Amendment 3 to Gov Amend 2

25-GH1059\K.49
Wayne
2/28/07

Clearer Version

Passed

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG

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

Page 2, lines 4 - 15:

Delete all material and insert:

"* **Sec. 2.** AS 15.13.040(m) is repealed and reenacted to read:

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

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

(A) mayor;

(B) planning commissioner;

(C) utility board member; or

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

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

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

Page 22, line 19:

Delete "Sections 2, 22, and 26"

Insert "Sections 22 and 26"

24.60.100

25-GH1059\K.17
Cook/Wayne
2/21/07

Amendment should have been Offered

AMENDMENT 14

OFFERED IN THE HOUSE

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

1 Page 1, line 4, following "**government;**":
2 Insert "**restricting representation of others by legislators and legislative**
3 **employees;**"
4
5 Page 11, lines 9 - 17:
6 Delete all material and insert:
7 "**Sec. 24.60.100. Representation.** A legislator or legislative employee **may**
8 **not represent** [WHO REPRESENTS] another person for compensation before **a**
9 **municipal, legislative, or executive branch** [AN] agency, board, [OR] commission,
10 **or other entity** [OF THE STATE SHALL DISCLOSE THE NAME OF THE
11 PERSON REPRESENTED, THE SUBJECT MATTER OF THE
12 REPRESENTATION, AND THE BODY BEFORE WHICH THE
13 REPRESENTATION IS TO TAKE PLACE TO THE COMMITTEE. THE
14 DISCLOSURE SHALL BE MADE BY THE DEADLINES SET OUT IN
15 AS 24.60.105. THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF A
16 DISCLOSURE UNDER THIS SECTION AND FORWARD THE DISCLOSURE TO
17 THE RESPECTIVE HOUSE FOR INCLUSION IN THE JOURNAL. A
18 LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT REPRESENT
19 ANOTHER PERSON FOR COMPENSATION BEFORE AN AGENCY,
20 COMMITTEE, OR OTHER ENTITY OF THE LEGISLATIVE BRANCH]."
21
22 Page 12, line 2:
23 Delete "**matter,** interest, or representation"

1 Insert "**matter or** interest [OR REPRESENTATION]"

2

3 Page 12, lines 14 - 15:

4 Delete all material.

5 Insert "AS 24.60.070 [;

6 (5) REPRESENTATION OF A CLIENT UNDER AS 24.60.100]."

24.60.200 and 24.60.990 (a) K.20 its in 2 places

25-GH1059\K.20
Cook/Wayne
2/21/07

AMENDMENT #15

OFFERED IN THE HOUSE

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

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

Insert **"relating to disclosure of information about certain income received as compensation for personal services by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors;"**

Page 16, following line 8:

Insert a new bill section to read:

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

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 information about gifts;

(2) as to income in excess of $1,000 received as compensation for personal services, **and as to a dividend received from a limited liability company as compensation for personal services,** the name and address of the source of the income, and a statement describing

(A) the nature of the services performed**, with sufficient description to make clear to a person of ordinary understanding the**

1 **specific services performed, unless those services require the issuance of a**
2 **state or federal professional license; for purposes of this subparagraph,**
3 **"professional license" means a license required for a profession regulated**
4 **by the federal government or by a state;**
5 **(B) the approximate total number of hours that have been**
6 **spent or will be spent performing the services; and**
7 **(C) the amount of income received from the source, if the** [;
8 IF THE SOURCE OF INCOME IS KNOWN OR REASONABLY SHOULD
9 BE KNOWN TO HAVE A SUBSTANTIAL INTEREST IN LEGISLATIVE,
10 ADMINISTRATIVE, OR POLITICAL ACTION AND THE] recipient of the
11 income is a legislator or legislative director [, THE AMOUNT OF INCOME
12 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];
13 (3) as to each loan or loan guarantee over $1,000 from a source with a
14 substantial interest in legislative, administrative, or political action, the name and
15 address of the person making the loan or guarantee, the amount of the loan, the terms
16 and conditions under which the loan or guarantee was given, the amount outstanding
17 at the time of filing, and whether or not a written loan agreement exists."
18
19 Renumber the following bill sections accordingly.
20
21 Page 22, line 9:
22 Delete "sec. 29"
23 Insert "sec. 30"
24
25 Page 22, line 10:
26 Delete "sec. 29"
27 Insert "sec. 30"
28
29 Page 22, line 11:
30 Delete "sec. 30"
31 Insert "sec. 31"

Page 22, line 14:

Delete "sec. 30"

Insert "sec. 31"

Page 22, line 15:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 18:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 19:

Delete "22, and 26"

Insert "23, and 27"

Page 22, line 20:

Delete "sec. 33"

Insert "sec. 34"

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.**

Amendment #16

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.

25-GH1059\K.45
Wayne
2/26/07

Amendment 17 Fix

AMENDMENT

OFFERED IN THE HOUSE

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

Page 16, following line 8:

Insert a new bill section to read:

"* **Sec. 22.** AS 24.60.210(a) is amended to read:

(a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year**, except that a person appointed as a legislator under AS 15.40, a public member of the committee, or a legislative director must file within 30 days after the person's appointment**."

Renumber the following bill sections accordingly.

Page 22, line 9:

Delete "sec. 29"

Insert "sec. 30"

Page 22, line 10:

Delete "sec. 29"

Insert "sec. 30"

Page 22, line 11:

Delete "sec. 30"

Insert "sec. 31"

Page 22, line 14:

Delete "sec. 30"

Insert "sec. 31"

Page 22, line 15:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 18:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 19:

Delete "Sections 2, 22, and 26"

Insert "Sections 2, 23, and 27"

Page 22, line 20:

Delete "sec. 33"

Insert "sec. 34"

27.60.210(a) Just brought in this [illegible]

AMENDMENT 17

Passed

OFFERED IN THE HOUSE BY REPRESENTATIVE Coghill

TO: CSHB 109 "K" Version

1 Page 16, line 9.

2 Insert:

3 AS 24.60.210(a) is amended to read:

4 (a) A person required to file a disclosure statement under AS 24.60.200

5 shall file an annual report with the Alaska Public Offices Commission, covering

6 the previous calendar year, containing the disclosures required by AS 24.60.200,

7 on or before March 15 of each year**, except that a legislator appointed under**

8 **AS 15.40.320– 15.40.320, a public member of the committee, and a legislative**

9 **director must file within 30 days after the person's initial appointment**.

10

24.60.210 May not be Needed

25-GH1059\K.19
Cook/Wayne
2/21/07

AMENDMENT 18

OFFERED IN THE HOUSE

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

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

Insert "**relating to disclosures by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors;**"

Page 16, following line 8:

Insert a new bill section to read:

"* **Sec. 22.** AS 24.60.210 is amended to read:

Sec. 24.60.210. Deadlines for filing of disclosure statements. (a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year. **On or before the 90th day after ending service as a legislator or legislative director, a former legislator or legislative director shall file with the Alaska Public Offices Commission a report containing the disclosures required by AS 24.60.200, covering any period of 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, covering the previous calendar year, containing the disclosures required by AS 24.60.200, 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 disclosures required by AS 24.60.200, covering any period**

1 **of that service for which the public member has not already filed a report."**
2
3 Renumber the following bill sections accordingly.
4
5 Page 22, line 9:
6 Delete "sec. 29"
7 Insert "sec. 30"
8
9 Page 22, line 10:
10 Delete "sec. 29"
11 Insert "sec. 30"
12
13 Page 22, line 11:
14 Delete "sec. 30"
15 Insert "sec. 31"
16
17 Page 22, line 14:
18 Delete "sec. 30"
19 Insert "sec. 31"
20
21 Page 22, line 15:
22 Delete "sec. 31"
23 Insert "sec. 32"
24
25 Page 22, line 18:
26 Delete "sec. 31"
27 Insert "sec. 32"
28
29 Page 22, line 19:
30 Delete "22, and 26"
31 Insert "23, and 27"

1

2 Page 22, line 20:

3 Delete "sec. 33"

4 Insert "sec. 34"

Amendment Passed

1 AS 24.60.210 Governor's Amendment #3 (Electronic Legislative Filing - Title 24)

2

3 OFFERED IN THE HOUSE BY THE GOVERNOR Passed

4 STATE AFFAIRS COMMITTEE

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

6 Page 16, line 10, following "Commission":

7 Delete "may request"

8 Insert "shall require"

9

10 Page 16, line 11, following "but":

11 Delete "shall"

12 Insert "may, when circumstances warrant an exception,"

13

14 Page 22, following line 18:

15 Insert a new bill section to read:

16 "* Sec. 33. Section 22 of this Act takes effect July 1, 2008."

17

18 Renumber the following bill sections accordingly.

19

20 Page 22, line 19, following "Sections 2,"

21 Delete "22"

Bob amend is attached filed

Amendment Failed

AS 24.60.210 AMENDMENT to Governor's Amendment (Title 24)

OFFERED IN THE HOUSE BY REPRESENTATIVE BOB LYNN

TO: CSHB 109 (STA)

1

2 Agree to the Governor's amendment but amend the effective date to July 1, 2007.

3

amend #1 to amend #3

Coghill objects
Johnson maintains
Failed
6-1

uncodified

25-GH1059\K.21
Wayne
2/22/07

AMENDMENT 19

OFFERED IN THE HOUSE

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

Page 22, following line 18:

Insert new subsections to read:

"(d) AS 24.60.020(a), as amended by sec. 6 of this Act, and AS 24.60.115, as amended by sec. 15 of this Act, apply to a person who becomes a former legislator on or after the effective date of this Act and to a former legislator who was a member of the legislature between April 9, 2006, and the effective date of this Act.

(e) A former legislator who was a member 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. 15 of this Act, within 30 days after the effective date of secs. 6 and 15 of this Act."

TITLE 39 AMENDMENTS

Title 39
AMENDMENTS

Duplicate of Amend 12
See Amend 12 IN Title 24 section

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-GH1059\K; 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"

This is the one that related to the title 24 amendment.

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"

25-GH1059\K.22
Cook/Wayne
2/22/07

AMENDMENT 20

OFFERED IN THE HOUSE

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

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

2 Insert "**relating to blind trusts of certain public officials;**"

3

4 Page 19, following line 9:

5 Insert a new bill section to read:

6 "* **Sec. 26.** AS 39.50.040(b) is amended to read:

7 (b) For a **blind** trust to qualify under this section, **the following conditions**

8 **must be met:**

9 (1) **the trust may not contain investments or assets in which the**

10 **trustor's ownership right or interest is required to be recorded in a public office**

11 **or contain assets with permanency that makes transfer by the trustee improbable**

12 **or impractical, including businesses, real estate, security interests in personal**

13 **property, and mortgages** [ASSETS TRANSFERRED TO THE TRUST SHALL BE

14 MARKETABLE];

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

16 (3) the trustee shall have full authority to manage the trust, including

17 the purchase, sale, and exchange of its assets in accordance with fiduciary principles;

18 (4) information regarding the identity and the nature of its assets shall

19 be confidential from the trustor for the duration of the trust;

20 (5) the trustee shall be required to report any known breach of

21 confidentiality or the termination of the trust to the office where the trustor is required

22 to file statements under this chapter; [AND]

23 (6) **the trustee shall**

1 (A) prepare and file the trustor's personal income tax
2 returns, withholding from distribution of the trust's net income amounts
3 sufficient to pay the trustor's tax, and participate in the audit of the
4 trustor's returns during the period of the trust, with authority to
5 compromise the trustor's tax liability; or
6 (B) submit to the trustor, for income tax purposes, a
7 certification of income paid without identifying the assets producing the
8 income; and
9 (7) the trustee shall be prohibited from investing the trust
10 property in corporations or businesses that the trustee knows do a significant
11 amount of business with the state, and from knowingly making any investment in
12 a corporation, business, or venture over which the trustor has regulatory or
13 supervisory authority by virtue of the trustor's official position."
14
15 Renumber the following bill sections accordingly.
16
17 Page 22, line 9:
18 Delete "sec. 29"
19 Insert "sec. 30"
20
21 Page 22, line 10:
22 Delete "sec. 29"
23 Insert "sec. 30"
24
25 Page 22, line 11:
26 Delete "sec. 30"
27 Insert "sec. 31"
28
29 Page 22, line 14:
30 Delete "sec. 30"
31 Insert "sec. 31"

Max wants to change this amendment

Page 22, line 15:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 18:

Delete "sec. 31"

Insert "sec. 32"

Page 22, line 19:

Delete "and 26"

Insert "26, and 27"

Page 22, line 20:

Delete "sec. 33"

Insert "sec. 34"

39.50.040 Blind Trusts
Amendment for Wrong Version (E)

25-GH1059\E.3
Wayne
2/20/07

AMENDMENT 21

OFFERED IN THE HOUSE BY REPRESENTATIVE COGHILL

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

Amendment withdrawn, will be worked on in Judiciary

Page 20, line 27:

Delete "or"

Page 20, following line 27:

Insert a new paragraph to read:

"(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 or 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"

Renumber the following paragraph accordingly.

Page 22, following line 21:

Insert a new bill section to read:

"* **Sec. 33.** AS 39.52 is amended by adding a new section to read:

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 an 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 net 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; or

(B) submit to the public officer a certification of income paid without identifying the assets producing the income."

Renumber the following bill sections accordingly.

Page 22, line 31:

Delete "sec. 34"

Insert "sec. 35"

39.50.040

25-GH1059\K.43
Cook/Wayne
2/26/07

AMENDMENT 22

OFFERED IN THE HOUSE BY REPRESENTATIVE SEATON

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

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

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

Page 19, following line 9:

Insert a new bill section to read:

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

Sec. 39.50.040. Blind trusts. (a) A public official may transfer all or a portion of the official's assets to a blind trust for the duration of service in public office. The original assets placed in the blind trust shall be listed by the official in the statement required to be filed under this chapter, **together with a statement describing the actual or potential conflicts of interest, or appearance of conflict, that the official seeks to avoid by the use of the trust. A copy of the** [THE] instrument creating the blind trust must be included with the statement.

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

(1) **the trust may not contain investments or assets in which the trustor's ownership right or interest is required to be recorded in a public office or contain assets with permanency that makes transfer by the trustee improbable or impractical, including businesses, real estate, security interests in personal property, and mortgages** [ASSETS TRANSFERRED TO THE TRUST SHALL BE MARKETABLE];

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

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

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

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

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

(7) the trustee shall be required to

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

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

(8) the trustee shall be prohibited from knowingly making any investment in a corporation, business, or venture over which the trustor has regulatory or supervisory authority by virtue of the trustor's official position;

(9) the trustor may not retain control over the trustee, and the trustor is not permitted to make any recommendations or suggestions as to the

1 trust property;
2 (10) the trust instrument agreement must provide that the trustee
3 will give the appropriate enforcement agency access to any records or
4 information related to the trust that is necessary when investigating an allegation
5 under AS 39.50 or AS 39.52;
6 (11) the trustee shall report to the commission the beginning and
7 ending value of the trust and, if the commission requests, the trustee shall
8 prepare under seal a detailed description of transactions and holdings of the
9 trust; the document prepared by the trustee under seal is not public information
10 unless an accusation under AS 39.50 or AS 39.52 relevant to the blind trust is
11 filed by the appropriate enforcement agency;
12 (12) the trust may not become effective until the trust instrument
13 is submitted and approved by the commission [REPEALED]."
14
15 Renumber the following bill sections accordingly.
16
17 Page 22, line 9:
18 Delete "sec. 29"
19 Insert "sec. 30"
20
21 Page 22, line 10:
22 Delete "sec. 29"
23 Insert "sec. 30"
24
25 Page 22, line 11:
26 Delete "sec. 30"
27 Insert "sec. 31"
28
29 Page 22, line 14:
30 Delete "sec. 30"
31 Insert "sec. 31"

1

2 Page 22, line 15:

3 Delete "sec. 31"

4 Insert "sec. 32"

5

6 Page 22, line 18:

7 Delete "sec. 31"

8 Insert "sec. 32"

9

10 Page 22, line 19:

11 Delete "and 26"

12 Insert "26, and 27"

13

14 Page 22, line 20:

15 Delete "sec. 33"

16 Insert "sec. 34"

Amendment Passed

1 **AS 39.50.050(a) Governor's Amendment** #4 (Electronic Public Official Filing – Title 39)

2

3 OFFERED IN THE HOUSE passed BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

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

6 Page 19, line 16, following "commission":

7 Delete "may request"

8 Insert "shall require"

9

10 Page 19, line 17, following "chapter":

11 Insert ", unless it is information required of a municipal officer,"

12

13 Page 19, line 17, following "but":

14 Delete "shall"

15 Insert "may, when circumstances warrant an exception,"

16

17 Page 19, following line 20:

18 Insert "Municipal officers must submit information required under this chapter

19 electronically or in the typed or hand-printed form described in this subsection."

20

21 Page 19, lines 21 – 27:

22 Delete all material.

#23 Passed

1 **AS 39.50.200(b) Governor's Amendment** (Boards - Title 39)

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 19, following line 27:

7 Insert a new bill section to read:

8 "* **Sec. 27.** AS 39.50.200(b) is amended by adding new paragraphs to read:

9 (59) Alaska Industrial Development and Export Authority (AS 44.88);

10 (60) the board of directors of the Knik Arm Bridge and Toll Authority

11 (AS 19.75.031 and 19.75.041);

12 (61) Alaska labor relations agency (AS 23.05.360 - 23.05.390);

13 (62) the Board of Trustees of the Alaska Mental Health Trust Authority

14 (AS 47.30.016);

15 (63) the board of directors of the Alaska Railroad Corporation

16 (AS 42.40.020 - 42.40.060)."

17

18 Renumber the following bill sections accordingly.

Passed

Don Moves Johnson Block

#24 Stayed

1 AS 39.52.110 Governor's Amendment #24 (Insignificant Business Interest – Title 39)

2 Also same to 39.52.110(d) from pg 9 of Master

3 OFFERED IN THE HOUSE BY THE GOVERNOR

4 STATE AFFAIRS COMMITTEE

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

6 Page 19, following line 27:

7 Insert a new bill section to read:

8 "* Sec. 27. AS 39.52.110 is amended by adding a new subsection to read:

9 (d) Stock or other ownership interest in a business is presumed to be insignificant if

10 the value of the stock or other ownership interest is less than $5,000."

11

12 Page 19, line 28, through page 20, line 26:

13 Delete all material.

39.52.110(6)

25-GH1059\K.18
Cook/Wayne
2/22/07

AMENDMENT #25

OFFERED IN THE HOUSE

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

1 Page 20, lines 11 - 18:

2 Delete all material and insert:

3 "(i) has, with regard to the business, an ownership
4 interest with a fair market value of more than $5,000 or an option, the
5 fair market value of which is more than $5,000, to buy an equity
6 interest;"

7

8 Renumber the following sub-subparagraphs accordingly.

39.52.110(d)

25-GH1059\K.35
Kane
2/22/07

AMENDMENT #26

OFFERED IN THE HOUSE REPRESENTATIVE COGHILL

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

Page 20, lines 11 - 18:

Delete all material and 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;"

Renumber the following sub-subparagraphs accordingly.

This is Coghill's amendment. Is K35 complete? It doesn't include my [illegible]. Gov has amended so this to that might address this

1 **AS 39.52.180 Governor's Amendment** #27 (Policy Making Position – Title 39)

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 21, line 27, following "Commission.":

7 Insert

8 "In this subsection, 'policy-making position' has the same meaning as 'policy-

9 making position' in AS 39.50.200(a)(1)."

#28

39.52.180(2)

Gruenberg
Amendment

Waiting for Rep Gruenberg
Amendment

39.52.225

25-LS1059\K.28
Wayne
2/21/07

AMENDMENT #29

OFFERED IN THE HOUSE

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

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

Insert "**relating to executive clemency;**"

Page 22, following line 6:

Insert a new bill section to read:

"* **Sec. 32.** AS 39.52 is amended by adding a new section to read:

Sec. 39.52.225. Disclosures in connection with executive clemency. Before granting executive clemency to an applicant for executive clemency, the governor shall disclose in writing to the attorney general whether granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall publish and make public a written determination whether granting executive clemency to the applicant would violate AS 39.52.110 - 39.52.190. The written determination of the attorney general under this section is not confidential, but information set out in that determination identifying a person, other than the applicant, who is a victim or witness in a criminal matter may not be made public."

Renumber the following bill sections accordingly.

Page 22, line 20:

Delete "sec. 33"

Insert "sec. 34"

39.52.225

25-GH1059\K.23-A
Wayne
2/21/07

AMENDMENT #30

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG

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

Page 22, following line 6:

Insert a new bill section to read:

"* **Sec. 32.** AS 39.52 is amended by adding a new section to read:

Sec. 39.52.225. Disclosures in connection with executive clemency. Before granting executive clemency to an applicant for executive clemency, the governor shall disclose in writing to the attorney general whether granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall publish [~~and make public~~] a written determination whether granting executive clemency to the applicant would violate AS 39.52.110 - 39.52.190. The written determination of the attorney general [~~under this section~~] is not confidential, but information set out in that determination identifying a person other than the applicant for clemency who is a victim or witness in a criminal matter may not be made public."

Renumber the following bill sections accordingly.

Page 22, line 20:

Delete "33"

Insert "34"

25-GH1059\K.27
Luckhaupt
2/21/07

AMENDMENT #31

OFFERED IN THE HOUSE

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

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

Insert "**relating to executive clemency;**"

Page 22, following line 6:

Insert a new bill section to read:

"* **Sec. 32.** AS 39.52 is amended by adding a new section to read:

Sec. 39.52.225. Disclosures in connection with executive clemency. 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. "

Renumber the following bill sections accordingly.

Page 22, line 20:

Delete "sec. 33"

Insert "sec. 34"

39.52.910 Nepotism

25-GH1059\K.36
Wayne
2/22/07

AMENDMENT #32

OFFERED IN THE HOUSE

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

Page 22, following line 6:

Insert a new bill section to read:

"* **Sec. 32.** AS 39.52.910 is amended by adding a new subsection to read:

(d) Nothing in this chapter

(1) supersedes AS 39.90.020; or

(2) precludes a person from being in an employment relationship with a member of the person's immediate family if the person

(A) does not supervise the immediate family member; or

(B) supervises the immediate family member but exercise of the supervision is only routine; under this subparagraph, supervision is routine only if, as to a decision that requires the person's exercise of independent judgment, the person may not act or recommend the family member's

(i) appointment to employment, including hiring, transferring, laying off, and recalling;

(ii) discipline, including suspension, discharge, demotion, and issuance of written warnings; or

(iii) grievance adjudication, including responding to a first level grievance under a collective bargaining agreement."

Renumber the following bill sections accordingly.

Page 22, line 20:

Delete "sec. 33"

1 Insert "sec. 34"

Not Rec'd

39.52.960 definations

25-GH1059\K.30
Wayne
2/22/07

AMENDMENT #33

OFFERED IN THE HOUSE

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

Page 22, following line 6:

Insert a new bill section to read:

"* **Sec. 32.** AS 39.52.960(14) is amended to read:

(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;"

Renumber the following bill sections accordingly.

Page 22, line 20:

Delete "sec. 33"

Insert "sec. 34"

AS 39.50.040 original language

Sec. 26. AS 39.50.040

(a) A public official may transfer all or a portion of the official's assets to a blind trust for the duration of service in public office. The original assets placed in the blind trust shall be listed by the official in the statement required to be filed under this chapter. The instrument creating the blind trust must be included with the statement.

(b) For a trust to qualify under this section,

(1) assets transferred to the trust shall be marketable;

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

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

(4) information regarding the identity and the nature of its assets shall be confidential from the trustor for the duration of the trust;

(5) the trustee shall be required to report any known breach of confidentiality or the termination of the trust to the office where the trustor is required to file statements under this chapter; and

(6) [*Repealed, Sec. 26 ch 25 SLA 1975*].

AMENDMENT #22 - Seaton

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

Sec. 39.50.040. Blind trusts.

(a) A public official may transfer all or a portion of the official's assets to a blind trust for the duration of service in public office. The original assets placed in the blind trust shall be listed by the official in the statement required to be filed under this chapter, **together with a statement describing the actual or potential conflicts of interest, or appearance of conflict, that the official seeks to avoid by the use of the trust. A copy of the** instrument creating the blind trust must be included with the statement.

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

(1) **the trust may not contain investments or assets in which the trustor's ownership right or interest is required to be recorded in a public office or contain assets with permanency that makes transfer by the trustee improbable or impractical, including businesses, real estate, security interests in personal property, and mortgages**;

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

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

(4) **the trust instrument shall contain a clear statement that its purpose is to remove from the trustor control and knowledge of investment of trust assets so that conflicts between the trustor's responsibilities and duties as a public official and the trustor's personal or financial interests will be eliminated**;

(5) **the trustee shall be directed not to disclose to the trustor any information about any of the assets in the trust, and** the trustee shall be required to report any known breach of **this** confidentiality or the termination of the trust to the **commission** ;

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

(7) the trustee shall be required to

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

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

(8) the trustee shall be prohibited from knowningly making any investment in corporation, business, or venture over which the trustor has regulatory or supervisory authority by virtue of the trustor's official position;

(9) the trustor may not retain control over the trustee, and the trustor is not permitted to make any recommendation or suggestions as to the trust property;

(10) the trust instrument agreement must provide that the trustee will give the appropriate enforcement agency access to any records or information related to the trust that is necessary when investigating an allegation under AS 39.50 or AS 39.52;

(11) the trustee shall report to the commission the beginning and ending value of the trust and, if the commission requests, the trustee shall prepare under seal a detailed description of transactions and holdings of the trust; the document prepared by the trustee under the seal is not public information unless an accusation under AS 39.50 or AS 39.52 relevant to the blind trust is filed by the appropriate enforcement agency;

(12) the trust may not become effective until the trust instrument is submitted and approved by the commission."

AMENDMENT #21 - Coghill

Sec. 27. AS 39.52.110(b) is amended to read:

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

(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 or 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"**

Sec. 33. AS 39.52 is amended by adding a new subsection to read:

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 an 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 net 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; or

(B) submit to the public officer a certification of income paid without identifying the assets producing the income."

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: March 3, 2007

To: Rep. Bob Lynn
Fr: Mike Sica
Re: Possible plan for today, Saturday, March 3, 2007

As I mentioned in the earlier memo of March 2, 2007, we should allow Joyce Anderson to testify as soon as possible on Title 24 Legislative Ethics measures. They could include the following:

Tabled Amendment 9 (K.41) dealing with boards, which was recommended by the Ethics Committee and Joyce Anderson.

Joyce can speak to this.

Max Gruenberg apparently has drafted an amendment to deal with this.

Passed Amendment 10 (K.40), which Rep. Gruenberg claims has a problem because of the definition of caucus under AS 24.60.130 (o). Joyce doesn't think there's a problem.

Joyce, Max, Norm, Mike and you will meet Saturday at 9:30 a.m. before the meeting to determine if there is indeed a problem that needs to be fixed.

Tabled Amendment 11 by Rep. Gardner covers restrictions on "outside compensation" for legislators. We need to remove "and for one year thereafter," and deal with other issues with this measure.

Rep. Gardner is willing to speak on this Amendment.

Rep. Gruenberg apparently has language to correct some problems.

Joyce could speak on this as well.

If this Amendment still needs a lot of work and could result in it be voted down in State Affairs, I believe Rep. Gardner would rather have Rep. Gruenberg withdraw the Amendment to be worked and brought up in the Judiciary Committee.

Passed as Amended Amendment 13 by the Governor may have a problem, as explained in the memo by Department of Law attorney Dave Jones.

Mr. Jones can explain his concern.

Rep. Gruenberg may amendment ready to fix this possible problem.

We can now thank Joyce Anderson for getting stuck in Juneau and excuse her to try to get back to Anchorage as soon as possible and enjoy what's left of her weekend.

Now on to Blind Trusts.

Amendment 20 (K.22) will not be offered because it's an earlier version of **Amendment 22 by Rep. Paul Seaton**. As a result it was also excluded from the side-by-side-by-side comparison that includes the **Current Law, Amendment 22** by Rep. Seaton and **Amendment 21** by Rep. John Coghill.

Rep. Seaton, who may have a **new and improved Amendment** ready for the meeting, can speak on this issue.

Amendment 22 (K.43) by Rep. Seaton. Not sure if he needs to say anything more.

Amendment 21 (E.3) by Rep. Coghill. Not sure if he'll want to speak on this.

Amendment 23 by the Governor can be explained by Dave Jones. This should be an easy one.

Amendments 24, 25 and 26 address the same section of code and are related.

Amendment 24 by the Governor can be explained by Dave Jones. This appears to be identical wording that's included in SB 19. (Rep. Gruenberg may be concerned that the "one percent" language is omitted from this Amendment.)

Amendment 25 (K.18) deletes language in CSHB 109 (Version K) and replaces it with this (i) section.

Rep. Coghill, as subcommittee chairman, may be able to speak to this.

Amendment 26 (K.35) by Rep. Coghill, which he can explain.

Amendment 27 by the Governor can be explained by Dave Jones.

Amendment 28 by Rep. Gruenberg will Not Be Offered.

Amendments 29 (K.28), 30 (K28-A) and 31 (K.27) address the same issue, executive clemency disclosure. Rep. Gruenberg prefers Amendment 30, so Amendments 29 and 31 will Not Be Offered.

Amendment 30 (K28-A) by Rep. Gruenberg, who can explain it. Of course, Bob, this is your issue so you can also speak to it.

Amendment 32 (K.36) on Executive Branch Nepotism will Not Be Offered. It appears the Administration and Labor Officials are working to solve this issue by regulation. If not, this Amendment could come up in the Judiciary Committee.

Amendment 33 (K.30) creates a definition for "public action." Defer to Rep. Coghill, I think.

Amendment 34 by Rep. Gruenberg adds "limited liability company" to the list of entities under "source of income" as defined in 39.50.200 (a)(10). Rep. Gruenberg could speak to this.

Almost there! We just have to go back address a few possible fixes

Amendment 2 by the Governor in Title 15. You need to bring it back on the table.

Amendment 3 to Amendment 2 (K.49)
Dave Jones can explain.

Amendment 17 by Rep. Coghill is a really simple fix. You just need to drop a few numbers after AS 15.40 on line 8.

I think that's it. Now you just have to pass the omnibus bill. Good luck!

HB

109

3/3/07

& MISC.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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MEMORANDUM March 5, 2007

SUBJECT: Comments by Drafter, regarding CSHB109(STA)
(Work Order No. 25-GH1059\L)

TO: Representative Bob Lynn
Chair of House State Affairs Committee
Attn: Mike Sica

FROM: Dan Wayne DCW
Legislative Counsel

Attached is the above-referenced bill draft for your review. In particular please note the following:

1. On page 28, line 11, I removed Sec. 2 from the list of sections that would become effective July 1, 2007. In drafting the amendment that eventually was adopted and became Sec. 2, I was permitted to discuss it with your staff, Representative Gruenberg's staff, and David Jones of the Department of Law. In those discussions I think it was generally understood that the effective date of the section, except as specifically noted otherwise in the language of the section itself, would be the same as the general effective date of the bill. Therefore, instead of giving a specific May 1, 2007 effective date for persons campaigning for or against a ballot proposition or initiative, as in the previous draft adopted by the committee (which was later rescinded for other reasons), I was able to accomplish the same thing but in much leaner and simpler language. By removing Sec. 2 from the list of sections that become effective July 1, 2007, the section becomes effective as I believe the committee intended.

2. Regarding the section amending AS 39.52.180(d) (page 26, lines 21 - 30), I modified the language of oral amendment 35 (by Representative Bob Roses) to conform with drafting requirements. I conformed the language of new subsection 39.52.180(e) (page 27, lines 1 - 9) and corresponding applicability sections as well, by adding the amended language.

3. On page 16, line 5, I believe the wrong cite is given for the definition of "caucus". The phrase "(o) of this section" should be deleted and replaced with "AS 24.60.037." I did not change the cite but I recommend doing so as the definition of caucus in the cite adopted by the committee does not sufficiently define the term "caucus" for the purposes of the newly adopted section.

DCW:lmb
07-043.lmb

25-GH1059\L
Wayne
3/5/07

CS FOR HOUSE BILL NO. 109(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

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, including disclosures, in state and**
2 **municipal government, to lobbying, and to employment and disclosures by certain**
3 **public officers and employees who leave state or municipal service or leave certain**
4 **positions in state or municipal government; restricting representation of others by**
5 **legislators and legislative employees; relating to blind trusts approved by the Alaska**
6 **Public Offices Commission; and providing for an effective date."**

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

8 *** Section 1.** AS 15.13.040(g) is amended to read:
9 (g) The provisions of (a) and (f) of this section do not apply **to a delegate to a**
10 **constitutional convention, a judge seeking electoral confirmation, or a candidate**
11 **for election to a municipal office under AS 15.13.010, if that delegate, judge, or**
12 [IF A] candidate
13 (1) indicates, on a form prescribed by the commission, an intent not to

raise and not to expend more than $5,000 in seeking election to office, including both the primary and general elections;

(2) accepts contributions totaling not more than $5,000 in seeking election to office, including both the primary and general elections; and

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

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

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

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

(A) mayor;

(B) planning commissioner;

(C) utility board member; or

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

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

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

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

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

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

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

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

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

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

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

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

(a) A lobbyist may not

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

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

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

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

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

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

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

(8) serve as a campaign manager or director, serve as a campaign treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising event, directly or indirectly collect contributions for, or deliver contributions to, a candidate, or otherwise engage in the fund-raising activity of a

legislative campaign or campaign for governor or lieutenant governor if the lobbyist has registered, or is required to register, as a lobbyist under this chapter, during the calendar year; this paragraph does not apply to a representational lobbyist as defined in the regulations of the Alaska Public Offices Commission, and does not prohibit a lobbyist from making personal contributions to a candidate as authorized by AS 15.13 or personally advocating on behalf of a candidate;

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

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

* **Sec. 6.** 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. 7.** 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. 8.** 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) require a legislative employee to perform services for the private benefit of the legislator or employee at any time, or allow a legislative employee to perform services for the private benefit of a legislator or employee on government time; it is not a violation of this paragraph if the services were performed in an

unusual or infrequent situation and the person's services were reasonably necessary to permit the legislator or legislative employee to perform official duties;

(5) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for the purpose of political fund raising or campaigning; 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;

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

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

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

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

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

* **Sec. 9.** AS 24.60.030(f) is amended to read:

(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 governmental 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 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.

* **Sec. 10.** AS 24.60.050(c) is amended to read:

(c) A legislator or legislative employee who participates in a program or receives a loan that is not exempt from disclosure under (a) of this section shall file [A WRITTEN REPORT] with the committee by the date required under AS 24.60.105 **a disclosure** stating the amounts of the loans outstanding or benefits received during the preceding calendar year from nonqualifying programs. If the committee requests additional information necessary to determine the propriety of participating in the program or receiving the loan, it shall be promptly provided. The committee shall promptly compile a list of the statements indicating the loans and programs and amounts and send it to the presiding officer of each house who shall have it published in the supplemental journals **on or before the next regularly scheduled publication of ethics disclosures. If a** [WITHIN THREE WEEKS AFTER THE FILING DATE. A] legislator or legislative employee **asks** [WHO BELIEVES THAT DISCLOSURE OF PARTICIPATION IN A PROGRAM WOULD BE AN INVASION OF THE PARTICIPANT'S RIGHT TO PRIVACY UNDER THE STATE CONSTITUTION MAY REQUEST] the committee to keep **any part of** the disclosure confidential **and a quorum of the committee determines that making the entire disclosure public would cause an unjustifiable invasion of personal privacy, the committee may elect to** [. IF THE COMMITTEE FINDS THAT PUBLICATION WOULD CONSTITUTE AN INVASION OF PRIVACY, THE COMMITTEE SHALL] publish

only the fact that a person has participated in the program and the amount of benefit that the unnamed person received. The committee shall maintain the disclosure of the name of the person as confidential and may only use the disclosure in a proceeding under AS 24.60.170. If the disclosure becomes part of the record of a proceeding under AS 24.60.170, the disclosure may be made public as provided in that section.

* **Sec. 11.** AS 24.60.070(c) is amended to read:

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

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

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

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

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

(B) at a social event or meal;

(2) discounts that are available

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

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

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

* **Sec. 13.** AS 24.60.080(d) is amended to read:

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

* **Sec. 14.** AS 24.60.080(i) is amended to read:

(i) A legislator or legislative employee who knows or reasonably should know that a family member has received a gift because of the family member's connection with the legislator or legislative employee shall **disclose for publication under (d) of**

this section [REPORT] the receipt of the gift by the family member to the committee if the gift would have to be **disclosed** [REPORTED] under this section if it had been received by the legislator or legislative employee or if receipt of the gift by a legislator or legislative employee would be prohibited under this section.

* **Sec. 15.** 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 thereafter, 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 action, administrative action, or political action. Notwithstanding AS 24.60.990, in this subsection, "administrative action" and "legislative action" have the meanings given in AS 24.45.171.

* **Sec. 16.** AS 24.60.100 is amended to read:

Sec. 24.60.100. Representation. A legislator or legislative employee **may not represent** [WHO REPRESENTS] another person for compensation before **a municipal, legislative, or executive branch** [AN] agency, board, or commission [OF THE STATE SHALL DISCLOSE THE NAME OF THE PERSON REPRESENTED, THE SUBJECT MATTER OF THE REPRESENTATION, AND THE BODY BEFORE WHICH THE REPRESENTATION IS TO TAKE PLACE TO THE COMMITTEE. THE DISCLOSURE SHALL BE MADE BY THE DEADLINES SET OUT IN AS 24.60.105. THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF A DISCLOSURE UNDER THIS SECTION AND FORWARD THE DISCLOSURE TO THE RESPECTIVE HOUSE FOR INCLUSION IN THE JOURNAL. A LEGISLATOR OR LEGISLATIVE EMPLOYEE MAY NOT REPRESENT ANOTHER PERSON FOR COMPENSATION BEFORE AN AGENCY, COMMITTEE, OR OTHER ENTITY OF THE LEGISLATIVE BRANCH].

* **Sec. 17.** AS 24.60.105 is amended to read:

Sec. 24.60.105. Deadline [DEADLINES] for filing disclosures. (a) When a legislator or legislative employee is required to file a disclosure under this chapter and a date by which the disclosure must be filed is not otherwise set by statute, the **deadline for filing disclosure shall be 30 days** [DEADLINES SET OUT IN THIS

SECTION SHALL APPLY. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR WAS ACQUIRED DURING THE INTERIM BETWEEN REGULAR LEGISLATIVE SESSIONS, WHETHER OR NOT THE REGULAR SESSION IS EXTENDED OR THERE IS A SPECIAL SESSION, OR DURING THE LAST 30 DAYS OF A REGULAR SESSION, THE LEGISLATOR OR LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE MATTER BY MARCH 15. FOR DISCLOSURE OF A MATTER OR AN INTEREST THAT BEGAN OR WAS ACQUIRED DURING A REGULAR LEGISLATIVE SESSION, BUT NOT DURING THE LAST 30 DAYS OF THE REGULAR SESSION, THE DISCLOSURE MUST BE MADE WITHIN 30 DAYS] after the commencement of the **matter or** interest [OR REPRESENTATION].

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

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

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

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

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

(5) REPRESENTATION OF A CLIENT UNDER AS 24.60.100].

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

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

1 * **Sec. 19.** AS 24.60.130(n) is amended to read:
2 (n) When appointing members of the legislature to serve on the committee, the
3 speaker of the house or the president of the senate, as appropriate, shall appoint an
4 alternate member for each regular member. An alternate must have the same
5 qualifications as the regular member for whom the alternate stands as alternate and is
6 subject to confirmation as required for the regular member. **If a regular legislative**
7 **member of the committee or a subcommittee is unable to attend a meeting, the**
8 **chair of the committee or a subcommittee shall designate the regular member's**
9 **alternate to serve in place of the regular member at the meeting and the**
10 **designated alternate shall serve unless unable to serve for any reason.** If a regular
11 legislative member of the committee or a subcommittee is disqualified under (h) of
12 this section from serving on the committee or the subcommittee concerning a
13 proceeding under AS 24.60.170 **or if the regular member is unable to attend**, the
14 chair of the committee or a subcommittee shall designate the regular member's
15 alternate to serve in place of the regular member in the proceeding unless the alternate
16 is also disqualified from serving. The designation shall be treated as confidential to the
17 same extent that the identity of the subject of a complaint is required to be kept
18 confidential.
19 * **Sec. 20.** AS 24.60.130 is amended by adding a new subsection to read:
20 (p) Notwithstanding (h) and (n) of this section, if a complaint before the
21 committee alleges a violation of this chapter by a group of legislators that includes a
22 legislative member of the committee and that member's alternate, the member and
23 alternate member are disqualified from serving on the committee with regard to the
24 complaint. If the two disqualified members of the committee are part of the majority
25 caucus, the presiding officer of the house in which the two disqualified members serve
26 shall appoint from that house an alternate to serve with regard to the complaint. If one
27 of the two disqualified legislative members of the committee is not part of the majority
28 caucus, the leader of the minority caucus with the greatest number of members shall
29 appoint from that house an alternate to serve with regard to the complaint. If a
30 complaint alleges a violation of this chapter that includes all legislative members of
31 the majority caucus of one house, the presiding officer of that house shall appoint from

the other house an alternate to serve with regard to the complaint. If the complaint alleges a violation of this chapter that includes all legislative members of a minority caucus of one house, the leader of that minority caucus shall appoint from the other house an alternate to serve with regard to the complaint. In this paragraph, "caucus" has the meaning given in (o) of this section.

* **Sec. 21.** AS 24.60.150(a) is amended to read:

(a) The committee shall

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

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

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

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

* **Sec. 22.** AS 24.60 is amended by adding a new section to read:

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

* **Sec. 23.** AS 24.60.160 is amended to read:

Sec. 24.60.160. Advisory opinions. (a) On the request of **the committee, the**

1 **Alaska Public Offices Commission,** a person to whom this chapter applies, or **a**
2 **person** who has been newly elected to the legislature, the committee shall issue an
3 advisory opinion within 60 days as to whether the facts and circumstances of a
4 particular case constitute a violation of ethical standards. If it finds that it is advisable
5 to do so, the committee may issue an opinion under this section on the request of a
6 person who reasonably expects to become subject to this chapter within the next 45
7 days. The 60-day period for issuing an opinion may be extended by the committee if
8 the person requesting the opinion consents.
9 (b) An opinion issued under this section is binding on the committee in any
10 subsequent proceedings concerning the facts and circumstances of the particular case
11 unless material facts were omitted or misstated in the request for the advisory opinion.
12 **An opinion issued under this section must be issued with sufficient deletions to**
13 **prevent disclosing the identity of the person or persons involved. Advisory**
14 **opinion discussions and deliberations are confidential, unless the requester and**
15 **anyone else named in the request who is covered by this chapter waives**
16 **confidentiality. The committee's final vote on the advisory opinion is a public**
17 **record** [EXCEPT AS PROVIDED IN THIS CHAPTER, AN ADVISORY OPINION
18 IS CONFIDENTIAL BUT SHALL BE MADE PUBLIC IF A WRITTEN REQUEST
19 BY THE PERSON WHO REQUESTED THE OPINION IS FILED WITH THE
20 COMMITTEE].
21 * **Sec. 24.** AS 24.60.170(j) is amended to read:
22 (j) If the committee has issued a formal charge under (h) of this section, and if
23 the person charged has not admitted the allegations of the charge, the committee shall
24 schedule a hearing on the charge. The committee may appoint an individual to present
25 the case against the person charged if that individual does not provide **other** [AND
26 HAS NOT PROVIDED] legal advice to the committee except in the course of
27 presenting cases under this subsection. The hearing shall be scheduled for a date more
28 than 20 and less than 90 days after service of the charge on the person charged, unless
29 **the committee schedules** [THE PERSON AGREES TO] a later hearing date. **If the**
30 **complainant prevents the hearing from starting before the 90-day deadline passes**
31 **and a quorum of the committee determines the delay is not supported by a**

compelling reason or will result in the person charged being deprived of a fair hearing, the committee may dismiss the complaint with prejudice or enter some other order the committee determines is appropriate. At the hearing, the person charged shall have the right to appear personally before the committee, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The committee is not bound by the rules of evidence, but the committee's findings must be based upon clear and convincing evidence. Testimony taken at the hearing shall be recorded, and evidence shall be maintained.

*** Sec. 25.** AS 24.60.176(b) is amended to read:

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

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

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

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

(4) the appropriate rules committee for employees of

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

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

(C) house records and senate records;

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

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

(7) the legislature for the ombudsman;

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

(9) the legislature for the victims' advocate.

* **Sec. 26.** AS 24.60.200 is amended to read:

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

(A) income received as compensation for a personal service;

(B) a loan or loan guarantee;

(C) 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 the income** [THE AMOUNT OF INCOME RECEIVED FROM THE SOURCE] shall be disclosed**, and additional information regarding how the income was earned may be disclosed**;

(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.

* **Sec. 27.** AS 24.60.210(a) is amended to read:

(a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year, **except that a person appointed as a legislator under AS 15.40, a public member of the committee, or a legislative director must file within 30 days after the person's appointment**.

* **Sec. 28.** AS 24.60.210 is amended by adding a new subsection to read:

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

* **Sec. 29.** AS 24.60.250(c) is amended to read:

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

* **Sec. 30.** AS 39.50.020 is amended to read:

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

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

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

* **Sec. 31.** AS 39.50.030(b) is amended to read:

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

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

(A) each source of the income or gift;

(B) the recipient of the income or gift;

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

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

(E) if the income was earned by the hour, the approximate number of hours worked; and

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

(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 $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 $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 $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 $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 $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 **child** [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 **child** [CHILDREN], or a combination of them, holds a controlling interest.

* **Sec. 32.** AS 39.50.040 is amended to read:

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

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

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

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

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

(4) **the trust instrument shall contain a clear statement that its purpose is to remove from the trustor control and knowledge of investment of trust assets so that conflicts between the trustor's responsibilities and duties as a**

1 public official and the trustor's personal or financial interests will be eliminated
2 [INFORMATION REGARDING THE IDENTITY AND THE NATURE OF ITS
3 ASSETS SHALL BE CONFIDENTIAL FROM THE TRUSTOR FOR THE
4 DURATION OF THE TRUST];
5 (5) the trustee shall be directed not to disclose to the trustor any
6 information about the identity and nature of any of the assets in the trust, and the
7 trustee shall be required to report any known breach of this confidentiality or the
8 termination of the trust to the commission [OFFICE WHERE THE TRUSTOR IS
9 REQUIRED TO FILE STATEMENTS UNDER THIS CHAPTER]; [AND]
10 (6) the trust shall be irrevocable and shall be terminated only upon
11 the death of the trustor, upon termination of the trustor's status as a public
12 official, or upon order of the commission;
13 (7) the trustee shall be required to
14 (A) prepare and file the trustor's personal income tax
15 returns, withholding from distribution of the trust's net income amounts
16 sufficient to pay the trustor's tax; and to participate in the audit of the
17 trustor's returns during the period of the trust, with authority to
18 compromise the trustor's tax liability; or
19 (B) submit to the trustor, for income tax purposes, a
20 certification of income paid without identifying the assets producing the
21 income;
22 (8) the trustee shall be directed to avoid knowingly making any
23 investment in a corporation, business, or venture over which the trustor is likely
24 to take action by virtue of the trustor's official position;
25 (9) the trustor may not retain control over the trustee, and the
26 trustor is not permitted to make any recommendations or suggestions as to the
27 trust property;
28 (10) the trust instrument agreement must provide that the trustee
29 will give the attorney general or personnel board access to any records or
30 information related to the trust that is necessary when investigating or hearing
31 an accusation alleging a violation of AS 39.52;

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

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

* **Sec. 33.** AS 39.50.050(a) is amended to read:

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

* **Sec. 34.** AS 39.52.110 is amended by adding a new subsection to read:

(d) Stock or other ownership interest in a business is presumed insignificant if its value is less than $5,000.

* **Sec. 35.** AS 39.52.130(a) is amended to read:

(a) A public officer may not solicit, accept, or receive, directly or indirectly, a

gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. **A gift from a person required to register as a lobbyist under AS 24.45.041 to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.**

* **Sec. 36.** AS 39.52.180(a) is amended to read:

(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" includes a case, proceeding, application, contract, [OR] determination, [BUT DOES NOT INCLUDE THE] proposal or consideration of **a** legislative **bill** [BILLS], **a resolution, a** [RESOLUTIONS AND] constitutional **amendment** [AMENDMENTS], or other legislative **measure,** [MEASURES;] or [THE] proposal, consideration, or adoption of **an** administrative **regulation** [REGULATIONS].

* **Sec. 37.** AS 39.52.180(d) is amended to read:

(d) A former governor, lieutenant governor, [OR] head **or deputy head** of a principal department in the executive branch**, or employee of the Office of the Governor who is required to file a statement under AS 39.50.020** may not engage in activity as a lobbyist under AS 24.45 for a period of one year after leaving service as the governor, lieutenant governor, [OR] department head **or deputy head, or employee of the Office of the Governor who is required to file a statement under AS 39.50.020**, as appropriate. This subsection does not prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission.

* **Sec. 38.** AS 39.52.180 is amended by adding a new subsection to read:

(e) A former head of a principal department in the executive branch may not, for a period of one year after leaving service as the head of that department, serve on the governing board of a company, organization, or other entity that was regulated by that department or with which the former department head worked as part of an official duty as the department head. A former employee of the Office of the Governor who is required to file a statement under AS 39.50.020 may not, for a period of one year after leaving employment in that office, serve on the governing board of a company, organization, or other entity with which the former employee worked as part of an official duty for the Office of the Governor.

* **Sec. 39.** AS 39.50.200(b) is amended by adding new paragraphs to read:

(59) Alaska Industrial Development and Export Authority (AS 44.88);

(60) the board of directors of the Knik Arm Bridge and Toll Authority (AS 19.75.031 and 19.75.041);

(61) Alaska labor relations agency (AS 23.05.360 - 23.05.390);

(62) the Board of Trustees of the Alaska Mental Health Trust Authority (AS 47.30.016);

(63) the board of directors of the Alaska Railroad Corporation (AS 42.40.020 - 42.40.060).

* **Sec. 40.** AS 39.52 is amended by adding a new section to read:

Sec. 39.52.225. Disclosures in connection with executive clemency. Before granting executive clemency to an applicant for executive clemency, the governor shall disclose in writing to the attorney general whether granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall publish a written determination whether granting executive clemency to the applicant would violate AS 39.52.110 - 39.52.190. The written determination of the attorney general is not confidential, but information set out in that determination identifying a person, other than the applicant for clemency, who is a victim or witness in a criminal matter may not be made public.

* **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 39.52.180(a), as amended by sec. 36 of this Act, applies to

a person who leaves state service on or after the effective date of sec. 36 of this Act.

(b) AS 39.52.180(d), as amended by sec. 37 of this Act, applies to a person who leaves service as governor, lieutenant governor, head or deputy head of a principal department in the executive branch, or employee of the Office of the Governor who is required to file a statement under AS 39.50.020 on or after the effective date of sec. 37 of this Act.

(c) AS 39.52.180(e), as added by sec. 38 of this Act, applies to a department head or employee of the Office of the Governor who is required to file a statement under AS 39.50.020 who leaves employment as a department head or employee of the Office of the Governor who is required to file a statement under AS 39.50.020 on or after the effective date of sec. 38 of this Act.

* **Sec. 42.** Sections 28 and 33 of this Act take effect July 1, 2007.

* **Sec. 43.** Except as provided in sec. 42 of this Act, this Act takes effect immediately under AS 01.10.070(c).

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

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Date: March 2, 2007

To: House State Affairs Committee Members
Fr: Mike Sica, staff for Rep. Bob Lynn
Re: Additional Information

Joyce Anderson would like to testify early on Title 24 Legislative Ethics measures, such as Tabled Amendments 9 and 11 (if they are going to come up today), so she can catch her flight to Anchorage. So Rep. Lynn would like to first address these Amendments, if necessary, before the Blind Trust Amendments.

Also, attached to this memo are several documents, some of which you may already have:

A revised Checklist regarding the Amendments for HB 109 (Version K).

A copy of the definitions from AS 24.45.171 and AS 24.60.990 referred to in Amendment 11.

A side-by-side comparison on Blind Trust measures, including the current law, Amendment 22 by Rep. Seaton and Amendment 21 by Rep. Coghill. Amendment 20 was excluded because it was an earlier version of Amendment 22.

New Amendment 34, which attempts to address the "limited liability company" issue.

A copy of the relevant section of the definition from AS 39.50.200 referred to in Amendment 34.

An Amendment 17 fix.

A memo from Department of Law attorney Dave Jones regarding a possible problem with Amendment 13. Mr. Jones should be present to explain his concern.

A cleaner version of the Title 15 fix.

HB 109 (Version K) Checklist

Amendment 1 (A.4)	Title 11	Failed
Amendment 2 (Gov.)	Title 15	Passed as Amended but needs a Fix
Amend 1 to Amendment 2	Title 15	Failed
Amend 2 to Amendment 2 (K.42)	Title 15	Passed
Amend 3 to Amendment 2 (K.47)	Title 15	Anticipated Fix
Amendment 3 (Gov.)	Title 24	Passed
Amend 1 to Amendment 3	Title 24	Failed
Amendment 4 (Gov.)	Title 39	Passed
Amendment 5 (K.6)	Title 15	Withdrawn, for Judiciary
Amendment 6 (Gov.)	Title 24	Passed
Amendment 7	Title 24	Withdrawn
Amendment 8 (K.14)	Title 24	Withdrawn
Amendment 9 (K.41)	Title 24	Tabled
Amendment 10 (K.40)	Title 24	Passed
Amendment 11	Title 24	Tabled
Amendment 12 (Gov.)	Title 39	Failed
Amendment 13 (Gov.)	Title 24	Passed as Amended, see Jones memo
Amend 1 to Amendment 13	Title 24	Withdrawn
Amend 2 to Amendment 13	Title 24	Failed
Amend 3 to Amendment 13	Title 24	Passed
Amendment 14 (K.17)	Title 24	Passed as Amended
Amend 1 to Amendment 14	Title 24	Passed
Amendment 15 (K.20)	Title 24	Withdrawn
Amendment 16	Title 24	Not Offered
Amendment 17	Title 24	Passed. but needs a Fix
Amendment 18 (K.19)	Title 24	Withdrawn
Amendment 19	Title 24	Withdrawn
Amendment 20 (K.22)	Title 39	Not Offered
Amendment 21 (E.3)	Title 39	Pending Action
Amendment 22 (K.43)	Title 39	Pending Action
Amendment 23 (Gov.)	Title 39	Pending Action
Amendment 24 (Gov.)	Title 39	Pending Action
Amendment 25 (K.18)	Title 39	Pending Action
Amendment 26 (K.35)	Title 39	Pending Action
Amendment 27 (Gov.)	Title 39	Pending Action
Amendment 28	Title 39	Waiting for Rep.Gruenberg
Amendment 29 (K.28)	Title 39	Pending Action
Amendment 30 (K.28-A)	Title 39	Pending Action
Amendment 31 (K.27)	Title 39	Pending Action
Amendment 32 (K.36)	Title 39	Pending Action
Amendment 33 (K.30)	Title 39	Pending Action
Amendment 34	Title 39	Pending Action

Sec. 24.45.171. Definitions.

In this chapter

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

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

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

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

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

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

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

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

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

(A) by telephone;

(B) by two-way electronic communication; or

(C) in person;

(5) "gift"

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

(B) includes but is not limited to

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

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

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

(C) does not include

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

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

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

(7) "individual" means a natural person;

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

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

(10) "lobbyist" means a person who

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

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

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

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

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

(B) a payment in support of or assistance to a lobbyist or the lobbyist's activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;

(C) a payment that directly benefits a public official or a member of the immediate family of that official;

(D) a payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with a public official;

(E) a payment for or in connection with soliciting or urging other persons to enter into direct communication with a public official;

(F) a payment or reimbursement for expenses in the categories set out in AS 24.45.051 (2);

(13) "person", in addition to the terms set out in AS 01.10.060 includes a labor union; and

(14) "public official" or "public officer" means a public official as defined in AS 39.50.200 (a), a member of the legislature, or a legislative director as defined in AS 24.60.990 (a); however, it does not include a judicial officer or an elected or appointed municipal officer.

Sec. 24.60.990. Definitions.

(a) In this chapter

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

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

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

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

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

(D) grants under AS 37.05.316 to named recipients;

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

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

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

(6) "immediate family" means

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

(B) a parent, child, including a stepchild and an adoptive child, and sibling of a person if the parent, child, or sibling resides with the person.

is financially dependent on the person, or shares a substantial financial interest with the person;

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

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

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

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

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

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

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

(14) "registered lobbyist" means a person who is required to register under AS 24.45.041 ;