



members don't have
also give members updated Fair Sectional & Amendments
AMENDMENTS TO HB 109 DEFERRED BY THE ETHICS SUBCOMMITTEE

AS 11.56.135 Improper legislative campaign contributions Title 11 Gara **Tab 1**

K.8

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

Sec. 11.56.135. improper legislative campaign contribution and agreement. (a) A person commits the crime of improper legislative campaign contribution and agreement if the person

(1) explicitly agrees to make a campaign contribution to a member of the legislature or a candidate for the legislature, and makes that contribution, in exchange for an agreement by the legislator or the candidate to alter the legislator's or candidate's position on a legislative matter; or

(2) as a member of the legislature or a candidate for the legislature, accepts a campaign contribution and explicitly agrees, in exchange for that contribution, to alter the legislator's or candidate's position on a legislative matter.

(b) Improper legislative campaign contribution and agreement is a class B felony.

* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies to offenses occurring on or after the effective date of this Act.

AS 24.60.030(a)(2)(L)

Title 24 Ethics/Harris

Tab 5

K.14

....this paragraph does not prohibit

(L) full participation in a charity event approved in advance by the Select Committee on Legislative Ethics [ALASKA LEGISLATIVE COUNCIL];

AS 24.60.030(f) # 9

Title 24 Ethics/Harris

Tab 7

K.41

Part of 0529\A

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

AS 24.60.080 (c)(10)

Title 24

Ethics/Harris

Tab 10 - B

K.14

AS 24.60.080(c)(10) tickets from a lobbyist for a charity event at any time, including during a legislative session, except that tickets to or gifts received at a charity event under this paragraph are subject to the calendar year limit on the value of gifts received by a legislator or legislative employee in (a) of this section; in this paragraph, "charity event" means an event the proceeds of which go to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the Select Committee on Legislative Ethics [ALASKA LEGISLATIVE COUNCIL] has approved in advance; the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services involved in the charity event; or

(a) A legislator or legislative employee may not

AS 24.60.080 (i)

Not offered

Title 24

Harris/French

Tab 12 - A

Sec. 4. AS 24.60.080(e) is amended to read:

K.15

(e) A political contribution is not a gift under this section if it is reported under AS 15.13.040 [OR IS EXEMPT FROM THE REPORTING REQUIREMENT UNDER AS 15.13.040(g)]. The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to the legislator under this section.

AS 24.60.085

Title 24

Stevens

Tab 13

K.16

AS 24.60.085 is amended by adding a new subsection to read:

(c) A legislator may not, directly or by authorizing another to act on the legislator's behalf, provide consulting services to a person in the private sector or accept, or agree to accept, consulting fees from a person in the private sector.

AS 24.60.085

Title 24

Lynn

AS 24.60.085 is amended by adding a new subsection to read:

(c) During the term for which elected or appointed and for one year hereafter, a legislator may not, directly or by authorizing another to act on the legislator's behalf, accept or agree to accept compensation, except from the State of Alaska, for work associated with legislative, administrative, or political action.

AS 24.60.100

Title 24

Harris

Tab 14

K.17

ation. A legislator or legislative employee may not ent another person for compensation before a executive branch [AN] agency, board, or commission E THE NAME OF THE PERSON REPRESENTED.

AS 24.60.080 (h)

Not offered

Title 24

Harris/French

Tab 12 - A

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K.15

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Tab 13

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AS 24.60.085

Title 24

Lynn

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(e) During the term for which elected or appointed and for one year hereafter, a legislator may not, directly or by authorizing another to act on the legislator's behalf, accept or agree to accept compensation, except from the State of Alaska, for work associated with legislative, administrative, or political action.

AS 24.60.100

Title 24

Harris

Tab 14

K.17

AS 24.60.100 Representation. A legislator or legislative employee may not [WHO REPRESENTS] represent another person for compensation before a municipality or a legislative or executive branch [AN] agency, board, or commission of the state [SHALL DISCLOSE THE NAME OF THE PERSON REPRESENTED].

former legislator or legislative director shall file with the Alaska Public Offices Commission a report containing the disclosure required by AS 24.60.200, covering any period that service for which the legislator or legislative director has not already filed a report.

(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, on or before the second Monday in January of each year. On or before the 90th day after ending service on the committee, a former public member of the committee shall file with the Alaska Public Offices Commission a report containing the disclosure required by AS 24.60.200, covering any period that service for which the legislator or legislative director has not already filed a report.

AS 24.60.990(a) Title 24 Gardner

Tab 27

K.20

AS 24.60.990(a) is amended by adding a new paragraph to read:

(17) "professional license" means a license required for a profession regulated by the federal government or by a state.

UNCODIFIED Title 24 Lynn/Harris

Tab 28

K.21

The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) Sections 1 and 3 of this Act apply to all persons who become former legislators on or after the effective date of this Act and to all former legislators who were members of the legislature between April 9, 2006, and the effective date of this Act.

(b) Former legislators who were members of the legislature between April 9, 2006, and the effective date of this Act shall make the disclosure required by AS 24.60.115, added by sec. 3 of this Act, within 30 days after the effective date of this Act.

39.50.030(b) Gov Amendment (2/18)
Same as amendments

AS 39.50.030 Financial Disclosure

Title 39

Gruenberg Amendment

Gov's Amendment

Sec. 6. AS 39.50.030(b)(2-7) is amended to read:

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

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

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

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

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

(6) a list of all contracts and offers to contract with the state or an instrumentality of the state during the preceding calendar year held, bid, or offered by the person, the person's spouse or domestic partner, or the person's dependent child, a partnership or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse, domestic partner, or dependent children, or a combination of them, hold a controlling interest; and

(7) a list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar year by the person, the person's spouse or domestic partner, or the person's dependent child, a partnership or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse or domestic partner or dependent children, or a combination of them, holds a controlling interest.

Green print is already in HB 109 Version "K"

Insert:

“(2) if the public officer’s personal or financial interest is held in a blind trust and, in a matter substantially related to the personal and financial interest, the public officer delegates to another public officer every official duty and does not influence or attempt to influence decision-making or policy; or”

Page 22, following line 21:

Insert a new bill section:

“**Sec. 39.52.955. Blind trusts.** (a) To Qualify as a blind trust for purposes of AS 39.52.110(b)(2), a trust must meet the requirements of AS 39.50.040, and

- (1) may not include as asset or investment that
- (A) is of a permanency that makes transfer by the trustee improbable or impractical;
 - (B) is a security interest, a business, or real estate; or
 - (C) requires the public officer’s ownership right or interest to be recorded in a public office; and
- (2) the trustee of the blind trust shall, for income purposes,
- (A) prepare and file the public officer’s personal income tax returns, withholding from distribution of the trust’s income amounts sufficient to pay the public officer’s tax and, for the duration of the trust shall have authority to act on behalf of the public officer and to compromise the trustor’s tax liability, in the event of an audit of the trustor’s personal tax returns.
 - (B) Submit to the public officer a certification of income paid without identifying the assets producing the income.”

AS 39.52.110(b)

Title 39

Coghill

K.18

(i) owns a controlling interest, stock, or option to buy stock in the business and the controlling interest, stock, or option to buy stock has a fair market value of \$5,000 or more;

{ OWNS STOCK OR OPTIONS TO BUY STOCK THAT, WHEN COMBINED, EQUAL MORE THAN ONE PERCENT OF THE STOCK IN THE BUSINESS OR HAVE A TOTAL FAIR MARKET VALUE OF MORE THAN \$5,000. (iii) }

Owens or has an option to buy an equity interest in the business the fair market value of [WHICH IS] more than \$5,000 [OR ONE PERCENT OF THE TOTAL FAIR MARKET VALUE OF THE BUSINESS, WHICHEVER IS LESS]

AS 39.52.110(d) *Scope of Code*

Title 39

Cog-Am

AS 39.52.110(b) is amended as follows:

K.35

- (i) OWNS A CONTROLLING INTEREST IN THE BUSINESS AND THE CONTROLLING INTEREST HAS A FAIR MARKET VALUE OF \$5,000 OR MORE;
- (ii) OWNS STOCK OR OPTIONS TO BUY STOCK THAT, WHEN COMBINED, EQUAL MORE THAN ONE PERCENT OF THE STOCK IN THE BUSINESS OR HAVE A TOTAL FAIR MARKET VALUE OF MORE THAN \$5,000;
- (iii) OWNS OR HAS AN OPTION TO BUY AN EQUITY INTEREST IN THE BUSINESS THE FAIR MARKET VALUE OF WHICH IS MORE THAN \$5,000 OR ONE PERCENT OF THE TOTAL FAIR MARKET VALUE OF THE BUSINESS, WHICHEVER IS LESS;]

Insert:

(i) owns, or has options to buy, stock or any other equity interest in the business that, when combined, have a fair market value of \$5,000 or more;

AS 39.52.110(d) *Scope of Code*

Title 39

Governor

Tab 9 - A

AS 39.52.110 is amended by adding a new subsection to read:

(d) stock or other ownership interest in a business is presumed to be insignificant if the value of the stock or other ownership interest is less than \$5,000.

Tam Cook said this amendment will work with AS 39.52.110 as it is now but will be redundant if adopted with the language changes made in AS 39.52.110(b).

AS 39.52.180 (a) (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

Gruenberg Amendment

AS 39.52.180(a) Title 39

AS 39.52.180(a) Restrictions on Employment after leaving state service.

(a) a public officer who leaves state service may not, for two years after leaving state service, represent, advise or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter"

in **Gruenberg Amendment Coming** includes a case, proceeding, application, contract, [OR] determination, [BUT DOES NOT INCLUDE THE] proposal or consideration of legislative bills, resolutions and constitutional amendments, or other legislative measures, [;] or [THE] proposal, consideration, or adoption of administrative regulations.

AS 39.52.225 Disclosures in connection with executive clemency. Title 39

Tab 13

Lynn

K.28

Before granting executive clemency to a person, the governor shall disclose in writing to the attorney general if granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall make a written determination whether granting executive clemency to the person would violate AS 39.52.110 - 39.52.190.

AS 39.52.225 Executive clemency. Title 39

Gruenberg Amendment

K.27 A

Before granting executive clemency to a person, the governor shall disclose in writing to the attorney general if granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall make a written determination whether granting executive clemency to the person would violate AS 39.52.110 - 39.52.190. The attorney general's written determination is not confidential and shall be immediately made available to the public.

New AS 39.52.910(d).

Nothing in this Act shall supersede the provisions of AS 39.90.020, nor preclude individuals from being in an employment relationship with an immediate family member where neither family member is a supervisor who has authority to act or to effectively recommend action in the interest of the public employer in one of the following supervisory functions, if the exercise of that authority is not merely routine but requires the exercise of independent judgment:

- (a) employing, including hiring, transferring, laying off, or recalling;
- (b) discipline, including suspension, discharge, demotion, or issuance of written warnings; or
- (c) grievance adjudication, including responding to a first level grievance under a collective bargaining agreement."

Gruenberg Amendment

AS 39.52.960 Definitions

Title 39

French/Gruenberg

K.30

(14) "official action" means performance of any duties in the course and scope of a public officer's employment, including review, advice, participation, assistance, or **other** kind of involvement regarding a matter, such as a recommendation, decision, approval, disapproval, vote or other similar action, including inaction, by a public officer;

Revised Version of
Amendment # 22 (K.43)

25-GH1059\K.50
Cook/Wayne
3/2/07

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 4, following "government ":

2 Insert "relating to blind trusts approved by the Alaska Public Offices
3 Commission;"

4

5 Page 19, following line 9:

6 Insert a new bill section to read:

7 ** Sec. 26. AS 39.50.040 is amended to read:

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

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

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

1 (2) the trustee shall be a bank or other institutional fiduciary;

2 (3) the trustee shall have full authority to manage the trust, including
3 the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

4 (4) the trust instrument shall contain a clear statement that its
5 purpose is to remove from the trustor control and knowledge of investment of
6 trust assets so that conflicts between the trustor's responsibilities and duties as a
7 public official and the trustor's personal or financial interests will be eliminated
8 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
9 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
10 DURATION OF THE TRUST];

11 (5) the trustee shall be directed not to disclose to the trustor any
12 information about the identity and nature of any of the assets in the trust, and the
13 trustee shall be required to report any known breach of this confidentiality or the
14 termination of the trust to the commission [OFFICE WHERE THE TRUSTOR IS
15 REQUIRED TO FILE STATEMENTS UNDER THIS CHAPTER]; [AND]

16 (6) the trust shall be irrevocable and shall be terminated only upon
17 the death of the trustor, upon termination of the trustor's status as a public
18 official, or upon order of the commission;

19 (7) the trustee shall be required to

20 (A) prepare and file the trustor's personal income tax
21 returns, withholding from distribution of the trust's net income amounts
22 sufficient to pay the trustor's tax; and to participate in the audit of the
23 trustor's returns during the period of the trust, with authority to
24 compromise the trustor's tax liability; or

25 (B) submit to the trustor, for income tax purposes, a
26 certification of income paid without identifying the assets producing the
27 income;

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

31 (9) the trustor may not retain control over the trustee, and the

1 trustor is not permitted to make any recommendations or suggestions as to the
2 trust property;

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

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

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

15

16 Renumber the following bill sections accordingly.

17

18 Page 22, line 9:

19 Delete "sec. 29"

20 Insert "sec. 30"

21

22 Page 22, line 10:

23 Delete "sec. 29"

24 Insert "sec. 30"

25

26 Page 22, line 11:

27 Delete "sec. 30"

28 Insert "sec. 31"

29

30 Page 22, line 14:

31 Delete "sec. 30"

- 1 Insert "sec. 31"
- 2
- 3 Page 22, line 15:
- 4 Delete "sec. 31"
- 5 Insert "sec. 32"
- 6
- 7 Page 22, line 18:
- 8 Delete "sec. 31"
- 9 Insert "sec. 32"
- 10
- 11 Page 22, line 19:
- 12 Delete "and 26"
- 13 Insert "26, and 27"
- 14
- 15 Page 22, line 20:
- 16 Delete "sec. 33"
- 17 Insert "sec. 34"

Nancy Manly

From: Michael Sica
Sent: Thursday, March 01, 2007 3:05 PM
To: Nancy Manly
Subject: FW: HB 109 * Amendment 13

Attachments: draft amendment CSHB 109 -- details in legislative disclosures.doc



draft amendment
CSHB 109 -- de...

-----Original Message-----

From: Dave Jones [mailto:Dave_Jones@law.state.ak.us]
Sent: Thursday, March 01, 2007 2:02 PM
To: Michael Sica
Subject: HB 109 * Amendment 13

Mike,

I'm trying to figure out the effect of the House State Affairs Committee's adoption of the amendment to amendment 13, which addresses legislative financial disclosures.

Amendment 13 (attached) would require additional details in legislative disclosures, deleting language that limits disclosure of the amount of income to situations in which the source has a substantial interest in legislative, administrative, or political action. If I understood correctly, the committee amended the amendment to restore the deleted language. Consequently, as the committee amended the provision, AS 24.60.200(2) would provide as follows:

(2) as to income in excess of \$1,000 received as compensation for personal services, the name and address of the source of the income, the amount of the income, the number of hours of services performed to earn that income, and a statement describing in detail the nature of the services performed; IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR POLITICAL ACTION AND THE RECIPIENT OF THE INCOME IS A LEGISLATOR OR A LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED.

Because the first part of the provision requires reporting of income amounts, while the second part requires reporting of income amounts only in certain circumstances, it's unclear what the effect is. One possible interpretation would be that public members of the Select Committee would have to report the amount of all income exceeding \$1,000, but legislators and legislative directors would have to report the amount only if the source has a substantial interest in legislative, administrative, or political action.

Eliminating "the amount of the income" on lines 19 and 20 of page 1 of the amendment (in bold, above) would seem to eliminate the ambiguity and achieve what I believe the committee intended. However, the intent of the governor's amendment was to require reporting of the amount received in all legislative disclosures.

1 AMENDMENT

2
3 OFFERED IN THE HOUSE

BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 16, following line 8:

7 Insert a new bill section to read:

8 **** Sec. 22.** AS 24.60.200 is amended to read:

9 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
10 **committee, and legislative directors.** A legislator, a public member of the
11 committee, and a legislative director shall file a disclosure statement, under oath and
12 on penalty of perjury, with the Alaska Public Offices Commission giving the
13 following information about the income received by the discloser, the discloser's
14 spouse or domestic partner, the discloser's dependent children, and the discloser's
15 nondependent children who are living with the discloser:

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

18 (2) as to income in excess of \$1,000 received as compensation for
19 personal services, the name and address of the source of the income, **the amount of**
20 **the income, the number of hours of services performed to earn that income,** and a
21 statement describing **in detail** the nature of the services performed; [IF THE SOURCE
22 OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE
23 A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR

1 POLITICAL ACTION AND THE RECIPIENT OF THE INCOME IS A
2 LEGISLATOR OR A LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME
3 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED;]

4 (3) as to each loan or loan guarantee over \$1,000 from a source with a
5 substantial interest in legislative, administrative, or political action, the name and
6 address of the person making the loan or guarantee, the amount of the loan, the terms
7 and conditions under which the loan or guarantee was given, the amount outstanding
8 at the time of filing, and whether or not a written loan agreement exists.”

9

10 Renumber the following bill sections accordingly.

Alaska State Legislature



Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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Date: Feb. 28, 2007

To: House State Affairs Committee Members
Fr: Representative Bob Lynn
Re: House Bill 109

The following binder for HB 109 (Version K) Disclosure and Ethics now has all amendments listed by number, and will make things easier to follow. We also want to improve the process for House Records in keeping track of the amendments for this Ethics omnibus bill.

As you may recall, we adjourned the last meeting with Amendments 12 and 13 (by the Governor) on the table. After dealing with those amendments and related issues, I would like to go back to address two amendments in earlier sections:

In Title 15, Dave Jones wants us to amend Amendment 2 to the Governor's Amendment 2 (K.42). He will explain.

In Title 24, we need to offer an Amendment (K.17), which was not offered during the last meeting. It is now labeled, "Amendment 14."

Thank you for your patience and cooperation in helping to pass this important legislation.

25-GH1059AK
Wayne
2/21/07

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

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to campaign financing and ethics in state and municipal government,
2 to lobbying, and to employment, service on governing boards, and disclosures by certain
3 public officers and employees who leave state service or leave certain positions in state
4 government; and providing for an effective date."

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

6 * Section 1. AS 15.13.040(g) is amended to read:

7 (g) The provisions of (a) and (d) of this section do not apply to a delegate to a
8 constitutional convention, a judge seeking electoral confirmation, or a candidate
9 for election to a municipal office under AS 15.13.010, if that delegate, judge, or
10 [[B A] candidate

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

14 (2) accepts contributions totaling not more than \$5,000 in seeking

1 election to office, including both the primary and general elections; and

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

4 * Sec. 2. AS 15.13.040(m) is amended to read:

5 (m) The commission may request that the information required under this
6 chapter be submitted electronically but shall accept any information required under
7 this chapter that is typed in clear and legible black typeface or hand-printed in dark ink
8 on paper in a format approved by the commission or on forms provided by the
9 commission and that is filed with the commission. However, a candidate for
10 governor or lieutenant governor shall submit the information required under this
11 chapter electronically, but the commission may, when extraordinary
12 circumstances warrant an exception, accept any information required from these
13 candidates under this chapter that is typed in clear and legible black typeface or
14 hand-printed in dark ink on paper in a format approved by the commission or on
15 forms provided by the commission and that is filed with the commission.

16 * Sec. 3. AS 24.45.031(a) is amended to read:

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

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

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

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

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

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

31 (6) administer an annually updated training course that promotes

adherence to high ethical standards of professional conduct and teaches lobbyists and employers of lobbyists how to comply with laws that regulate lobbyists.

* Sec. 4. AS 24.45.041(b) is amended to read:

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

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

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

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

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

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

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

(7) 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);

(8) a sworn affirmation by the lobbyist that the lobbyist has completed the training course administered by the commission under AS 24.45.031(a) within the 12-month period preceding the date of registration or registration renewal under this chapter, except this paragraph does not apply to

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a person who is a representational lobbyist as defined under regulations of the commission.

* Sec. 5. AS 24.45.121 is amended by adding a new subsection to read:

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

* Sec. 6. AS 24.60.020(a) is amended to read:

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

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

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

* Sec. 7. AS 24.60.030(a) is amended to read:

(a) A legislator or legislative employee may not

(1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions, solicitation or acceptance of contributions for a charity event, as defined in AS 24.60.080(c)(10), or the acceptance of a lawful gratuity under AS 24.60.080;

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

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

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

4 (C) telephone or facsimile use that does not carry a special
5 charge;

6 (D) the legislative council, notwithstanding AS 24.05.190,
7 from designating a public facility for use by legislators and legislative
8 employees for health or fitness purposes; when the council designate a facility
9 to be used by legislators and legislative employees for health or fitness
10 purposes, it shall adopt guidelines governing access to and use of the facility;
11 the guidelines may establish times in which use of the facility is limited to
12 specific groups;

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

22 (F) a legislator from use of legislative employees to prepare
23 and send out seasonal greeting cards;

24 (G) a legislator from using state resources to transport
25 computers or other office equipment owned by the legislator but primarily used
26 for a state function;

27 (H) use by a legislator of photographs of that legislator;

28 (I) reasonable use of the Internet by a legislator or a legislative
29 employee except if the use is for election campaign purposes;

30 (J) a legislator or legislative employee from soliciting,
31 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable

1 organization in a state facility;

2 (K) a legislator from sending any communication in the form of
3 a newsletter to the legislator's constituents unless the communication is

4 (i) sent during the 30-day period immediately
5 preceding a state election; or

6 (ii) [, EXCEPT] a communication expressly advocating
7 the election or defeat of a candidate or a newsletter or material in a
8 newsletter that is clearly only for the private benefit of a legislator or a
9 legislative employee; or

10 (L) full participation in a charity event approved in advance by
11 the Alaska Legislative Council;

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

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

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

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

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

1 (C) telephone or facsimile use that does not carry a special
2 charge;

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

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

14 (F) use by a legislator of photographs of that legislator.

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

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

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

9 * Sec. 9. AS 24.60.070(c) is amended to read:

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

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

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

23 (1) hospitality, other than hospitality described in (4) of this
24 subsection,

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

28 (B) at a social event or meal;

29 (2) discounts that are available

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

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

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

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

(5) gifts from the immediate family of the person;

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

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

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

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

(10) tickets from a lobbyist for a charity event at any time, including during a legislative session, except that tickets to or gifts received at a charity event under this paragraph are subject to the calendar year limit on the value of gifts received by a legislator or legislative employee in (a) of this section; in this paragraph, "charity event" means an event the proceeds of which go to a charitable organization

1 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council
2 has approved in advance; the tickets may entitle the bearer to admission to the event,
3 to entertainment, to food or beverages, or to other gifts or services involved in the
4 charity event; or

5 (11) a contribution to a charity event from any person at any time; in
6 this paragraph, "charity event" has the meaning given in (10) of this subsection.

7 * Sec. 11. AS 24.60.080(d) is amended to read:

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

31 * Sec. 12. AS 24.60.080(i) is amended to read:

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 disclose for publication under (d) of
4 this section [REPORT] the receipt of the gift by the family member to the committee
5 if the gift would have to be disclosed [REPORTED] under this section if it had been
6 received by the legislator or legislative employee or if receipt of the gift by a legislator
7 or legislative employee would be prohibited under this section.

8 * Sec. 13. AS 24.60.100 is amended to read:

9 **Sec. 24.60.100. Representation.** A legislator or legislative employee who
10 represents another person for compensation before an agency, board, or commission of
11 the state shall disclose the name of the person represented, the subject matter of the
12 representation, and the body before which the representation is to take place to the
13 committee. The disclosure shall be made by the deadline [DEADLINES] set out in
14 AS 24.60.105. The committee shall maintain a public record of a disclosure under this
15 section and forward the disclosure to the respective house for inclusion in the journal.
16 A legislator or legislative employee may not represent another person for
17 compensation before an agency, committee, or other entity of the legislative branch.

18 * Sec. 14. AS 24.60.105 is amended to read:

19 **Sec. 24.60.105. Deadline [DEADLINES] for filing disclosures.** (a) When a
20 legislator or legislative employee is required to file a disclosure under this chapter and
21 a date by which the disclosure must be filed is not otherwise set by statute, the
22 deadline for filing disclosure shall be 30 days [DEADLINES SET OUT IN THIS
23 SECTION SHALL APPLY, FOR DISCLOSURE OF A MATTER OR AN
24 INTEREST THAT BEGAN OR WAS ACQUIRED DURING THE INTERIM
25 BETWEEN REGULAR LEGISLATIVE SESSIONS, WHETHER OR NOT THE
26 REGULAR SESSION IS EXTENDED OR THERE IS A SPECIAL SESSION, OR
27 DURING THE LAST 30 DAYS OF A REGULAR SESSION, THE LEGISLATOR
28 OR LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE MATTER BY MARCH
29 15. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR
30 WAS ACQUIRED DURING A REGULAR LEGISLATIVE SESSION, BUT NOT
31 DURING THE LAST 30 DAYS OF THE REGULAR SESSION, THE

1 DISCLOSURE MUST BE MADE WITHIN 30 DAYS] after the commencement of
2 the matter, interest, or representation.

3 (b) Disclosures under the following statutes are subject to the deadline
4 [DEADLINES] set out in this section:

5 (1) service on the board of an organization as set out in
6 AS 24.60.030(f);

7 (2) an interest in a state contract or lease under AS 24.60.040 and the
8 renegotiation of the terms of a state contract or lease that materially affect the
9 obligations of either party;

10 (3) participation in a state program or receipt of a state loan under
11 AS 24.60.050 and the renegotiation of the terms of the program or loan if the
12 renegotiation materially affects the obligations of either party;

13 (4) formation or maintenance of a close economic association under
14 AS 24.60.070;

15 (5) representation of a client under AS 24.60.100.

16 * Sec. 15. AS 24.60 is amended by adding a new section to article 2 to read:

17 **Sec. 24.60.115. Disclosure required of a legislator, legislative employee, or**
18 **public member of the committee after final day of service.** A person serving as a
19 legislator, legislative employee, or public member of the committee shall, not later
20 than 90 days after the person's final day of service as a legislator, legislative employee,
21 or public member, file a disclosure of every matter that was subject to disclosure under
22 this chapter while the person was serving.

23 * Sec. 16. AS 24.60.130(n) is amended to read:

24 (n) When appointing members of the legislature to serve on the committee, the
25 speaker of the house or the president of the senate, as appropriate, shall appoint an
26 alternate member for each regular member. An alternate must have the same
27 qualifications as the regular member for whom the alternate stands as alternate and is
28 subject to confirmation as required for the regular member. If a regular legislative
29 member of the committee or a subcommittee is unable to attend a meeting, the
30 chair of the committee or a subcommittee shall designate the regular member's
31 alternate to serve in place of the regular member at the meeting and the

1 designated alternate shall serve unless unable to serve for any reason. If a regular
2 legislative member of the committee or a subcommittee is disqualified under (h) of
3 this section from serving on the committee or the subcommittee concerning a
4 proceeding under AS 24.60.170 or if the regular member is unable to attend, the
5 chair of the committee or a subcommittee shall designate the regular member's
6 alternate to serve in place of the regular member in the proceeding unless the alternate
7 is also disqualified from serving. The designation shall be treated as confidential to the
8 same extent that the identity of the subject of a complaint is required to be kept
9 confidential.

10 * Sec. 17. AS 24.60.150(a) is amended to read:

11 (a) The committee shall

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

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

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

21 (4) in January of each year and at other times determined by the
22 committee, administer a legislative ethics course that teaches means of
23 compliance with this chapter and an understanding of this chapter's purpose
24 under AS 24.60.010.

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

26 Sec. 24.60.155. A person who is a legislator, legislative employee, or public
27 member of the committee shall complete the legislative ethics course administered by
28 the committee under AS 24.60.150(a) within 10 days of the first day of the first
29 regular session of each legislature. However, a person who first takes office or begins
30 employment after the 10th day of the first regular session of a legislature shall
31 complete the course required by this section within 30 days after the person's first day

1 of service. The committee may grant a person additional time to complete the course
2 required by this section.

3 * Sec. 19. AS 24.60.160 is amended to read:

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

13 (b) An opinion issued under this section is binding on the committee in any
14 subsequent proceedings concerning the facts and circumstances of the particular case
15 unless material facts were omitted or misstated in the request for the advisory opinion.
16 An opinion issued under this section must be issued with sufficient deletions to
17 prevent disclosing the identity of the person or persons involved. Advisory
18 opinion discussions and deliberations are confidential, unless the requester and
19 anyone else named in the request who is covered by this chapter waives
20 confidentiality. The committee's final vote on the advisory opinion is a public
21 record [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY OPINION
22 IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN REQUEST
23 BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH THE
24 COMMITTEE].

25 * Sec. 20. AS 24.60.170(j) is amended to read:

26 (j) If the committee has issued a formal charge under (h) of this section, and if
27 the person charged has not admitted the allegations of the charge, the committee shall
28 schedule a hearing on the charge. The committee may appoint an individual to present
29 the case against the person charged if that individual does not provide other [AND
30 HAS NOT PROVIDED] legal advice to the committee except in the course of
31 presenting cases under this subsection. The hearing shall be scheduled for a date more

1 than 20 and less than 90 days after service of the charge on the person charged, unless
2 the committee schedules [THE PERSON AGREES TO] a later hearing date. If the
3 complainant prevents the hearing from starting before the 90-d. deadline passes
4 and a quorum of the committee determines the delay is not supported by a
5 compelling reason or will result in the person charged being deprived of a fair
6 hearing, the committee may dismiss the complaint with prejudice or enter some
7 other order the committee determines is appropriate. At the hearing, the person
8 charged shall have the right to appear personally before the committee, to subpoena
9 witnesses and require the production of books or papers relating to the proceedings, to
10 be represented by counsel, and to cross-examine witnesses. A witness shall testify
11 under oath. The committee is not bound by the rules of evidence, but the committee's
12 findings must be based upon clear and convincing evidence. Testimony taken at the
13 hearing shall be recorded, and evidence shall be maintained.

14 * Sec. 21. AS 24.60.176(b) is amended to read:

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

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

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

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

25 (4) the appropriate rules committee for employees of

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

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

30 (C) house records and senate records;

31 (5) the legislator who made the hiring decision for employees of

1 individual legislators; however, the legislator may request the appropriate rules
2 committee to act in the legislator's stead;

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

5 (7) the legislature for the ombudsman;

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

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

9 * Sec. 22. AS 24.60.210 is amended by adding a new subsection to read:

10 (c) The Alaska Public Offices Commission may request that the reports
11 required under this section be submitted electronically but shall accept any
12 information required under this section that is typed in clear and legible black typeface
13 or hand-printed in dark ink on paper in a format approved by the commission or on
14 forms provided by the commission and that is filed with the commission.

15 * Sec. 23. AS 24.60.250(e) is amended to read:

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

22 * Sec. 24. AS 39.50.020 is amended to read:

23 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
24 official other than the governor or the lieutenant governor shall file a statement giving
25 income sources and business interests, under oath, and on penalty of perjury, within 30
26 days after taking office as a public official. Candidates for state elective office other
27 than a candidate who is subject to AS 24.60 shall file the statement with the director of
28 elections at the time of filing a declaration of candidacy or a nominating petition or
29 becoming a candidate by any other means. Candidates for elective municipal office
30 shall file the statement at the time of filing a nominating petition, declaration of
31 candidacy, or other required filing for the elective municipal office. Refusal or failure

1 to file within the time prescribed shall require that the candidate's filing fees, if any,
2 and filing for office be refused or that a previously accepted filing fee be returned and
3 the candidate's name removed from the filing records. A statement shall also be filed
4 by public officials no later than March 15 in each following year. On or before the
5 90th day after leaving office a former public official shall file a final statement
6 covering any period during the official's service in that office for which the public
7 official has not already filed a statement. Persons who are members of boards or
8 commissions not named in AS 39.50.200(b) are not required to file financial
9 statements.

10 (b) A public official or former public official other than an elected or
11 appointed municipal officer shall file the statement with the Alaska Public Offices
12 Commission. Candidates for the office of governor and lieutenant governor and, if the
13 candidate is not subject to AS 24.60, the legislature shall file the statement under
14 AS 15.25.030 or 15.25.180. Municipal officers, former municipal officers, and
15 candidates for elective municipal office, shall file with the municipal clerk or other
16 municipal official designated to receive their filing for office. All statements required
17 to be filed under this chapter are public records.

18 * Sec. 25. AS 39.50.030(b) is amended to read:

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

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

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

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

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

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

31 (E) if the income was earned by the hour, the approximate

1 number of hours worked; and

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

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

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

15 (4) the identity of each trust or other fiduciary relation in which the
16 person, the person's spouse or domestic partner, or the person's dependent child held a
17 beneficial interest exceeding \$5,000 during the preceding calendar year, a description
18 and identification of the property contained in each trust or relation, and the nature and
19 extent of the beneficial interest in it;

20 (5) any loan or loan guarantee of more than \$5,000 made to the person,
21 the person's spouse or domestic partner, or the person's dependent child, and the
22 identity of the maker of the loan or loan guarantor and the identity of each creditor to
23 whom the person, the person's spouse or domestic partner, or the person's dependent
24 child owed more than \$5,000; this paragraph requires disclosure of a loan, loan
25 guarantee, or indebtedness only if the loan or guarantee was made, or the indebtedness
26 incurred, during the preceding calendar year, or if the amount still owing on the loan,
27 loan guarantee, or indebtedness was more than \$5,000 at any time during the
28 preceding calendar year;

29 (6) a list of all contracts and offers to contract with the state or an
30 instrumentality of the state during the preceding calendar year held, bid, or offered by
31 the person, the person's spouse or domestic partner, or the person's dependent child, a

1 partnership or professional corporation of which the person is a member, or a
2 corporation in which the person or the person's spouse, domestic partner, or dependent
3 child [CHILDREN], or a combination of them, hold a controlling interest; and

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

10 * Sec. 26. AS 39.50.050(a) is amended to read:

11 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
12 shall administer the provisions of this chapter. The commission shall prepare and keep
13 available for distribution standardized forms on which the reports required by this
14 chapter shall be filed. The commission shall print the forms provided under this
15 section so that the front and back of each page have the same orientation when the
16 page is rotated on the vertical axis of the page. The commission may request that the
17 information required under this chapter be submitted electronically but shall accept
18 any information required under this chapter that is typed in clear and legible black
19 typeface or hand-printed in dark ink on paper in a format approved by the commission
20 or on forms provided by the commission and that is filed with the commission.
21 However, the governor or lieutenant governor shall submit the information
22 required under this chapter electronically, but the commission may, when
23 extraordinary circumstances warrant an exception, accept any information
24 required from these public officers under this chapter that is typed in clear and
25 legible black typeface or hand-printed in dark ink on paper in a format approved
26 by the commission or on forms provided by the commission and that is filed with
27 the commission.

28 * Sec. 27. AS 39.52.110(b) is repealed and reenacted to read:

29 (b) Notwithstanding (a) of this section, a public officer's action or influence
30 with respect to the officer's personal or financial interest in a specific matter is not a
31 violation of public trust or a violation of this chapter

1 (1) if the public officer's action or influence in the matter would have
2 only an insignificant or conjectural effect on the matter; or

3 (2) if the public officer's

4 (A) personal or financial interest is of a type that is possessed
5 generally by the public or a large class of persons to which the public officer
6 belongs;

7 (B) personal interest is insignificant; or

8 (C) financial interest is solely in regard to a business and
9 neither the public officer nor a member of the public officer's immediate
10 family

11 (i) owns a controlling interest in the business and the
12 controlling interest has a fair market value of \$5,000 or more;

13 (ii) owns stock or options to buy stock that, when
14 combined, equal more than one percent of the stock in the business or
15 have a total fair market value of more than \$5,000,

16 (iii) owns or has an option to buy an equity interest in
17 the business the fair market value of which is more than \$5,000 or one
18 percent of the total fair market value of the business, whichever is less;

19 (iv) is a member of the board of directors or another
20 governing body of the business;

21 (v) is an officer of the business;

22 (vi) provides or has an option to provide personal or
23 professional services to the business;

24 (vii) has a contract or an option for a contract with the
25 business; or

26 (viii) is an employee of the business.

27 * Sec. 28. AS 39.52.130(a) is amended to read:

28 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
29 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
30 employment, promise, or in any other form, that is a benefit to the officer's personal or
31 financial interests, under circumstances in which it could reasonably be inferred that

1 the gift is intended to influence the performance of official duties, actions, or
 2 judgment. A gift from a person required to register as a lobbyist under
 3 AS 24.45.041 to a public officer or a public officer's immediate family member is
 4 presumed to be intended to influence the performance of official duties, actions,
 5 or judgment unless the giver is an immediate family member of the person
 6 receiving the gift.

7 * Sec. 29. AS 39.52.180(a) is amended to read:

8 (a) A public officer who leaves state service may not, for two years after
 9 leaving state service, represent, advise, or assist a person for compensation regarding a
 10 matter that was under consideration by the administrative unit served by that public
 11 officer, and in which the officer participated personally and substantially through the
 12 exercise of official action. For the purposes of this subsection, "matter" includes a
 13 case, proceeding, application, contract, [OR] determination, [BUT DOES NOT
 14 INCLUDE THE] proposal or consideration of a legislative bill [BILLS], a resolution,
 15 a [RESOLUTIONS AND] constitutional amendment [AMENDMENTS], or other
 16 legislative measure [MEASURES;] or [THE] proposal, consideration, or adoption of
 17 an administrative regulation [REGULATIONS].

18 * Sec. 30. AS 39.52.180(d) is amended to read:

19 (d) A former governor, lieutenant governor, [OR] head or deputy head of a
 20 principal department in the executive branch, or employee of the Office of the
 21 Governor in a policy-making position *who is required to file a financial disclosure with the*
 22 AS 24.45 for a period of one year after leaving service as the governor, lieutenant
 23 governor, [OR] department head or deputy head, or employee of the Office of the
 24 Governor in a policy-making position, as appropriate. This subsection does not
 25 prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a
 26 representational lobbyist as defined under regulations of the Alaska Public Offices
 27 Commission.

28 * Sec. 31. AS 39.52.180 is amended by adding a new subsection to read:

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

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

7 * Sec. 32. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

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

11 (b) AS 39.52.180(d), as amended by sec. 30 of this Act, applies to a person who
12 leaves service as governor, lieutenant governor, head or deputy head of a principal department
13 in the executive branch, or employee of the Office of the Governor in a policy-making
14 position on or after the effective date of sec. 30 of this Act.

15 (c) AS 39.52.180(e), as added by sec. 31 of this Act, applies to a department head or
16 employee of the Office of the Governor in a policy-making position who leaves employment
17 as a department head or employee of the Office of the Governor in a policy-making position
18 on or after the effective date of sec. 31 of this Act.

19 * Sec. 33. Sections 2, 22, and 25 of this Act take effect July 1, 2007.

20 * Sec. 34. Except as provided in sec. 33 of this Act, this Act takes effect immediately under
21 AS 01.10.070(c).

TITLE 11
AMENDMENTS

TITLE 11
AMENDMENTS

Not Offered

25-GH1059\K.8
Wayne
2/21/07

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 1, line 1, following "relating":

2 Insert "to legislators and candidates for the legislature,"

3

4 Page 1, following line 5:

5 Insert a new bill section to read:

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

7 **Sec. 11.56.135. Improper legislative campaign contribution and**
8 **agreement.** (a) A person commits the crime of improper legislative campaign
9 contribution and agreement if the person

10 (1) explicitly agrees to make a campaign contribution to a member of
11 the legislature or a candidate for the legislature, and makes that contribution, in
12 exchange for an agreement by the legislator or the candidate to alter the legislator's or
13 candidate's position on a legislative matter; or

14 (2) as a member of the legislature or a candidate for the legislature,
15 accepts a campaign contribution and explicitly agrees, in exchange for that
16 contribution, to alter the legislator's or candidate's position on a legislative matter.

17 (b) Improper legislative campaign contribution and agreement is a class B
18 felony."

19

20 Renumber the following bill sections accordingly.

21

22 Page 22, following line 18:

23 Insert a new subsection to read:

1 "(d) AS 11.56.135, as added by sec. 1 of this Act, applies to offenses occurring on or
2 after the effective date of sec. 1 of this Act."

3

4 Renumber the following bill sections accordingly.

5

6 Page 22, line 9:

7 Delete "sec. 29"

8 Insert "sec. 30"

9

10 Page 22, line 10:

11 Delete "sec. 29"

12 Insert "sec. 30"

13

14 Page 22, line 11:

15 Delete "sec. 30"

16 Insert "sec. 31"

17

18 Page 22, line 14:

19 Delete "sec. 30"

20 Insert "sec. 31"

21

22 Page 22, line 15:

23 Delete "sec. 31"

24 Insert "sec. 32"

25

26 Page 22, line 18:

27 Delete "sec. 31"

28 Insert "sec. 32"

29

30 Page 22, line 19:

31 Delete "Sections 2, 22, and 26"

1 Insert "Sections 3, 23, and 27"

2

3 Page 22, line 20:

4 Delete "sec. 33"

5 Insert "sec. 34"

Amendment Failed

25-LS8001A.4

Wayne

2/9/07

Amendment #1

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 109 (K version)

By GRUENBERG

1 Page _____, line _____:

2 Insert ~~"relating to state and municipal elected officials and candidates for state~~
3 ~~and municipal elective office; relating to certain campaign contributions made in~~
4 ~~exchange for certain agreements;~~

5
6 Page 1, ^{following} line 5:

7 Insert a new bill section to read:

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

9 **Sec. 11.56.135. Improper campaign contribution and agreement.** (a) A
10 person commits the crime of improper campaign contribution and agreement if the
11 person

12 (1) explicitly agrees to make a campaign contribution to a state or
13 municipal elected official or a candidate for a state or municipal elective office, and
14 makes that contribution, in exchange for an agreement by the elected official or
15 candidate to alter the official's or candidate's position on a matter or issue related to
16 the official duties of the statewide or municipal elective office held or sought; or

17 (2) as a state or municipal elected official or a candidate for state or
18 municipal elective office, accepts a campaign contribution and explicitly agrees, in
19 exchange for that contribution, to alter the official's or candidate's position on a matter
20 or issue related to the official duties of the statewide or municipal elective office held
21 or sought.

22 (b) Improper campaign contribution and agreement is a class B felony."
23

Remember the following sections accordingly

1 Page 22 ^{following} line 6:

2 Insert a new bill section to read:

3 ³³
4 *** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

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

Renumber following sections accordingly

TITLE 15 AMENDMENTS

TITLE 15
AMENDMENTS

Amendment Passed as Amended

1 AS 15.13.040(m) Governor's Amendment #2 Electronic Campaign Filing - Title 15

2
3 OFFERED IN THE HOUSE

BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 2, line 5, following "commission":

7 Delete "may request"

8 Insert "shall require"

9
10 Page 2, line 6, following "chapter":

11 Insert ", unless it is information required of a candidate for election to municipal
12 elective office,"

13
14 Page 2, line 6, following "but":

15 Delete "shall"

16 Insert "may, when circumstances warrant an exception or when the information is
17 required of a candidate for election to municipal elective office,"

18
19 Page 2, line 9, following "with the commission.", through line 15

20 Delete all material and insert:

21 "Candidates for election to municipal elective office must submit information
22 required under this chapter electronically or in the typed or hand-printed form described in
23 this subsection. In this subsection, 'municipal elective office' means the office of an

Passed as Amended

2/21/07
1/21/07
1/21/07

1 elected borough or city mayor, elected member of a city or borough planning commission,
2 elected utility board member, or elected member of a borough assembly, city council, or
3 school board.”

4
5 Page 22, following line 18:

6 Insert a new bill section to read:

7 “* Sec. 33. Section 2 of this Act takes effect May 1, 2009.”

8

9 Remember the following bill sections accordingly.

10

11 Page 22, line 19, following “Sections”

12 Delete “2”

Amend #1 to amend #2

AS 15.13.040(m) AMENDMENT to Governor's Amendment (Title 15)

OFFERED IN THE HOUSE
TO: HB 109 (STA)

BY REPRESENTATIVE BOB LYNN

1 Page 2, Line 7, following "effect":

2 Delete "May 1, 2009"

3 Insert "July 1, 2007"

4

Amendment Failed

*Greenberg Objects - Substantial
hardship candidates in Rural area
or illiterate.*

*Coghlin Objects - Wants to see the
system prove itself*

*This amend. Failed
6 to 1*

15.13.078(c)

25-GH1059K.6
Wayne
2/21/07

**Amendment withdrawn, will
be worked on in Judiciary**

AMENDMENT # 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOHNSON

TO: CSHB 109(), Draft Version "K"

1 Page 2, following line 15:

2 Insert new bill sections to read:

3 **** Sec. 3.** 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)(1) **for expenditures** and until the date of the election for which the
7 report is filed, a candidate may not give or loan to the candidate's campaign the
8 candidate's money or other thing of value of the candidate in an amount that exceeds
9 \$5,000.

10 *** Sec. 4.** AS 15.13.110(a) is amended to read:

11 (a) Each candidate, group, and nongroup entity shall make a full report **of**
12 **expenditures** in accordance with AS 15.13.040 for the period ending three days
13 before the due date of the report and beginning on the last day covered by the most
14 recent previous report. If the report is a first report, it must cover the period from the
15 beginning of the campaign to the date three days before the due date of the report. If
16 the report is a report due February 15, it must cover the period beginning on the last
17 day covered by the most recent previous report or on the day that the campaign
18 started, whichever is later, and ending on February 1 of that year. The report shall be
19 filed

20 (1) 30 days before the election; however, this report is not required if
21 the deadline for filing a nominating petition or declaration of candidacy is within 30
22 days of the election;

23 (2) one week before the election;

- 1 (3) 105 days after a special election; and
 2 (4) February 15 for expenditures made [AND CONTRIBUTIONS
 3 RECEIVED] that were not reported previously, including, if applicable, all amounts
 4 expended from a public office expense term account established under
 5 AS 15.13.116(a)(8) and all amounts expended from a municipal office account under
 6 AS 15.13.116(a)(9), or when expenditures were not made [OR CONTRIBUTIONS
 7 WERE NOT RECEIVED] during the previous year.

8 * Sec. 5. AS 15.13.110(b) is amended to read:

9 (b) Each contribution [THAT EXCEEDS \$250 AND] that is made within nine
 10 days of the election shall be reported to the commission by date, amount, and
 11 contributor within 24 hours of receipt by the candidate, group, campaign treasurer, or
 12 deputy campaign treasurer. Each contribution to a nongroup entity for the purpose of
 13 influencing the outcome of an election [THAT EXCEEDS \$250 AND] that is made
 14 within nine days of the election shall be reported to the commission by date, amount,
 15 and contributor within 24 hours of receipt by the nongroup entity.

16 * Sec. 6. AS 15.13.110(e) is amended to read:

17 (e) A group formed to sponsor an initiative, a referendum or a recall shall
 18 report 30 days after its first filing with the lieutenant governor. Thereafter each group
 19 shall report all contributions received within 72 hours after receipt and shall
 20 report within 10 days after the end of each calendar quarter on the
 21 [CONTRIBUTIONS RECEIVED AND] expenditures made during the preceding
 22 calendar quarter until reports are due under (a) of this section."
 23

24 Renumber the following bill sections accordingly.

25
 26 Page 22, line 9:

27 Delete "29"

28 Insert "33"

29
 30 Page 22, line 10:

31 Delete "29"

- 1 Insert "33"
- 2
- 3 Page 22, line 11:
- 4 Delete "30"
- 5 Insert "34"
- 6
- 7 Page 22, line 14:
- 8 Delete "30"
- 9 Insert "34"
- 10
- 11 Page 22, line 15:
- 12 Delete "31"
- 13 Insert "35"
- 14
- 15 Page 22, line 18:
- 16 Delete "31"
- 17 Insert "35"
- 18
- 19 Page 22, line 19:
- 20 Delete "22, and 26"
- 21 Insert "26, and 30"
- 22
- 23 Page 22, line 20:
- 24 Delete "33"
- 25 Insert "37"

TITLE 24
AMENDMENTS

TITLE 24
AMENDMENTS

Amendment Passed

Amend # 6

⁴⁵
AS 24.45.121(a) Governor's Amendment (Parallel Positions for Lobbyists - Title 24)

1
2
3 OFFERED IN THE HOUSE BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059\K; 2/21/07)

6 Page 4, following line 2:

7 Insert new bill sections to read:

8 *** Sec. 5. AS 24.45.121(a) is amended to read:

9 (a) A lobbyist may not

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

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

14 (3) intentionally deceive or attempt to deceive any public official with
15 regard to any material fact pertinent to pending or proposed legislative or
16 administrative action,

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

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

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

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

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

14 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person
15 covered by AS 24.60, during a legislative session, a gift, other than food or
16 beverage for immediate consumption; however, this paragraph does not prohibit a
17 lobbyist from providing, during a legislative session or at any other time of the
18 year, tickets to a charity event described in AS 24.60.080(c)(10), or a contribution
19 to a charity event under AS 24.60.080(c)(11),

20 (10) make or offer a gift or a campaign contribution whose acceptance by
21 the person to whom it is offered would violate AS 24.60 or AS 39.52."

22 ** Sec. 6. AS 24.45.121 is amended by adding a new subsection to read:

1 (d) An individual may not engage in any activity as a lobbyist at any time
2 that AS 39.52 prohibits that individual from engaging in activity as a lobbyist. This
3 subsection does not prohibit service as a volunteer lobbyist described in
4 AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the
5 Alaska Public Offices Commission.”

6
7 Renumber the following bill sections accordingly.

Amend # 17

Amendment Withdrawn

Amendment - Representative Lynn

In Section 5. AS 24.45.121

Page 4 Line 4

delete: spouse or domestic partner
replace with immediate family members

Page 4 Line 5

delete: spouse or domestic partner
replace with immediate family members

This is in
the Bill HB 109

24.45.121
supersedes 790

Definition of "immediate family members" found in Title 24.60.990

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;

24.60.030(a)(2)(L)
24.60.080(c)(10)

Amend # 8

Krumberg
25-GH1059 K.14
Cook/Wayne
2/21/07

With.
**Amendment
Withdrawn**

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

- 1 Page 6, line 11:
- 2 Delete "Alaska Legislative Council"
- 3 Insert "committee [ALASKA LEGISLATIVE COUNCIL];
- 4
- 5 Page 10, line 1:
- 6 Delete "Alaska Legislative Council"
- 7 Insert "committee [ALASKA LEGISLATIVE COUNCIL]"

Cant separate

Amend # 8

Coghill objects

Krumberg

11 original project

letter of intent

returning to court

15 improve communication

Passed
2/2
Amended

25-GH1059K.54
Wayne
3/2/07

25-GH1059K.54
Wayne
3/2/07

New Amend #9
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 109(), Draft Version "K"

1 Page 7, following line 14:

2 Insert a new bill section to read:

3 *** Sec. 8.** AS 24.60.030(f) is amended to read:

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

19

20 Renumber the following bill sections accordingly.

21

22 Page 22, line 9:

23 Delete "sec. 29"

1 Insert "sec. 30"

2

3 Page 22, line 10:

4 Delete "sec. 29"

5 Insert "sec. 30"

6

7 Page 22, line 11:

8 Delete "sec. 30"

9 Insert "sec. 31"

10

11 Page 22, line 14:

12 Delete "sec. 30"

13 Insert "sec. 31"

14

15 Page 22, line 15:

16 Delete "sec. 31"

17 Insert "sec. 32"

18

19 Page 22, line 18:

20 Delete "sec. 31"

21 Insert "sec. 32"

22

23 Page 22, line 19:

24 Delete "22, and 26"

25 Insert "23, and 27"

26

27 Page 22, line 20:

28 Delete "sec. 33"

29 Insert "sec. 34"

24.60.030(F)

25-GH1059(K.41)
Wayne
2/22/07

AMENDMENT #9

Amendment Tabled

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 7, following line 14:

2 Insert a new bill section to read:

3 **** Sec. 8.** AS 24.60.030(f) is amended to read:

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

19
20 Renumber the following bill sections accordingly.

21
22 Page 22, line 9:

23 Delete "sec. 29"

*Passed Bruenberg offers
Amend # 1 of Amend # 7
to retain Capitalized Language*

*Amend # 2
None words shall disclose*

- 1 Insert "sec. 30"
- 2
- 3 Page 22, line 10:
- 4 Delete "sec. 29"
- 5 Insert "sec. 30"
- 6
- 7 Page 22, line 11:
- 8 Delete "sec. 30"
- 9 Insert "sec. 31"
- 10
- 11 Page 22, line 14:
- 12 Delete "sec. 30"
- 13 Insert "sec. 31"
- 14
- 15 Page 22, line 15:
- 16 Delete "sec. 31"
- 17 Insert "sec. 32"
- 18
- 19 Page 22, line 18:
- 20 Delete "sec. 31"
- 21 Insert "sec. 32"
- 22
- 23 Page 22, line 19:
- 24 Delete "22, and 26"
- 25 Insert "23, and 27"
- 26
- 27 Page 22, line 20:
- 28 Delete "sec. 33"
- 29 Insert "sec. 34"

24.60.080(e)

Amendment

Gruenberg

25-GH1059K.15
Cook/Wayne
2/21/07

Technical Amendment

Amendment Not Offered

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 10, following line 30:

2 Insert a new bill section to read:

3 **** Sec. 12.** AS 24.60.080(e) is amended to read:

4 (e) A political contribution is not a gift under this section if it is reported under
5 AS 15.13.040 [OR IS EXEMPT FROM THE REPORTING REQUIREMENT
6 UNDER AS 15.13.040(g)]. The use of a bulk mailing permit owned by a legislator's
7 campaign committee or used in a legislator's election campaign is not a gift to that
8 legislator under this section.
9

10 Renumber the following bill sections accordingly.

11

12 Page 22, line 9:

13 Delete "sec. 29"

14 Insert "sec. 30"

15

16 Page 22, line 10:

17 Delete "sec. 29"

18 Insert "sec. 30"

19

20 Page 22, line 11:

21 Delete "sec. 30"

22 Insert "sec. 31"

23

- 1 Page 22, line 14:
- 2 Delete "sec. 30"
- 3 Insert "sec. 31"
- 4
- 5 Page 22, line 15:
- 6 Delete "sec. 31"
- 7 Insert "sec. 32"
- 8
- 9 Page 22, line 18:
- 10 Delete "sec. 31"
- 11 Insert "sec. 32"
- 12
- 13 Page 22, line 19:
- 14 Delete "22, and 26"
- 15 Insert "23, and 27"
- 16
- 17 Page 22, line 20:
- 18 Delete "sec. 33"
- 19 Insert "sec. 34"

24.60.085 (Stevens)

25-GH1059K.16
Cook/Wayne
2/21/07

Amendment Not Offered

AMENDMENT

Not Here

OFFERED IN THE HOUSE

TO: CSHB 109(), Draft Version "K"

1 Page 11, following line 7:

2 Insert a new bill section to read:

3 **** Sec. 13.** AS 24.60.085 is amended by adding a new subsection to read:

4 (c) A legislator may not, directly or by authorizing another to act on the
5 legislator's behalf, provide consulting services to a person in the private sector or
6 accept, or agree to accept, consulting fees from a person in the private sector."
7

8 Page 22, line 9:

9 Delete "sec. 29"

10 Insert "sec. 30"

11

12 Page 22, line 10:

13 Delete "sec. 29"

14 Insert "sec. 30"

15

16 Page 22, line 11:

17 Delete "sec. 30"

18 Insert "sec. 31"

19

20 Page 22, line 14:

21 Delete "sec. 30"

22 Insert "sec. 31"

23

~~Bob 24.60.085
isn't here.
(K.16)
Title 24 Tab 13~~

- 1 Page 22, line 15:
- 2 Delete "sec. 31"
- 3 Insert "sec. 32"
- 4
- 5 Page 22, line 18:
- 6 Delete "sec. 31"
- 7 Insert "sec. 32"
- 8
- 9 Page 22, line 19:
- 10 Delete "22, and 26"
- 11 Insert "23, and 27"
- 12
- 13 Page 22, line 20:
- 14 Delete "sec. 33"
- 15 Insert "sec. 34"

24.60.130 (VOICE-ETHICS)

25-GH1059K.40
Wayne
2/23/07

Amendment Passed

AMENDMENT #10

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 109(), Draft Version "K"

Legisl. Object

1 Page 13, following line 9:

2 Insert a new bill section to read:

3 **** Sec. 17. AS 24.60.130 is amended by adding a new subsection to read:**

4 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
5 committee alleges a violation of this chapter by a group of legislators that includes a
6 legislative member of the committee and that member's alternate, the member and
7 alternate member are disqualified from serving on the committee with regard to the
8 complaint. If the two disqualified members of the committee are part of the majority
9 caucus, the presiding officer of the house in which the two disqualified members serve
10 shall appoint from that house an alternate to serve with regard to the complaint. If one
11 of the two disqualified legislative members of the committee is not part of the majority
12 caucus, the leader of the minority caucus with the greatest number of members shall
13 appoint from that house an alternate to serve with regard to the complaint. If a
14 complaint alleges a violation of this chapter that includes all legislative members of
15 the majority caucus of one house, the presiding officer of that house shall appoint from
16 the other house an alternate to serve with regard to the complaint. If the complaint
17 alleges a violation of this chapter that includes all legislative members of a minority
18 caucus of one house, the leader of that minority caucus shall appoint from the other
19 house an alternate to serve with regard to the complaint. In this paragraph, "caucus"
20 has the meaning given in AS ~~24.60.037~~ ^{24.60.130 (o)}.

22 Renumber the following bill sections accordingly.

23

1 Page 22, line 9:

2 Delete "sec. 29"

3 Insert "sec. 30"

4

5 Page 22, line 10:

6 Delete "sec. 29"

7 Insert "sec. 30"

8

9 Page 22, line 11:

10 Delete "sec. 30"

11 Insert "sec. 31"

12

13 Page 22, line 14:

14 Delete "sec. 30"

15 Insert "sec. 31"

16

17 Page 22, line 15:

18 Delete "sec. 31"

19 Insert "sec. 32"

20

21 Page 22, line 18:

22 Delete "sec. 31"

23 Insert "sec. 32"

24

25 Page 22, line 19:

26 Delete "22, and 26"

27 Insert "23, and 27"

28

29 Page 22, line 20:

30 Delete "sec. 33"

31 Insert "sec. 34"

24.60.130(a)

(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.

AMENDMENT

*New
Amendment # 11
Greenberg
[Signature]*

OFFERED IN THE HOUSE

BY REPRESENTATIVE Gardner

TO: CS HB 109

1 Page 2, line 9, after the word "Sec. 2."

2 Insert:

3 AS 24.60.085 is amended by adding a new subsection to read:

4 (c) During the term for which elected or appointed ~~(and while serving in that office)~~ a
5 legislator may not, directly or by authorizing another to act on the legislator's behalf,
6 accept or agree to accept compensation, except from the State of Alaska, for work
7 associated with legislative action or administrative action, as those terms are defined
8 in AS 24.45.171, or political action as defined in AS 24.60.990.

9
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Amendment Tabled

AMENDMENT #11

OFFERED IN THE HOUSE

BY REPRESENTATIVE Gardner

TO: CS HB 109

*Greenberg
ask that
we table
this amendment*

1 Page 2, line 9, after the word "Sec. 2."

2 Insert:

3 AS 24.60.085 is amended by adding a new subsection to read:

4 (c) During the term for which elected or appointed and for one year thereafter, a
5 legislator may not, directly or by authorizing another to act on the legislator's behalf,
6 accept or agree to accept compensation, except from the State of Alaska, for work
7 associated with legislative action or administrative action, as those terms are defined
8 in AS 24.45.171, or political action as defined in AS 24.60.990.

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*Received
10/10/11
11
3:00 PM*

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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Date: Feb. 22, 2007

To: Nancy Manly

Fr: Mike Sica

Re: Title 24.60.200 covered by 39.50.030

*Back-up
to Amendments
* 12 & 13*

The governor's amendment on 24.60.200 regarding legislative disclosures may eventually be tied to executive branch disclosures covered in Sec. 25 AS 39.50.030(b) on page 17 of the CS for HB 109 (Version K) as well as the governor's amendment on 39.50.030(b), which reduces the reporting threshold from \$5,000 to \$1,000.

Rep. Lynn may want to make an exception to the hearing procedure of going title by title, from the lowest to the highest section numbers, to help clarify a Title 24 amendment by the governor that is dependent upon Title 39.

In this case, you may want to take up the Title 24 amendment by the governor (AS 24.60.200) when the committee reviews the related section in Title 39 in the CS for HB 109 as well as the possible amendment to that section by the governor.

Amendments 12 & 13 related

Amend #12

in table

1 AS 39.50.030(b) Governor's Amendment (Details in Public Official Filing - Title 39)

2

3 OFFERED IN THE HOUSE BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059K; 2/21/07)

6 Page 17, line 21:

7 Delete "\$5,000"

8 Insert "\$1,000"

9

10 Page 17, line 31:

11 Delete "if the income was earned by the hour,"

12

13 Page 18, line 10:

14 Delete "\$5,000"

15 Insert "\$1,000"

16

17 Page 18, line 17:

18 Delete "\$5,000"

19 Insert "\$1,000"

20

21 Page 18, line 20:

22 Delete "\$5,000"

23 Insert "\$1,000"

1

2

Page 18, line 24:

3

Delete "\$5,000"

4

Insert "\$1,000"

5

6

Page 18, line 27:

7

Delete "\$5,000"

8

Insert "\$1,000"

AMENDMENT #1 to Amend #13

OFFERED IN THE HOUSE

TO: CSHB 109 (), Draft Version "K"

BY REPRESENTATIVE GRUENBERG

Amendment # 1 to Amendment 13.

Page 1, line 16 through page 2, line 9.

Delete all material and insert information from page 17, line 21 through page 19, line 9 of the Draft Version "K" of CSHB 109 and \$1,000 in each place where \$5,000 appears.

New
AMENDMENT #13

Offered
2-2-83
Passed

OFFERED IN THE HOUSE

TO: CSHB 109 (), Draft Version "K"

BY REPRESENTATIVE GRUENBERG

Amendment #__.

Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors.

A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or domestic partner, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:

(1) the information that a public official is required to report under AS 39.50.030, other than **income received as compensation for personal services, loans or loan guarantees, and** information about gifts;

(2) as to income in excess of \$1,000 received as compensation for personal services, the name and address of the source of the income, and a statement describing **in detail** the nature of the services performed; if the source of income is known or reasonably should be known to have a substantial interest in legislative, administrative, or political action and the recipient of the income is a legislator or legislative director, **the amount of the income and the approximate number of hours of services performed to earn that income, [THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE]** shall be disclosed, **and a statement explaining how the income was earned may be included;**

(3) as to each loan or loan guarantee over \$1,000 from a source with a substantial interest in legislative, administrative, or political action, the name and address of the person making the loan or guarantee, the amount of the loan, the terms and conditions under which the loan or guarantee was given, the amount outstanding at the time of filing, and whether or not a written loan agreement exists.

Amend #13

1 AS 24.60.200 Governor's Amendment (Details in Legislative Disclosures - Title 24)

2
3 OFFERED IN THE HOUSE BY THE GOVERNOR
4 STATE AFFAIRS COMMITTEE

5 TO: CSHB 109() (25-GH1059)K; 2/21/07

6 Page 16, following line 8:

7 Insert a new bill section to read:

8 **** Sec. 22.** AS 24.60.200 is amended to read:

9 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
10 **committee, and legislative directors.** A legislator, a public member of the
11 committee, and a legislative director shall file a disclosure statement, under oath and
12 on penalty of perjury, with the Alaska Public Offices Commission giving the
13 following information about the income received by the discloser, the discloser's
14 spouse or domestic partner, the discloser's dependent children, and the discloser's
15 nondependent children who are living with the discloser:

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

18 (2) as to income in excess of \$1,000 received as compensation for
19 personal services, the name and address of the source of the income, the amount of
20 the income, the number of hours of services performed to earn that income, and a
21 statement describing in detail the nature of the services performed; [IF THE SOURCE
22 OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE
23 A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR

COPIED BY [unclear] 2/21/07

[unclear]

1 POLITICAL ACTION AND THE RECIPIENT OF THE INCOME IS A
2 LEGISLATOR OR A LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME
3 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED;]

4 (3) as to each loan or loan guarantee over \$1,000 from a source with a
5 substantial interest in legislative, administrative, or political action, the name and
6 address of the person making the loan or guarantee, the amount of the loan, the terms
7 and conditions under which the loan or guarantee was given, the amount outstanding
8 at the time of filing, and whether or not a written loan agreement exists.”

9
10 Renumber the following bill sections accordingly.

15.13.040 (m)

Amendment Passed

25-GH1059\K.42
Wayne
2/26/07

Per Legal, this Amendment needs a fix

AMENDMENT 2 to Amendment 2

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 109(), Draft Version "K"

1 Page 2, lines 4 - 15:

2 Delete all material and insert:

3 **** Sec. 2.** AS 15.13.040(m) is repealed and reenacted to read:

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

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

10 (A) mayor;

11 (B) planning commissioner;

12 (C) utility board member; or

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

14 (2) any information if the commission determines that ~~extraordinary~~
15 circumstances warrant an exception to the electronic submission requirement;

16 (3) information submitted before May 1, 2007, by an individual,
17 group, nongroup entity, or municipality relating to a contribution, expenditure, or
18 communication made for the purpose of influencing the outcome of a ballot
19 proposition; in this paragraph, "proposition," in addition to its meaning in
20 AS 15.60.010, includes

21 (A) a matter described in the definition of "proposition" under
22 AS 15.13.010(d); and

23 (B) an issue described in the definition of "proposition" under

1 AS 15.13.065(c);

2 (4) information submitted before May 1, 2009, by a candidate for
3 governor or lieutenant governor."
4

5 Page 22, line 19:

6 Delete "Sections 2, 22, and 26"

7 Insert "Sections 22 and 26"