domestic partners of legislators; prohibiting legislators and**  
5 **legislative employees from entering into contracts to provide consulting services;**  
6 **restricting representation of others by legislators and legislative employees before**  
7 **municipalities or state agencies, boards, and commissions; and requiring certain**  
8 **legislators, legislative employees, and public members of committees no longer holding**  
9 **office to comply with certain disclosure requirements.""**

10

11 Page 1, line 6, through page 3, line 19:

12 Delete all material and insert:

13 **\*\* Section 1. AS 24.45.041(b) is amended to read:**

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

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

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

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

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

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

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

11 (7) the identification of a [LEGISLATOR,] legislative employee [,] or  
12 public official to whom the lobbyist is married or who is the domestic partner of the  
13 lobbyist; in this paragraph, "domestic partner" has the meaning given in  
14 AS 39.50.200(a).

15 \* **Sec. 2.** AS 24.45.121 is amended by adding a new subsection to read:

16 (d) The spouse or domestic partner of a legislator may not engage in an  
17 activity as a lobbyist. This subsection does not prohibit the spouse or domestic partner  
18 from acting as a volunteer lobbyist under AS 24.45.161 or a representational lobbyist  
19 as defined under regulations of the commission."  
20

21 Renumber the following bill sections accordingly.  
22

23 Page 6, lines 16 - 22:

24 Delete all material and insert:

25 \*\* **Sec. 4.** AS 24.60.070(c) is amended to read:

26 (c) When making a disclosure under (a) of this section concerning a  
27 relationship with a lobbyist to whom the [LEGISLATOR OR] legislative employee is  
28 married or who is the [LEGISLATOR'S OR] legislative employee's domestic partner,  
29 the [LEGISLATOR OR] legislative employee shall also disclose the name and address  
30 of each employer of the lobbyist and the total monetary value received by the lobbyist  
31 from the lobbyist's employer. The [LEGISLATOR OR] legislative employee shall

1 report changes in the employer of the spouse or domestic partner within 48 hours after  
2 the change. In this subsection, "employer of the lobbyist" means the person from  
3 whom the lobbyist received amounts or things of value for engaging in lobbying on  
4 behalf of the person.

18 ✓ \* **Sec. 6.** AS 24.60 is amended by adding a new section to article 2 to read:

19 **Sec. 24.60.115. Disclosures by a former legislator, legislative employee, or**  
20 **public member of the committee.** Notwithstanding another deadline set by  
21 AS 24.60.105(a), within 60 days after a person required to file a disclosure under this  
22 chapter leaves office or terminates employment for any reason, the person shall file all  
23 disclosures required under this chapter that have not been disclosed under  
24 AS 24.60.105.

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

27 **TRANSITION.** A person who is not a legislator, legislative employee, or public  
28 member of the Select Committee on Legislative Ethics on the effective date of this Act but  
29 who served as a legislator, legislative employee, or public member of the Select Committee  
30 on Legislative Ethics between April 9, 2006, and the effective date of this Act shall make the  
31 disclosure required by AS 24.60.115, added by sec. 6 of this Act, within 90 days after the  
1 effective date of this Act."

# LEGAL SERVICES

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## MEMORANDUM

February 2, 2007

**SUBJECT:** Amendment to House Bill 20 to ban PACs (political action committees) from making campaign contributions.  
(Work Order No. 25-LS0136\6)

**TO:** Representative Craig Johnson

**FROM:** Jack Chenoweth  
Assistant Revisor

Enclosed is the amendment you requested barring political action committees, PACs (and most other groups), from making campaign contributions.<sup>1</sup>

<sup>1</sup> Though commonly referred to as "political action committees" or "PACs," that is a term used in federal election law and is not one to be found in Alaska law; the comparable designation in AS 15.13 is to "groups". The federal definition of a "political committee" is found in 2 U.S.C. 431(4) and reads as follows:

The term "political committee" means--

(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 316(b) [2 USCS § 441b(b)]; or

(C) any local committee of a political party which receives contributions aggregating in excess of \$5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in section 301 (8) and (9) aggregating in excess of \$5,000 during a calendar year, or makes contributions aggregating in excess of \$1,000 during a calendar year or makes expenditures aggregating in excess of \$1,000 during a calendar year.

The state's comparable definition, for purposes of administration of the campaign financing law, is that for the term "group," and appears in AS 15.13.400(8):

(8) "group" means

(A) every state and regional executive committee of a political party; and

**CONSTITUTIONAL CONSIDERATIONS:**

A complete ban on campaign contributions by political action committees, as contained in the enclosed amendment, might be held to violate the speech and associational rights of those groups under the Constitution of the United States and the Constitution of the State of Alaska. Prohibiting PACs and other groups from making campaign contributions will affect the speech and associational rights of those groups.

Alaska law prohibits campaign contributions by business corporations and labor unions, *see* AS 15.13.074(f), and that ban was upheld in *State v. Alaska Civil Liberties Union*, 978 P.2d 597, 613 - 614 (Alaska 1999). The court explained that the state-created advantages enjoyed by corporations create the potential for corruption, and makes corporations completely subject to regulation. 978 P.2d at 607. The court was concerned about corruption of the political process due to "the disproportionate political influence corporate wealth can have because it bears no necessary relationship to the actual public support for the corporation's political views." 978 P.2d at 609. However, the court made clear that only a limited group of entities other than corporations and labor unions could be barred from making contributions:

Entities which are neither labor unions nor corporations are subject to contribution bans only to the extent they are within the class of organizations potentially able to amass great wealth through state-created advantages.

---

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the commission, on a form provided by the commission, an affidavit that the group is operating without the candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 percent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate;

Representative Craig Johnson

February 2, 2007

Page 3

978 P.2d at 614. At that time, the court declined to list what entities might fall within this class, leaving that for future litigation.

**DRAFTING ISSUES:**

The enclosed amendment draft only prohibits PACs from making campaign contributions; it does not bar them from making expenditures.

Please appreciate that, under current law, PACs and political parties are both considered groups and are treated in substantially similar fashion. The amendment attempts to curtail contributions by PACs without affecting the rights of political parties. However, it will affect contributions by other types of groups, including political groups that have not attained party status under AS 15.60.010. Courts have been particularly concerned about preserving the speech and associational freedoms of political parties. The United States Supreme Court recently described the right to associate in a political party as "a particularly important political right." *Randall v. Sorrell*, 165 L. Ed. 2d 482, 504 (2006). A political group that has not yet attained political party status under Alaska law might be entitled to similar deference, so that even if the amendment could pass constitutional muster as it relates to PACs, it might be invalidated as it affects political groups.<sup>2</sup>

JBC:ljw  
07-050.ljw

Enclosure

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<sup>2</sup> An alternative drafting approach would entail defining "political committees" or "political action committees," perhaps using the federal definition of "political committee," removing them from the definition of "group," and then adding new language to clarify how the campaign finance laws are to be applied to PACs.

AMENDMENT

OFFERED IN THE HOUSE  
TO: HB 20

BY REPRESENTATIVE JOHNSON

1 Page 1, line 1:

2 Delete "**disclosure of**"

3

4 Page 3, following line 13:

5 Insert new bill sections to read:

6 **\* Sec. 4.** AS 15.13.050(b) is amended to read:

7 (b) If a group intends to support only one candidate or to [CONTRIBUTE TO  
8 OR] expend on behalf of one candidate 33 1/3 percent or more of its funds, the name  
9 of the candidate shall be a part of the name of the group. If the group intends to oppose  
10 only one candidate or to [CONTRIBUTE ITS FUNDS IN OPPOSITION TO OR]  
11 make expenditures in opposition to a candidate, the group's name must clearly state  
12 that it opposes that candidate by using a word such as "opposes," "opposing," "in  
13 opposition to," or "against" in the group's name. Promptly upon receiving the  
14 registration, the commission shall notify the candidate of the group's organization and  
15 intent. A candidate may register more than one group to support the candidate;  
16 however, multiple groups controlled by a single candidate shall be treated as a single  
17 group for purposes of the contribution limit in AS 15.13.070(b)(1).

18 **\* Sec. 5.** AS 15.13.065(a) is amended to read:

19 (a) An individual, a group that is a political party, and a nongroup entity  
20 may make a contribution [INDIVIDUALS, GROUPS, NONGROUP ENTITIES,  
21 AND POLITICAL PARTIES MAY MAKE CONTRIBUTIONS] to a candidate. An  
22 individual [, GROUP,] or nongroup entity may make a contribution to a group, to a  
23 nongroup entity, or to a political party.

1 \* **Sec. 6.** AS 15.13.072 is amended by adding a new subsection to read:

2 (i) A candidate may not accept a contribution from a group that is not a  
3 political party.

4 \* **Sec. 7.** AS 15.13.074(c) is amended to read:

5 (c) A person or group **that is a political party** may not make a contribution

6 (1) to a candidate or an individual who files with the commission the  
7 document necessary to permit that individual to incur certain election-related expenses  
8 as authorized by AS 15.13.100 when the office is to be filled at a general election  
9 before the date that is 18 months before the general election;

10 (2) to a candidate or an individual who files with the commission the  
11 document necessary to permit that individual to incur certain election-related expenses  
12 as authorized by AS 15.13.100 for an office that is to be filled at a special election or  
13 municipal election before the date that is 18 months before the date of the regular  
14 municipal election or that is before the date of the proclamation of the special election  
15 at which the candidate or individual seeks election to public office; or

16 (3) to any candidate later than the 45th day

17 (A) after the date of the primary election if the candidate was  
18 not nominated at the primary election; or

19 (B) after the date of the general election, or after the date of a  
20 municipal or municipal runoff election.

21 \* **Sec. 8.** AS 15.13.074(h) is amended to read:

22 (h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant  
23 governor [AND A GROUP THAT IS NOT A POLITICAL PARTY AND THAT,  
24 UNDER THE DEFINITION OF THE TERM "GROUP," IS PRESUMED TO BE  
25 CONTROLLED BY A CANDIDATE FOR GOVERNOR OR LIEUTENANT  
26 GOVERNOR.] may not make a contribution to a candidate for another office, to a  
27 person who conducts a write-in campaign as a candidate for other office, or to another  
28 group of amounts received by that candidate [OR CONTROLLED GROUP] as  
29 contributions between January 1 and the date of the general election of the year of a  
30 general election for an election for governor and lieutenant governor. This subsection  
31 does not prohibit

1                   [(1) THE GROUP DESCRIBED IN THIS SUBSECTION FROM  
2 MAKING CONTRIBUTIONS TO THE CANDIDATES FOR GOVERNOR AND  
3 LIEUTENANT GOVERNOR WHOM THE GROUP SUPPORTS; OR

4                   (2)] the governor or lieutenant governor [, OR THE GROUP  
5 DESCRIBED IN THIS SUBSECTION,] from making contributions under  
6 AS 15.13.116(a)(2)(A).

7 \* **Sec. 9.** AS 15.13.074 is amended by adding a new subsection to read:

8                   (j) A group that is not a political party may not make a contribution to a  
9 candidate.

10 \* **Sec. 10.** AS 15.13.400(8) is amended to read:

11                   (8) "group" means

12                                 (A) every state and regional executive committee of a political  
13 party; and

14                                 (B) any combination of two or more individuals acting jointly  
15 who organize for the principal purpose of influencing the outcome of one or  
16 more elections and who take action the major purpose of which is to influence  
17 the outcome of an election; a group that makes expenditures or receives  
18 contributions with the authorization or consent, express or implied, or under  
19 the control, direct or indirect, of a candidate shall be considered to be  
20 controlled by that candidate; a group whose major purpose is to further the  
21 nomination, election, or candidacy of only one individual, or intends to expend  
22 more than 50 percent of its money on a single candidate, shall be considered to  
23 be controlled by that candidate and its actions done with the candidate's  
24 knowledge and consent unless, within 10 days from the date the candidate  
25 learns of the existence of the group the candidate files with the commission, on  
26 a form provided by the commission, an affidavit that the group is operating  
27 without the candidate's control; a group organized for more than one year  
28 preceding an election and endorsing candidates for more than one office or  
29 more than one political party is presumed not to be controlled by a candidate;  
30 however, a group that expends [CONTRIBUTES] more than 50 percent of its  
31 money to or on behalf of one candidate shall be considered to support only one

1 candidate for purposes of AS 15.13.070, whether or not control of the group  
2 has been disclaimed by the candidate;

3 \* Sec. 11. AS 15.13.400(13) is amended to read:

4 (13) "nongroup entity" means a person, other than an individual and  
5 other than a group that is not a political party, that takes action the major purpose  
6 of which is to influence the outcome of an election, and that

7 (A) cannot participate in business activities;

8 (B) does not have shareholders who have a claim on corporate  
9 earnings; and

10 (C) is independent from the influence of business  
11 corporations."

12

13 Renumber the following bill sections accordingly.

14

15 Page 6, line 22:

16 Delete "and 15.13.040(l)"

17 Insert ", 15.13.040(l), and 15.13.070(c)"

# LEGAL SERVICES

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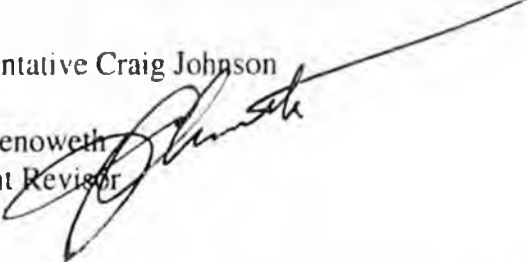
## MEMORANDUM

February 2, 2007

**SUBJECT:** Amendment C.4 to House Bill 20 (Work Order No. 25-LS0136\C.4)

**TO:** Representative Craig Johnson

**FROM:** Jack Chenoweth  
Assistant Revisor



Amendment C.4 that accompanies this memo proposes to eliminate all exemptions from disclosure of election campaign contributions (not already covered by HB 20's amendments to AS 15.13.040(a) and (b), as already proposed in bill sections 1 and 2) and require that all campaign contributions be reported within 72 hours and that the reports of election campaign contributions be filed electronically. This amendment distinguishes between campaign contributions -- political contributions -- provisions for which this measure proposes to amend, and campaign expenditure provisions which are left unamended. The material in the amendment fits within the clause of the bill's current title "relating to disclosure of campaign contributions," so no title change would appear to be necessary.

In order to get this to you with time sufficient for your review, this amendment omits the delayed legislative date and software development components of the work order request.

JBC:ljw  
07-049.ljw

Enclosure

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOHNSON

TO: HB 20

1 Page 2, line 20, through page 3, line 13:

2 Delete all material and insert:

3 **\*\* Sec. 3.** AS 15.13.040(j) is amended to read:

4 (j) Each [EXCEPT AS PROVIDED IN (I) OF THIS SECTION, EACH]  
5 nongroup entity shall make a full report in accordance with AS 15.13.110 upon a form  
6 prescribed by the commission and certified by the nongroup entity's treasurer, listing

7 (1) the name and address of each officer and director of the nongroup  
8 entity;

9 (2) the aggregate amount of all contributions made to the nongroup  
10 entity for the purpose of influencing the outcome of an election;

11 (3) for all contributions described in (2) of this subsection, the name,  
12 address, date, and amount contributed by each contributor, and [, FOR ALL  
13 CONTRIBUTIONS DESCRIBED IN (2) OF THIS SUBSECTION IN EXCESS OF  
14 \$250 IN THE AGGREGATE DURING A CALENDAR YEAR,] the principal  
15 occupation and employer of the contributor; and

16 (4) the date and amount of all contributions made by the nongroup  
17 entity, and, except as provided for certain independent expenditures in  
18 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup  
19 entity, for the purpose of influencing the outcome of an election; under this  
20 paragraph, a nongroup entity shall report

21 (A) all contributions made to a different nongroup entity for the  
22 purpose of influencing the outcome of an election; and

23 (B) expenditures made on behalf of a different nongroup entity for the

1 purpose of influencing the outcome of an election as soon as the total  
 2 [CONTRIBUTIONS AND] expenditures made on behalf of [TO] that different  
 3 nongroup entity for the purpose of influencing the outcome of an election reach \$500  
 4 in a year, and for all subsequent [CONTRIBUTIONS AND] expenditures made on  
 5 behalf of [TO] that nongroup entity in a year whenever the total [CONTRIBUTIONS  
 6 AND] expenditures made on behalf of [TO] that nongroup entity for the purpose of  
 7 influencing the outcome of an election that have not been reported under this  
 8 paragraph reach \$500.

9 \* Sec. 4. AS 15.13.040(k) is amended to read:

10 (k) Every individual, person, nongroup entity, or group contributing [A  
 11 TOTAL OF \$500 OR MORE] to a group organized for the principal purpose of  
 12 influencing the outcome of a proposition shall report the contribution or contributions  
 13 on a form prescribed by the commission [NOT LATER THAN 30 DAYS AFTER  
 14 THE CONTRIBUTION THAT REQUIRES THE CONTRIBUTOR TO REPORT  
 15 UNDER THIS SUBSECTION IS MADE]. The report must include the name, address,  
 16 principal occupation, and employer of the individual filing the report and the amount  
 17 of the contribution, as well as the total amount of contributions made to that group by  
 18 that individual, person, nongroup entity, or group during the calendar year.

19 \* Sec. 5. AS 15.13.040(m) is amended to read:

20 (m) A candidate, individual, group, nongroup entity, or other person  
 21 required under this section to file a report of funds contributed to a candidate,  
 22 group, or nongroup entity shall file the report electronically. As to all other  
 23 reports required by this chapter, except the reports of funds contributed to a  
 24 candidate, group, or nongroup entity that are required by this section, the [THE]  
 25 commission may request that the information required [UNDER THIS CHAPTER] be  
 26 submitted electronically but shall accept any information required under this chapter,  
 27 except the reports of funds contributed that are required by this subsection to be  
 28 filed electronically, that is typed in clear and legible black typeface or hand-printed in  
 29 dark ink on paper in a format approved by the commission or on forms provided by  
 30 the commission and that is filed with the commission.

31 \* Sec. 6. AS 15.13.040(o) is amended to read:

1 (o) For purposes of (a), (b), [AND] (j), and (k) of this section, "contributor"  
 2 means the true source of the funds, property, or services being contributed.

3 \* Sec. 7. AS 15.13.078(c) is amended to read:

4 (c) On and after the date determined under AS 15.13.110 as the last day of the  
 5 period ending three days before the due date of the report required to be filed under  
 6 AS 15.13.110(a)(2)(A) [AS 15.13.110(a)(1)] and until the date of the election for  
 7 which the report is filed, a candidate may not give or loan to the candidate's campaign  
 8 the candidate's money or other thing of value of the candidate in an amount that  
 9 exceeds \$5,000.

10 \* Sec. 8. AS 15.13.110(a) is amended to read:

11 (a) A candidate, individual, group, nongroup entity, or other person  
 12 required by AS 15.13.040

13 (1) or by (e) of this section to file a report of funds contributed to  
 14 the candidate, group, or nongroup entity shall make a full report in accordance  
 15 with that section within 72 hours after the receipt of the contribution; the  
 16 commission shall post copies of reports received under this paragraph within one  
 17 business day;

18 (2) to file a report not described in (1) of this subsection for  
 19 expenditures made by the candidate, individual, group, nongroup entity, or other  
 20 person [EACH CANDIDATE, GROUP, AND NONGROUP ENTITY] shall make a  
 21 full report in accordance with that section [AS 15.13.040] for the period ending three  
 22 days before the due date of the report and beginning on the last day covered by the  
 23 most recent previous report; if [. IF] the report is a first report, it must cover the period  
 24 from the beginning of the campaign to the date three days before the due date of the  
 25 report; if [. IF] the report is a report due February 15, it must cover the period  
 26 beginning on the last day covered by the most recent previous report or on the day that  
 27 the campaign started, whichever is later, and ending on February 1 of that year; the [.   
 28 THE] report shall be filed

29 (A) [(1)] 30 days before the election; however, this report is not  
 30 required if the deadline for filing a nominating petition or declaration of  
 31 candidacy is within 30 days of the election;