



AMENDMENT

OFFERED IN THE HOUSE

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

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

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

4

5 Page 16, following line 8:

6 Insert a new bill section to read:

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

8 Sec. 24.60.210. Deadlines for filing of disclosure statements. (a) A person
9 required to file a disclosure statement under AS 24.60.200 shall file an annual report
10 with the Alaska Public Offices Commission, covering the previous calendar year,
11 containing the disclosures required by AS 24.60.200, on or before March 15 of each
12 year. On or before the 90th day after ending service as a legislator or legislative
13 director, a former legislator or legislative director shall file with the Alaska
14 Public Offices Commission a report containing the disclosures required by
15 AS 24.60.200, covering any period of that service for which the legislator or
16 legislative director has not already filed a report.

17 (b) Notwithstanding (a) of this section, a public member and a public member
18 nominee of the committee shall file an annual report with the Alaska Public Offices
19 Commission, covering the previous calendar year, containing the disclosures required
20 by AS 24.60.200, on or before the second Monday in January of each year. On or
21 before the 90th day after ending service on the committee, a former public
22 member of the committee shall file with the Alaska Public Offices Commission a
23 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"

A M E N D M E N T

OFFERED IN THE HOUSE

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

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

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

5

6 Page 16, following line 8:

7 Insert a new bill section to read:

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

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

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

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

22 (A) the nature of the services performed, with sufficient
23 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"

1

2 Page 22, line 14:

3 Delete "sec. 30"

4 Insert "sec. 31"

5

6 Page 22, line 15:

7 Delete "sec. 31"

8 Insert "sec. 32"

9

10 Page 22, line 18:

11 Delete "sec. 31"

12 Insert "sec. 32"

13

14 Page 22, line 19:

15 Delete "22, and 26"

16 Insert "23, and 27"

17

18 Page 22, line 20:

19 Delete "sec. 33"

20 Insert "sec. 34"

A M E N D M E N T

OFFERED IN THE HOUSE

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

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

2 Delete all material and insert:

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

4 (b) Unethical conduct is prohibited, but there is no substantial impropriety if,
5 as to a specific matter, a public officer's [(1)] personal or financial interest in the
6 matter

7 (1) is insignificant [,] or of a type that is possessed generally by the
8 public or a large class of persons to which the public officer belongs, and [; OR

9 (2)] action taken or influence exercised by the public officer would
10 have insignificant or conjectural effect on the matter; or

11 (2) is in regard to a business and the public officer

12 (A) does not own a controlling interest in the business;

13 (B) does not own stock or options to buy stock that, when
14 combined,

15 (i) equal more than one percent of the stock in the
16 business; or

17 (ii) have a total value of more than \$5,000;

18 (C) owns or has an option to buy an equity interest in the
19 business the value of which is not more than \$5,000 or one percent of the
20 total value of the business, whichever is less;

21 (D) is not a member of the board of directors or another
22 governing body of the business;

23 (E) is not an elected officer of the business;

1 (F) does not provide or have an option to provide personal
2 or professional services to the business;

3 (G) does not have a contract or have an option for a
4 contract with the business; and

5 (H) is not an employee of the business."

AMENDMENT

OFFERED IN THE HOUSE

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

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

2 Insert "relating to executive clemency;"

3

4 Page 22, following line 6:

5 Insert a new bill section to read:

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

7 **Sec. 39.52.225. Disclosures in connection with executive clemency.** Before
8 granting executive clemency to a person, the governor shall disclose in writing to the
9 attorney general if granting the clemency would benefit a personal or financial interest
10 of the governor. The attorney general shall make a written determination whether
11 granting executive clemency to the person would violate AS 39.52.110 - 39.52.190. "

12

13 Renumber the following bill sections accordingly.

14

15 Page 22, line 20:

16 Delete "sec. 33"

17 Insert "sec. 34"

AMENDMENT

OFFERED IN THE HOUSE

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

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

2 Insert "relating to executive clemency;"

3

4 Page 22, following line 6:

5 Insert a new bill section to read:

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

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

16

17 Renumber the following bill sections accordingly.

18

19 Page 22, line 20:

20 Delete "sec. 33"

21 Insert "sec. 34"

AMENDMENT

*New
Amendment #11
Gardner
1988*

OFFERED IN THE HOUSE

BY REPRESENTATIVE Gardner

TO: CS HB 109

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

2 Insert:

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

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

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AMENDMENT #13

OFFERED IN THE HOUSE

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

BY REPRESENTATIVE GRUENBERG

Amendment #__ .

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

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

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

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

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

AMENDMENT

OFFERED IN THE HOUSE
TO: CS HB 109 (K version)

BY FRUENBERG

1 Page _____, line _____:

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

5
6 Page 1, line 5 following:

7 Insert a new bill section to read:

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

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

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

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

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

23 number the following sections accordingly

1 Page 22 ^{following} line 6:

2 Insert a new bill section to read:

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

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

Renumber following sections accordingly

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, 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.

Confidentiality:

Sec. 24.60.230. Statements as public records.

A statement filed with the Alaska Public Offices Commission under AS 24.60.200 is a public record. A person is not required to comply with AS 24.60.200 to the extent that a court of competent jurisdiction of the state determines that legally privileged professional relationships or constitutional privacy considerations would be violated by compliance.

Disclosure Exemptions:

2 AAC 50.775. Exemption from reporting name and address of individual as a source of income

⊕ (a) A filer who seeks an exemption from the requirement to report the name or address of a source of income under AS 24.60.200 or 2 AAC 50.705 - 2 AAC 50.890 shall request the exemption from the commission.

(b) To request an exemption under (a) of this section, a filer shall file a written request for exemption with the disclosure statement for which the exemption is requested. The written request for exemption must be on a form prescribed by the commission and must, for each name or address for which an exemption is requested,

(1) state the facts that support the exemption; and

(2) identify the exemption circumstance under (c) - (j) of this section that applies to the request.

(c) A filer may request a mental health practice exemption if during the preceding calendar year the

(1) filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation in which a mental health practitioner, including a psychiatrist, psychologist, or therapist, worked;

(2) source of income was an individual who received mental health services from the mental health practitioner; and

(3) income was received as payment for the mental health services.

(d) A filer may request a sensitive medical practice exemption if during the preceding calendar year

(1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(2) at least 67 percent of the patients of the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation consisted of individuals who

(A) received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(B) were minors, and who, unknown to their parents or legal guardians, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; or

(C) were married, and who, unknown to their spouses, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(3) the source of income was an individual who received medical services of any nature from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; and

(4) the income was received as payment for the medical services.

(e) A filer may request a sensitive medical procedure exemption if during the preceding calendar year the

(1) filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(2) source of income was an individual who received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; and

(3) income was received as payment for the medical services.

(f) A filer may request an embarrassing medical procedure exemption if during the preceding calendar year

(1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(2) the source of income was a

(A) minor who, unknown to a parent or legal guardian of the minor, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; or

(B) married individual who, unknown to the individual's spouse, received medical services from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation;

(3) the income was received as payment for the medical services; and

(4) reporting the name or address of the source of income would tend to cause a reasonable person in the situation of the source of income substantial concern, anxiety, or embarrassment.

(g) A filer may request a legal services practice exemption if during the preceding calendar year

(1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation where an attorney worked;

(2) at least 67 percent of the clients of the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation consisted of individuals who were

(A) minors, and who, unknown to their parents or legal guardians, received professional legal services from the attorney; or

(B) married, and who, unknown to their spouses, received professional legal services from the attorney;

(3) the source of income was an individual who received legal services of any nature from the sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation; and

(4) the income was received as payment for the professional legal services.

(h) A filer may request a legal services exemption if

(1) the filer or the filer's family member was an owner, partner, or shareholder in a sole proprietorship, partnership, limited liability partnership, professional corporation, or corporation where an attorney worked;

(2) the source of income was a

(A) minor who, unknown to a parent or legal guardian of the minor, received professional legal services from the attorney; or

(B) married individual who, unknown to the individual's spouse, received professional legal services from the attorney;

(3) the income was received as payment for the professional legal services; and

(4) reporting the name or address of the source of income would tend to cause a reasonable person in the situation of the source of income substantial concern, anxiety, or embarrassment.

(i) A filer may request a filer prohibition exemption if the filer is prohibited by law from reporting the name or address of a source of income.

(j) A filer may request a right of source exemption if the filer believes that reporting the name or address of a source of income would violate a right of the source under the state or federal constitution.

(k) A filer may request a HIPAA exemption if the filer believes that reporting the name of a source of income would disclose protected health information that the filer is prohibited from disclosing under 42 U.S.C. 1320d - 1320d-8 (Health Insurance Portability and Accountability Act (HIPAA) of 1996).

◆ **History:** Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173

◆ **Authority:** AS 24.60.200

AS 24.60.220

AS 24.60.230

AS 39.50.050

ALASKA STATE HOUSE OF REPRESENTATIVES



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REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: February 16, 2007
To: Dan Wayne, Legal Counsel
From: Rynnieva Moss, Legislative Aide *R. Moss*
Re: CSHB 109's Amendments

As always, please feel free to improvise to make the intent work in legal terminology. We are requesting a CS with the following amendments:

Page 1, line 5, after the words "Section 1."

Insert:

AS 15.13.040(g) is amended to read:

(g) The provisions of (a)(2) [(a)] and (l) of this section do not apply to a delegate to a constitutional convention, a judge seeking electoral confirmation, or a candidate for election to a municipal office under AS 15.13.010, if that delegate, judge or [IF A] candidate

(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.

Renumber accordingly.

Page 1, line 7, after the words "under this chapter"

Insert:

for candidates who have filed for the office of governor or lieutenant governor

Page 1, line 12

Insert:

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.

Renumber accordingly.

Page 2, beginning of line 23:

Insert new subsection:

(8) a sworn affirmation by the lobbyist that the lobbyist has completed the training course administered by the commission under AS 24.45.03 (a) within the 12-month period preceding the date of registration or registration renewal under this chapter.

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

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

Renumber sections accordingly.

Page 9, line 7:

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

AS 24.60.080(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 (l) and (8) of this section and shall forward the disclosures to the appropriate hour 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 (l) 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. 13. AS 24.60.080(i) is amended to read:

AS 24.60.080(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.

Renumber sections accordingly.

Page 10, line 20, after the words "file a,

Insert:

final

Page 11, line 9:

Delete lines 10 - 25 and insert:

* Sec. 18. 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 strategies for compliance with this chapter and understanding of this chapter's purpose under AS 24.60.710.

*Sec. 19. 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 after the first day of the first legislative 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.

Renumber accordingly.

Page 12, line 17:

*Sec. 21. AS 24.60 is amended to read:

AS 24.60.17(j) If the committee has issued a formal charge under (a) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to present the case against the person charged if that individual does not provide **other** [AND HAS NOT PROVIDED] advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless the committee schedules [THE PERSON AGREES TO] a later hearing date. If the complainant prevents the hearing from starting before the 90-day deadline passes 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 other appropriate orders. 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.

Renumber accordingly.

Page 17, line 15:

insert:

*Sec. 29. AS 39.52.110 is repealed and reenacted to read:

AS 39.52.110(b) Notwithstanding (a) of this section, a public officer's action or influence with respect to the officer's personal or financial interest in a specific matter is not a violation of public trust or a violation of this chapter.

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

(2) If the public officer's

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

(B) personal interest is insignificant; or

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

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

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

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

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

(v) is an officer of the business;

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

(vii) has a contract with the business; or
(viii) is an employee of the business.

Renumber accordingly.

LEGAL SERVICES

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

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


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

MEMORANDUM

February 14, 2007

SUBJECT: Changes to language approved by the sub-committee
(CSHB 109(); Work Order No. 25-GH1059C)

TO: Representative John Coghill
Attn: Rynnieva Moss

FROM: Dan Wayne 
Legislative Counsel

Enclosed is the draft committee substitute you requested. There are a few new issues you should be aware of.

I changed the title to describe secs. 11, 24, and 25. I added "municipal" because of the reference in sec. 19.

Section 2 is language that was drafted for an amendment to a related bill, and its only purpose is to conform AS 24.45.041(b) to language banning lobbying by spouses and domestic partners in that other bill. In the context of the enclosed CS, it has little or no meaning since the language it conforms is absent. I left it in the CS because it is my understanding the other language is still under consideration for inclusion in the CS, and it was the sub-committee's wish to include all of the language approved so far in order to better evaluate what remains to be done on this lengthy document.

In sec. 8, I added all of AS 24.60.080(c) as amended, instead of the fragment requested, because of drafting requirements. I mention this because, in paragraph (c)(10), I restored the original language that requires approval of charity events to come from the Alaska Legislative Council (not the Select Committee on Legislative Ethics). According to my notes the sub-committee unanimously opposed shifting this responsibility to the Select Committee.

In secs. 9 and 10, wherever the word "deadlines" appeared I changed it to "deadline", to conform with the substantive change in sec. 10 establishing a single deadline for disclosures under AS 24.60. I also inserted a new term, "matter", to the last line of sec. 10, which now reads "after the commencement of the matter, interest, or representation. This more clearly defines the scope of what is disclosable under the requirements of AS 24.60, and I think it is a necessary addition.

Representative John Coghill

February 14, 2007

Page 2

In sec. 14, I made some drafting improvements to the bold/underlined language in AS 24.60.160(b). Most significantly, the last sentence of that section now says, "The committee's final vote on the advisory opinion shall be a public record."¹

I deleted from the bill sec. 3, relating to disclosure by former legislators, since the changes proposed in the Governor's sec. 3 (HB 109, page 3, lines 2-19) are replaced in the enclosed draft CS with the subcommittee's new statute, AS 24.60.115.

In sec. 24, I cleaned up the Governor's proposed amending language to address my concern that the deletion proposed at the end of that section would create ambiguity as to whether or not the consideration of "legislative measures" and changes affecting "administrative regulations" ought to be treated as a "matter." I spoke with the Governor's drafter, David Jones of the Department of Law, who agrees that my version achieves the same result the Governor's version intended, and he does not object to my version.

In sec. 26, regarding retroactivity of secs. 24 and 25, I have added new language to clarify whom those sections intend to affect. This was necessary because one section affects persons leaving state service, and the other affects specific persons (Governor, Lieutenant Governor, etc.) leaving a position (but not necessarily state service).

DCW:med
07-098.med

Enclosure

¹ It has been the committee's practice for some time to publish its final vote along with any published advisory opinion.

25-GH1059C
Wayne
2/14/07

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

BY

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

5 * Section 1. AS 15.13.040(m) is amended to read:

6 (m) The commission shall require [MAY REQUEST] that the information
7 required under this chapter be submitted electronically but may, when extraordinary
8 circumstances warrant an exception, [SHALL] accept any information required
9 under this chapter that is typed in clear and legible black typeface or hand-printed in
10 dark ink on paper in a format approved by the commission or on forms provided by
11 the commission and that is filed with the commission.

12 * Sec. 2. AS 24.45.041(b) is amended to read:

13 (b) The registration form prescribed by the commission must include
14 (1) the lobbyist's full name and complete permanent residence and

1 business address and telephone number, as well as any temporary residential and
2 business address and teleph. one number in the state capital during a legislative session;

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

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

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

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

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

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

23 * Sec. 3. AS 24.60.020(a) is amended to read:

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

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

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

1 * Sec. 4. AS 24.60.030(a) is amended to read:

2 (a) A legislator or legislative employee may not

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

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

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

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

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

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

28 (E) a legislator from using the legislator's private office in the
29 capital city during a legislative session, and for the 10 days immediately before
30 and the 10 days immediately after a legislative session, for nonlegislative
31 purposes if the use does not interfere with the performance of public duties and

1 if there is no cost to the state for the use of the space and equipment, other than
2 utility costs and minimal wear and tear, or the legislator promptly reimburses
3 the state for the cost; an office is considered a legislator's private office under
4 this subparagraph if it is the primary space in the capital city reserved for use
5 by the legislator, whether or not it is shared with others;

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

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

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

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

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

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

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

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

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

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

31 (4) require a legislative employee to perform services for the private

1 benefit of the legislator or employee at any time, or allow a legislative employee to
2 perform services for the private benefit of a legislator or employee on government
3 time; it is not a violation of this paragraph if the services were performed in an
4 unusual or infrequent situation and the person's services were reasonably necessary to
5 permit the legislator or legislative employee to perform official duties;

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

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

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

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

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

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

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

30 * Sec. 5. AS 24.60.030(f) is amended to read:

31 (f) A legislative employee may not serve in a position that requires

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

15 * Sec. 6. AS 24.60.050(c) is amended to read:

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

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

9 * Sec. 7. AS 24.60.070(c) is amended to read:

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

20 * Sec. 8. AS 24.60.080(c) is amended to read:

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

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

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

28 (B) at a social event or meal;

29 (2) discounts that are available

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

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

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

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

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

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

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

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

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

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

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

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

7 * Sec. 9. AS 24.60.100 is amended to read:

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

17 * Sec. 10. AS 24.60.105 is amended to read:

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

1 the matter, interest, or representation.

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

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

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

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

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

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

15 * Sec. 11. AS 24.60 is amended by adding a new section to article 2 to read:

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

22 * Sec. 12. AS 24.60.130(n) is amended to read:

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

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

9 * Sec. 13. AS 24.60.150(a) is amended to read:

10 (a) The committee shall

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

13 (2) publish advisory opinions annually;

14 (3) publish ~~annual~~ [SEMI-ANNUAL] summaries of decisions [AND
15 ADVISORY OPINIONS] with sufficient deletions in the summaries to prevent
16 disclosing the identity of the persons involved in the decisions [OR OPINIONS] that
17 have remained confidential;

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

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

26 * Sec. 14. AS 24.60.160 is amended to read:

27 Sec. 24.60.160. Advisory opinions. (a) On the request of the committee, the
28 Alaska Public Offices Commission, a person to whom this chapter applies, or a
29 person who has been newly elected to the legislature, the committee shall issue an
30 advisory opinion within 60 days as to whether the facts and circumstances of a
31 particular case constitute a violation of ethical standards. If it finds that it is advisable

1 to do so, the committee may issue an opinion under this section on the request of a
 2 person who reasonably expects to become subject to this chapter within the next 45
 3 days. The 60-day period for issuing an opinion may be extended by the committee if
 4 the person requesting the opinion consents.

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

17 * Sec. 15. AS 24.60.176(b) is amended to read:

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

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

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

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

28 (4) the appropriate rules committee for employees of

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

31 (B) the senate secretary's office and the office of the chief clerk

1 of the house of representatives; and

2 (C) house records and senate records;

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

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

8 (7) the legislature for the ombudsman;

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

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

12 * Sec. 16. AS 24.60.200 is amended to read:

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

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

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

31 (3) as to each loan or loan guarantee over \$1,000 from a source with a

1 substantial interest in legislative, administrative, or political action, the name and
2 address of the person making the loan or guarantee, the amount of the loan, the terms
3 and conditions under which the loan or guarantee was given, the amount outstanding
4 at the time of filing, and whether or not a written loan agreement exists.

5 * Sec. 17. AS 24.60.210 is amended by adding a new subsection to read:

6 (c) The Alaska Public Offices Commission shall require that the reports
7 required under this section be submitted electronically but may, when extraordinary
8 circumstances warrant an exception, accept any information required under this
9 section that is typed in clear and legible black typeface or hand-printed in dark ink on
10 paper in a format approved by the commission or on forms provided by the
11 commission and that is filed with the commission.

12 * Sec. 18. AS 24.60.250(c) is amended to read:

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

19 * Sec. 19. AS 39.50.020 is amended to read:

20 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
21 official other than the governor or the lieutenant governor shall file a statement giving
22 income sources and business interests, under oath and on penalty of perjury, within 30
23 days after taking office as a public official. Candidates for state elective office other
24 than a candidate who is subject to AS 24.60 shall file the statement with the director of
25 elections at the time of filing a declaration of candidacy or a nominating petition or
26 becoming a candidate by any other means. Candidates for elective municipal office
27 shall file the statement at the time of filing a nominating petition, declaration of
28 candidacy, or other required filing for the elective municipal office. Refusal or failure
29 to file within the time prescribed shall require that the candidate's filing fees, if any,
30 and filing for office be refused or that a previously accepted filing fee be returned and
31 the candidate's name removed from the filing records. A statement shall also be filed

1 by public officials no later than March 15 in each following year. On or before the
2 90th day after leaving office, a former public official shall file a statement:
3 covering any period during the official's service in that office for which the public
4 official has not already filed a statement. Persons who are members of boards or
5 commissions not named in AS 39.50.200(b) are not required to file financial
6 statements.

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

15 * Sec. 20. AS 39.50.030(b) is amended to read:

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

18 (1) for [THE SOURCE OF] all income over \$1,000 [\$5,000] during
19 the preceding calendar year, including taxable and nontaxable capital gains, and each
20 gift with a value exceeding \$250, received by the person, the person's spouse or
21 domestic partner, or the person's dependent child.

22 (A) the source of the income or gift;

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

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

25 (D) the number of hours of services performed, if any, to
26 earn the income, or for which the gift was given; and

27 (E) a detailed description of the nature of the services
28 performed [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT
29 MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250];

30 (2) the identity, by name and address, of each business in which the
31 person, the person's spouse or domestic partner, or the person's dependent child has an

1 interest or was a stockholder, owner, officer, director, partner, proprietor, or employee
2 during the preceding calendar year, except that an interest of less than \$1,000 [\$5,000]
3 in the stock of a publicly traded corporation need not be included;

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

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

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

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

27 (7) a list of all mineral, timber, oil, or any other natural resource lease
28 held, or lease offer made, during the preceding calendar year by the person, the
29 person's spouse or domestic partner, or the person's dependent child, a partnership or
30 professional corporation of which the person is a member, or a corporation in which
31 the person or the person's spouse, [OR] domestic partner, or dependent child

1 [CHILDREN], or a combination of them, holds a controlling interest.

2 * Sec. 21. AS 39.50.050(a) is amended to read:

3 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
4 shall administer the provisions of this chapter. The commission shall prepare and keep
5 available for distribution standardized forms on which the reports required by this
6 chapter shall be filed. The commission shall print the forms provided under this
7 section so that the front and back of each page have the same orientation when the
8 page is rotated on the vertical axis of the page. The commission shall require [MAY
9 REQUEST] that the information required under this chapter be submitted
10 electronically but may, when extraordinary circumstances warrant an exception,
11 [SHALL] accept any information required under this chapter that is typed in clear and
12 legible black typeface or hand-printed in dark ink on paper in a format approved by
13 the commission or on forms provided by the commission and that is filed with the
14 commission.

15 * Sec. 22. AS 39.52.110 is amended by adding a new subsection to read:

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

18 * Sec. 23. AS 39.52.130(a) is amended to read:

19 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
20 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
21 employment, promise, or in any other form, that is a benefit to the officer's personal or
22 financial interests, under circumstances in which it could reasonably be inferred that
23 the gift is intended to influence the performance of official duties, actions, or
24 judgment. A gift from a person required to register as a lobbyist under
25 AS 24.45.041 to a public officer or a public officer's immediate family member is
26 presumed to be intended to influence the performance of official duties, actions,
27 or judgment unless the giver is an immediate family member of the person
28 receiving the gift.

29 * Sec. 24. AS 39.52.180(a) is amended to read:

30 (a) A public officer who leaves state service may not, for two years after
31 leaving state service, represent, advise, or assist a person for compensation regarding a

1 matter that was under consideration by the administrative unit served by that public
2 officer, and in which the officer participated personally and substantially through the
3 exercise of official action. For the purposes of this subsection, "matter" includes a
4 case, proceeding, application, contract, [OR] determination, [BUT DOES NOT
5 INCLUDE THE] proposal or consideration of a legislative bill [BILLS], a resolution,
6 a [RESOLUTIONS AND] constitutional amendment [AMENDMENTS], or other
7 legislative measure, [MEASURES;] or [THE] proposal, consideration, or adoption of
8 an administrative regulation [REGULATIONS].

9 * Sec. 25. AS 39.52.180(d) is amended to read:

10 (d) A former governor, lieutenant governor, [OR] head or deputy head of a
11 principal department in the executive branch, or employee of the Office of the
12 Governor in a policy-making position may not engage in activity as a lobbyist under
13 AS 24.45 for a period of one year after leaving service as the governor, lieutenant
14 governor, [OR] department head or deputy head, or employee of the Office of the
15 Governor in a policy-making position, as appropriate. This subsection does not
16 prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a
17 representational lobbyist as defined under regulations of the Alaska Public Offices
18 Commission.

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

21 APPLICABILITY. AS 39.52.180(a), as amended by sec. 24 of this Act, applies to a
22 person who leaves state service on or after the effective date of sec. 24 of this Act.
23 AS 39.52.180(d), as amended by sec. 25 of this Act, applies to a person who leaves service as
24 governor, lieutenant governor, head or deputy head of a principal department in the executive
25 branch, or employee of the Office of the Governor in a policy-making position on or after the
26 effective date of sec. 25 of this Act.

27 * Sec. 27. Sections 1, 17, and 21 of this Act take effect July 1, 2007.

28 * Sec. 28. Except as provided in sec. 27 of this Act, this Act takes effect immediately under
29 AS 01.10.070(c).

ALASKA STATE HOUSE OF REPRESENTATIVES

**Contact:**

Interim Address:

3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

Session

(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: February 12, 2007

To: Dan Wayne, Legal Counsel

From: Representative Coghill, Chairman *JB*
State Affairs Subcommittee on Ethics

Re: CS for HB 109

We would like a draft CS to present to the State Affairs Subcommittee on Ethics to reflect the amendments adopted by the subcommittee on Saturday, February 10th.

Page 2, line 9, after "Sec. 2." Insert:

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 a lobbyist is married or who is the domestic partner of the lobbyist.

Sec. 3. AS 24.60.020(a)(1) 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. 4. AS 24.60.030(a) is amended to read:

(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

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

(ii) it is [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

Sec. 5. 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 government entity, shall disclose [THAT REGULARLY HAS A SUBSTANTIAL INTEREST IN THE LEGISLATIVE ACTIVITIES OF THE LEGISLATOR OR EMPLOYEE IF THE LEGISLATOR OR EMPLOYEE DISCLOSES] the board membership to the committee. A person [A LEGISLATOR OR A LEGISLATIVE EMPLOYEE WHO IS] required to make a disclosure under this subsection shall file the disclosure with the committee by the deadline [DEADLINES] set out in AS 24.60.105 stating the name of each organization 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. 6. AS 24.60.050(c) is amended to read:

AS 24.60.050(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 [WITHIN THREE WEEKS AFTER THE FILING DATE]. If a [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] pu' lish 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. 7. 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. 8. AS 24.60.080(c)(7) is amended to read:

AS 24.60.080(c)(7) . 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;

Sec. 9. AS 24.60.105(a) is amended to read:

AS 24.60.105(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 interest or representation.

Sec. 10. AS 24.60 is amended by adding a new section to Article 2 to read:

Sec. 24.60.115. Disclosures required of a legislator, legislative employee or public member of the committee. A person serving as a legislator, legislative employee, or public member of the committee shall, no later than 90 days after the person's final day of service, file a final disclosure of every matter that was subject to disclosure under this chapter while the person was serving.

Sec. 11. AS 24.60.130(n) is amended to read:

AS 24.60.130(n) When appointing members of the legislature to serve on the committee, the speaker of the house or the president of the senate, as appropriate, shall appoint an alternate member for each regular member. An alternate must have the same qualifications as the regular member for whom the alternate stands as alternate and is subject to confirmation as required for the regular member. If a regular legislative member of the committee or a subcommittee is unable to attend a meeting, the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member at the meeting and the designed alternate shall serve unless unable to serve for any reason. If a regular legislative member of the committee or a subcommittee is disqualified under (h) of this section from serving on the committee or the subcommittee concerning a proceeding under AS 24.60.170 or if the regular member is unable to attend, the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member in the proceeding unless the alternate is also disqualified from serving. The designation shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential.

Sec. 12. 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 advisory opinions annually;

(3) publish [SEMI-] semi-annual summaries of decisions [AND ADVISORY OPINIONS] 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.

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

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

Sec. 13. AS 24.60.160 is amended to read:

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

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

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

AS 24.60.176(b) In this section, "appointing authority" means

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

(9) the legislature for the victims' advocate.

Renumber sections accordingly.

Page 3, line 27:

Sec. 17. AS 24.60.250(c) is amended to read:

AS 24.60.250(e) 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.

Renumber sections accordingly.

Brief

2/10/07 - House STA Ethics Subcommittee Meeting

Started 10:10am and ended approximately 12:30pm

Blue - Bring before full STA Committee

Yellow - Incorporate into CS for HB 109

Deferred - to be discussed at next subcommittee meeting

TITLE 15

Tabs:

- 1 Blue
- 2 Blue
- 3 Deferred
- 4 Deferred
- 5 Blue

TITLE 24

Tabs:

- 1 Yellow
- 2 Deferred
- 3 Yellow
- 4 Yellow
- 5 Blue
- 6 Blue
- 7 Yellow
- 8 Yellow
- 9 Yellow
- 10(a) Yellow
- 10(b) Blue
- 11 Deferred
- 12(a) Blue
- 12(b) Deferred
- 13 Blue
- 14 Blue
- 15 Yellow
- 16 Yellow
- 17 Yellow
- 18 Yellow
- 19 Deferred
- 20 Yellow
- 21 Deferred
- 22 Yellow
- 23 Deferred
- 24 Blue

25 Blue
26 Yellow
27 Blue
28 Blue
29 Blue

Reps. Roses and Lynn meeting, 11 a.m., 2/21/07 ... per Crystal Novotney

Amendment for Version K bill:

Drop provision of 5,000 reporting ... get rid of completely ... be consistent at \$1,000

Sect 1: page 1, line 12 ... delete 5,000, insert 1,000

Sect 1: page 1, line 14 ... delete 5,000, insert 1,000

Sect 25: page 17, line 21 ... delete 5,000, insert 1,000

Sect 25: page 18, lines 10, 17, 20, 24, 27 ... delete 5,000, insert 1,000

Presentation of bill:

Bob Roses and Bob Lynn plan for presentation of ethics bill ... go through section by section ... with a side by side comparison of everything deferred from subcommittee to full committee..



10, 17, 24
Roses OT

Checklist for State Affairs Committee meeting, Thurs, 2/22/07

Bob Lynn – opening remarks, explaining procedure

~~Wendy Ann~~
Saturday Meetings

John Coghill – present CS for HB 109 version K

Public testimony – limit to 3 minutes *to be fair to all timed*
request leave their if reading their comment, please leave

Amendments covering topics (not included in Version K) deferred by subcommittee to the full committee, going section by section in numerical order

Other amendments that may come up before full committee, also by section in numerical order *Dave Jones*

~~(Nancy mentioned addressing amending starting with less controversial ones first)~~

- Titles
- 11
 - 15
 - 24
 - 39

Nancy Manly

To: Peg Warren
Subject: House State Affairs Committee tomorrow 2/22/07
Attachments: HB 109 VERSION K 5GH1059K 2-21-07.pdf

Peg: Thanks for the CD's on the Ethics Subcommittee. I received it today.

I am emailing you the CS for HB 109 Version K (Ethics and Disclosures) that will be heard in House State Affairs Committee tomorrow. Please forward it on to all LIO's so that everyone can be viewing what the committee will be looking at tomorrow. I should also have the amendments that were rejected by the ethics subcommittee and were, instead, to be considered by the full committee. I'll try to get that for you as soon as I get it.

Nancy Manly
x2794

2/21/2007

State of Alaska
Legislative Affairs Agency Division of Public Services

Wrangell Teleconference Center
Fax cover sheet

To: Rep. Bob Lynn Phone: 465-4931
From: Sarah Merritt Phone: 874-3013
Instructions: Testimony from Stuart Thompson

HB109 HSTA Thursday Feb. 22nd
Received: Date _____ Time _____
Sent: Date 02/22/07 Time 10:10am
By: Wrangell Teleconference Center
Disposal of Original: Throw Away _____
Hold for Pick Up _____
Number of pages 1 (not counting this cover sheet)

Fax to
x 2267
For Lori
House Records

State leaders assert that their ethics reform objective is to recover lost public trust. Fiddling with public disclosure regulations, post public office employment regulations, and conflict of interest definitions does serve this purpose. Indeed, I commend the detailed work that's gone into the CS for HB 109. But unfortunately this effort is superficial. Here's how:

The genesis of our country was a revolt against corrupt administration of a parliament supported monarchy – reference US Declaration of Independence. Consequently, our form of government was designed from a comprehensive study of all government successes and failures before it. So was our Alaska Constitution. It follows that vigorous prosecution by all officials of the public oath of office, with educated initiative, becomes the best overall tool for making government worthy of trust.

Therefore, for our state to have corruption management problems is evidence of poor comprehension and application of our constitutions, their devices and their philosophical foundations. Consequently, I recommend that at least the following portions of the Alaska Constitution be investigated for being ill-understood, and for weak or perverted application:

Article 1, Section 1: Inherent Rights.
Article 1, Section 2: Source of Government.
Article 1, Section 5: Freedom of Speech.
Article 2, Section 12: Rules.
Article 12, Section 5: Oaths of Office.
Article 12, Section 6: Merit System.

Specifics have been sent to each Alaska legislator in an e-mail entitled "Corruption: Micro-managing with laws versus Macro-managing with Constitutions".

I assert that Alaska's visibly applying less than 40% of our form of government's capability is worse corruption than a bit of vote selling. Since Alaska has no rule or law to compel a career-long study of the craft of government by public officials, this underlying corruption, which naturally encourages varied ethics lapses, will persist.

Stuart Thompson
PO Box 870702,
Wasilla, AK 99687
1-877-950-7980
lookitover@worldnet.att.net

Stuart Thompson
2/2/07

Nancy Manly

From: Joyce Anderson
Sent: Tuesday, February 20, 2007 11:44 AM
To: Nancy Manly
Cc: mvupoars@mtaonline.net
Subject: FW: ethics bill

Nancy: I am forwarding this message to you since the writer is referring to ethics legislation and Rep Lynn, chair of House State Affairs, is currently hearing ethics legislation

Joyce Anderson, Administrator
Legislative Ethics Committee
P.O. Box 10468
Anchorage AK 99510
907-269-0150 fax 269-0152

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

From: CA Hummel [mailto:mvupoars@mtaonline.net]
Sent: Tuesday, February 06, 2007 12:51 PM
To: Joyce Anderson
Subject: ethics bill

Dear Committee Member;

How will rule or law determine ethical behavior or intent and how future, unpredictable outcome or circumstance may deem a persons' past actions unethical?
An acquaintance received from his living father, ownership of a business that included real estate, aircraft, tools and buildings with the arrangement between the 2 that the father receive a monthly "consulting fee" for the remainder of his life. The father developed Alzheimers' 5 years later. The son sent his father a letter explaining there would be no more consulting fee due to the fathers' inability to consult.
Sadly, the father was no longer able to read his mail.
For the entire 5 years preceding there had been no "consulting" whatsoever; but a monthly payment was deposited to the fathers' account for \$4,000.00. Here was a perfectly legal, untaxed quit claim of wealth and property, in exchange for a deductible consulting fee which did not "work out" as intended since the father did not plan to develop Alzheimers'. The father is in the Palmer Pioneer Home. His social security and permanent fund do not cover but 10% of his expenses. Everything is perfectly legal, the state and the Vets (me!) pay the tab and give him a nice room, nurses, etc. Yet, it's so blatantly unethical.

An ethics bill requireing personal finance history would severely restrict capable candidates by excluding candidates with the 'stomach' to acquire, create or increase wealth through any legal means.

Good Luck -C A Hummel

Dan Wayne folks
Sec 3 of ^{HB} 109
4

Cell# 441-4414
let him ^{DM} wright
K

Adopt 115 w/ chg to report deadline
60 - 90 days.

Tab 16 Gruenberg added an amend
to SB20 French Language
add "final" before disclosure (the 1st
disclosure
in the language)

Coghill
Will draft another CS with
Changes so far?

title 39 a different set
or externalizing law -

Coghill's focus -
How to police the ethics

Next meeting
5 pm Thursday

Nancy Manly

To: Joyce Anderson
Subject: HB 109 - Bill Draft VERSION K (Latest version approved by Ethics Subcommittee)
Attachments: 5GH1059K.pdf

Joyce: Here's the most recent version of HB 109 - Ethics "K" Version.

Nancy Manly
485-2794

From: Lynn Barnes
Sent: Wednesday, February 21, 2007 10:50 AM
To: Nancy Manly
Subject: bill draft

per your request

Nancy Manly

From: Will Vandergriff [Will_Vandergriff@legis.state.ak.us]
Sent: Wednesday, February 14, 2007 4:02 PM
To: prdistribution
Subject: MA - Third State Affairs Subcommittee on Ethics Meeting Thursday
Attachments: MA - Third State Affairs Subcommittee Meeting Thursday.doc

FOR IMMEDIATE RELEASE: Feb. 14, 2007
 544

CONTACT: Will Vandergriff, (907) 465-

House Majority Press Secretary

Third State Affairs Ethics Subcommittee Meeting Thursday **Three-member Panel Will Delve into Title 39 Language, Amendments**

(Juneau) – House Rules Committee Chairman John Coghill (R-North Pole) today announced that the House State Affairs Ethics Subcommittee will continue its work towards a committee substitute for the 13 pieces of ethics-related legislation Thursday, February 15 at 5:00 p.m. The three-member subcommittee will meet in the Speaker's Chamber, second floor, room 208 of the Capitol to cover Title 39 (Executive Branch) ethics language and amendments.

"We spent a good chunk of time separating the various title categories over the weekend, but quickly realized the complexity would demand a lot time," Coghill said. "In that same vein, we decided to focus on Title 39 separately, and hope to have our recommendations as a committee substitute ready for the full State Affairs Committee next week.

"I believe the work that Rep. Roses, Rep. Gruenberg and myself are undertaking is starting to bear some fruit. We're just not quite ready to pick it off the vine yet."

Who: House State Affairs Ethics Subcommittee -
 Rep. Coghill (R-North Pole)
 Rep. Bob Roses (R-Anchorage)
 Rep. Max Gruenberg (D-Anchorage)

What: Subcommittee Meeting

When: Thursday, February 15, 5:00 p.m.

Where: Speaker's Chamber, Capitol 208

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Will Vandergriff
 House Majority Press Secretary
 (907) 465-5446 direct
 will_vandergriff@legis.state.ak.us

2/15/2007

Nancy Manly

From: Rep. Bob Lynn
Sent: Tuesday, February 13, 2007 8:43 AM
To: Nancy Manly; mike_sica@llegis.state.ak.us
Cc: Nancy Manly; Rep. Bob Lynn
Subject: FW:
Attachments: Feb 10 Subcommittee York Product.xls

From: Rynnieva Moss
Sent: Monday, February 12, 2007 6:27 PM
Subject:

Attached are the latest Matrix Sheets for Ethics Legislation will meet Thursday evening to address these and to take up the proposed changes to Title 29, the Executive branch.

27

Nancy Manly

From: lookitover@att.net
Sent: Saturday, February 10, 2007 11:27 AM
To: Nancy Manly
Subject: FW: RE: S. Thompson material on ethics

----- Forwarded Message: -----

From: lookitover@att.net
To: "Rynnieva Moss" <Rynnieva_Moss@legis.state.ak.us>
Cc: Nancy Manly" <Nancy_Manly@legis.state.ak.us>
Subject: RE: S. Thompson material on ethics
Date: Sat, 10 Feb 2007 20:23:51 +0000

Ma'am,

Thanks for your prompt reply!

I will be enroute back to Ketchikan from POW Thursday Morning, thus unavailable then. I could attend any hearing open to the public via the Ketchikan LIO that afternoon or Friday, however. The lady at the KTN LIO has my phone number to be able to reach me to confirm being present to give testimony. It is 1-877-950-7980

Please also extend my appreciation to Ms Manly for helping me make public public comment. I know everyone is trying to do their best for everybody's benefit.

I look forward to this. Could someone e-mail a link to the current form of the omnibus ethics bill when it becomes available? It behooves me to make my comments as relevant as possible.

Sincerely,

Stuart Thompson

2/10/2007

----- Original message from "Rynnieva Moss"
<Rynnieva_Moss@legis.state.ak.us>: -----

Testimony will probably be taken next week. Where will you be? I am guessing it will be Thursday.

From: lookitover@att.net [mailto:lookitover@att.net]
Sent: Friday, February 09, 2007 2:11 PM
To: Rynnieva Moss
Subject: FW: S. Thompson material on ethics

Ma'am,

The first attachment is the material relevant to State Affairs committee consideration of ethics reform. You said you'd be happy to forward it to Nancy Manly. I'd be happy to testify telephonically about parts that legislators want expanded.

The second attachment is wholly applicable to the Rules committee.

Thanks for your help

Stuart Thompson

----- Forwarded Message: -----

From: lookitover@att.net
To: "Rep. Berta Gardner" <Representative_Berta_Gardner@legis.state.ak.us>
Subject: RE: Permission to testify for S. Thompson
Date: Wed, 7 Feb 2007 21:43:41 +0000

Hello again back to you Rep. Gardner!

According to your request:

I have attached some rationale behind why current ethics reform laws are workable but are superficial in attachment one. This is testimony from Ketchikan that I attempted to give to the Senate Judiciary, but mysteriously I

was disconnected after one minute and the chairman didn't allow me to resume when the LIO reestablished connection. It refers to a proposed legislative rule that I introduce in the second attachment.

I believe that this rule will skyrocket legislative ethics standards, efficiency and competence.

Both the Senate and the House refused to allow me to present this to the committees that have official jurisdiction last year.

Consider it, so as to empower your deliberations.

Sincerely,

Stuart Thompson

----- Original message from "Rep. Berta Gardner"
<Representative_Berta_Gardner@legis.state.ak.us>: -----

Hello again, Stuart.

Although I am not on State Affairs, or on the subcommittee on Ethics, I am participating in the process. If you have specific suggestions about provisions you would like to see included, I'd like to hear them, now or during the hearings. I expect that a draft bill will be introduced at a subcommittee meeting on Saturday.

Berta

My contact information in Juneau:
The Alaska Legislature
Office of Representative Berta Gardner
State Capitol
Juneau, Alaska 99801-1182
Phone: 907-465-4930
Toll free phone: 1-800-331-4930
Fax: 907-465-3834

From: lookitover@att.net (mailto:lookitover@att.net)
Sent: Tuesday, February 06, 2007 12:46 PM
To: Rep. Berta Gardner
Subject: RE: Permission to testify

Dear Rep. Gardner,

Thanks very much for your friendly communication.

You are very right that my experience was not a major oversight by Rep. Lynn and his aide Nancy Manly. In fact, I did take it up with both of them after the hearing was over. I got apologies.

I calculate the oversight happened because Ms Manly was trying to ensure certain expert testimony was heard on HB 10, Rep Lynn's efforts to not antagonize Speaker Rep Harris in his introducing of his HB 20, the duress of trying to move bills expeditiously, and Rep Lynn's preoccupation with getting these bills referred to a sub-committee for better consideration. Possibly off-topic public testimony or ranting by disaffected people is not what lawmakers are eager and excited to allow.

I am just disappointed that 1) the special sub-committee on ethics that was formed is not accepting public testimony; and 2) the House as a whole is not making an all out effort to get citizen input in consideration of the purpose of regaining their trust and confidence. You guys are visibly using mainly aides, legal experts, and experienced politicians as the source of ideas for ethics reform to change the perceptions of the public, after the ethical lapses of last year. This is not philosophically orthodox activity for people-based government. The legislative journal is the evidence of this.

However, I find no fault with most of what is being proposed. They will work to a point. But they are superficial and do not constitute measures the public can perceive are radical enough to prove that you guys are making the best efforts possible.

You do not cure public discouragement and apathy with minor fiddling with existing laws. I wanted to help but I guess, in legislative experience, ordinary citizens are usually too uninformed to get much respect.

will contact Ms Manly again to be able to testify when State Affairs
reconsiders the omnibus ethics bill. Thank you for this nudge.

do recognize the willingness to do the best you can that each legislator
brings to his/her work. I wish you the best in your efforts this year.

Sincerely,

Stuart Thompson

(snip)

Ethics Legislation – Notes on proposals.

Title 39 - Alaska State Constitution	
Introductory Remarks	<p>AS 39.50 applies to public officials</p> <p>AS 39.52 applies to public officers</p> <p>AS 39.50.200(9) "public official" means</p> <ul style="list-style-type: none">(A) a judicial officer;(B) the governor or the lieutenant governor;(C) a person hired or appointed in a department in the executive branch as<ul style="list-style-type: none">(i) the head or deputy head of the department;(ii) the director or deputy director of a division;(iii) a special assistant to the head of the department;(iv) a person serving as the legislative liaison for the department;(D) an assistant to the governor or the lieutenant governor;(E) the chair or a member of a state commission or board;(F) state investment officers and the state comptroller in the Department of Revenue;(G) the chief procurement officer appointed under <u>AS 36.30.010</u>;(H) the executive director of the Alaska Workforce Investment Board;(I) each appointed or elected municipal officer; and(J) the members of the board of trustees, the executive director, and the investment officers of the Alaska Permanent Fund Corporation;

	<p>AS 39.52.960(21) "public officer" or "officer" means</p> <p>(A) a public employee;</p> <p>(B) a member of a board or commission; and</p> <p>(C) a state officer designated by the governor to act as trustee of the trust or a person to whom the trustee has delegated trust duties; in this paragraph, "trust" has the meaning given in <u>AS 37.14.450</u>;</p>
Tab 1	To make clear that former public officials have to file a final disclosure statement after leaving his/her position within 90 days of terminating service. Clarification to include former public officials and former municipal officers in provision dealing with where to file disclosure statements.
Tab 2	Clarification that former public officials file their reports with APOC and former municipal officials file their reports to the appropriate municipal authority.
Tab 3	<p>Applies to public officials and candidates (does not apply to governor, Lt. Governor, legislators and candidates for legislature).</p> <p><i>Deferred</i></p> <p>This section would 1) change the reporting threshold for reporting income from \$5,000 to \$1,000 for the official and immediate family members; clarifies language concerning gifts of money than \$250; requires the source of the income or gift; the recipient of the income or gift; the amount of the income or the value of the gift; the number of hours of services performed to receive the income or gift; and the detailed nature of the services performed. <i>implies to a lot of people working fulltime</i></p>
Tab 4	Changes from \$5,000 to \$1,000 the threshold for reporting business interests of the public official or immediate family. <i>deferred</i>
Tab 5	Changes from \$5,000 to \$1,000 the threshold for reporting for beneficial interests in trusts or loans, loan guarantees, or indebtedness. <i>deferred</i>
Tab 6	This tab includes a series of changes to the statutes controlling blind trusts by 1) assuring that the trustor does not learn information about the contents of the trust when filing taxes; 2) prohibiting the trust from investing in businesses doing significant business with the State of Alaska or in a business that the trustor has some authority over in the trustor's official position; 3) prohibits holding investments or assets that must be recorded and thereby available to the trustor; 4) and prohibits investments or assets which are not marketable. Also, there is a suggestion to clarify what is reported to APOC.

Tab 7 <i>deferred</i>	Requires electronic reporting to APOC unless extraordinary conditions exist.
Tab 8AB <i>These two tabs cover the same area - HB 58 and SB 19. Both bills started out generally the same, but SB 19 has had several hearings in the Senate. The version of SB 19 contained in Tab 8B is CSSB 19 (STA).</i> <i>These two tabs cover the same area - HB 58 and SB 19. Both bills started out generally the same, but SB 19 has had several hearings in the Senate. The version of SB 19 contained in Tab 8B is CSSB 19 (STA).</i> <i>This section adds language to clarify what constitutes unethical conduct. HB 109 shown in Tab 9 creates a presumption that stock or ownership of an interest in a business is presumed to be insignificant if the value of the stock or interest is less than \$5,000.</i> <i>HB 58 and CSSB 19, use the same \$5,000 figure, and add additional personal or financial interests that would constitute unethical behavior if the public officer were to influence or take action with respect to them. CSSB 19 clarifies that even with such an interest, if the action or influence would only have an insignificant or conjectural effect, it would not constitute unethical behavior.</i>	<p>These sections move into AS 39.52 and cover public officers, which includes all state employees and certain other officers.</p> <p>These two tabs cover the same area – HB 58 and SB 19. Both bills started out generally the same, but SB 19 has had several hearings in the Senate. The version of SB 19 contained in Tab 8B is CSSB 19 (STA).</p> <p>This section adds language to clarify what constitutes unethical conduct. HB 109 shown in Tab 9 creates a presumption that stock or ownership of an interest in a business is presumed to be insignificant if the value of the stock or interest is less than \$5,000.</p> <p>HB 58 and CSSB 19, use the same \$5,000 figure, and add additional personal or financial interests that would constitute unethical behavior if the public officer were to influence or take action with respect to them. CSSB 19 clarifies that even with such an interest, if the action or influence would only have an insignificant or conjectural effect, it would not constitute unethical behavior.</p>
Tab 9 <i>also similar to 8 and 9 approach</i>	<p>Section 8 of HB 109 creates a presumption that stock or ownership of an interest in a business is presumed to be insignificant if the value of the stock or interest is less than \$5,000. This was discussed previously in the Tab 8A discussion.</p> <p>Section 9 – Establishes a presumption that all gifts from a lobbyist to a public officer or members of the officer's immediate family are improper unless the lobbyist is an immediate family member of the gift's recipient.</p>
Tab 10	This section would make the post-state employment limitation more restrictive by precluding former public officers from working on particular legislation or regulations that they personally and substantially participated in during their state service.
Tab 11	This tab adds to those public officers who cannot lobby for one year after service. HB 109 adds deputy commissioners and policy making employees of the Governor's Office. A2/Cook removes deputy commissioners, but includes all employees of the Governor's Office, not just those that are in a policy making position.
Tab 12	This tab prohibits former department commissioners and former employees of the governor's office from serving on boards of

	companies, organizations, or other entities that they regulated or with which they worked in their official positions.
Tab 13	Requires certain disclosures by the governor prior to granting executive clemency and for a written determination by the Attorney General whether the granting of clemency would violate the Executive Ethics Act.
Tab 14	This tab expands the definition of official action to include a broader category of involvement in a matter.
Tab 15	Clarifies that there is nothing in State law prohibiting members of families from working in the same department, division, or work area as long as one family member does not have supervisory authority over the other. The proposal describes what constitutes supervisory authority.
Tab 16	Applicability and effective date provisions.

Committee work on ethics bills began at our first committee meeting, because I want to put new and improved ethics legislation at the head of the line. We started with two good bills, HB190 and HB20, and some others, and those good bills have morphed into HB109, the governor's bill which we are hearing again today.

It's my goal –and I hope it's the goal of everyone on this committee – to move this bill to the next committee in an expeditious manner. I want this committee to establish basic policy – is the dollar amount this or that, do we do this or do we do that – and then let the Judiciary Committee, of which three of us are members, to tweak the verbiage to make that happen, or something close to it.

In other words, as I said before, I don't want "paralysis by analysis." With these thoughts in mind I hope we can move this bill on to the Judiciary Committee within two hearings – three at the most, if we possibly can.

Coglier goes thru by section
What was laid aside

737

Amendments rejected by Subcommittee

All amendments from this point on.

Some Amend Gov Sent down
Undo's everything Sub Comm did.

Roses think we should go with
What Comm say.

Maybe at point of Gov Amend.

meeting
2-21-07

Bob, Mike, Crystal (Bob Rose's office)
Dave Jones (Gov office)

Dave Jones - Gov Atty
New Amendments
Restore some Amendments

3
Amendments

Electronic filing Backing off on some	- 3 amendments <hr/> 1 Exec Branch 1 Leg Branch 1 Campaign
Stagger stagger implementation Exec Branch financial date: July 2007 Leg Branch " July 2008 Campaign " May 1 2009	} Dave will send electronic format

1 more detail
Legislative financial disclosure
reporting # of hours for work perform

lowering threshold
1,000 to 5,000

1 reporting # of hours

1 definition of insignificant
financial interest

3
Amend.

on new topics

1) additional Boards and Commissions

2) define Policy Making Provisions

3) ^{two}_{TOPICS} Provisions Lobbyist Making gift to
Executive branch (give apoc
Authority
- to give apoc ~~enforcement~~ ^{enforcement} when
someone leaves office.

HB 109

**Drop the provisions of the \$5,000 reporting completely
The best thing to do would be straight across the board at \$1,000 because that's what the voters said.**

**delete \$5,000 insert \$1,000 – campaign. legislative and executive
AS 15 and AS 39
Page 1 line 12 and line 14
Page 17 line 21
Page 18 line 10, 17, 20, 24, 27**

We aren't going to touch page 20 lines 12 and 15 where it talks about the public officers, controlling interest in a business, fair market value – any of that.

How this is going to go

**John coghill "K" Version
Public Testimony
Amendments after public testimony
Everything that was left out of this bill.**

Ethics subcommittee

2-20-07 - Tuesday 1⁰⁸ pm

Purpose

Go thru CS "M" versions

Rev & Section

title 24

research

Coghlin presents to full Committee
by title #.

Greenberg moves to make Report.

①

2-19-87

Ethics Subcommittee

39.52.188 Tab 10

Draft Version E.
reeling version

Grunberg 9 B

New point - it states if a bookyist

gives him or family a copy - withdraw

under family's family member.

Grunberg doesn't know any other

way to deal with it.

1) No can't do

2) Yes can do

3) or Write a presumption

either would state of facts of case
to determine -

Pratition - recipients
Would go to Ethics.

Presumption establish
a bright line.

Coghlin struggle with that,
could be an act of human
kindness.

Coghlin mentioned last
mtg - you need to know
the rules clearly.

Calling
ethics

Coghlin want bright line,
judgement call means
fuzzy.

Ask for
Burned CO for

Feb 16 Fri

Feb 19 Mon

meeting

Monday meeting @
Notice

2
Tape 2
Tape 2

Monday
12:00 - 1
Ethics Subcommittee

Title 39 Executive Ethics

Training
disrupt by income } help
Stiffers Wang

2-5-07 5:15 pm
Subcommittee - Ethics

Ethics Subcommittee Meeting

2-10-07 10¹⁰ AM called to order

Salute to

17658 Michelle
Jan 10 4 de
From CS

Coghill
Instructions

HB 109 vehicle

going by title

Purpose put amend in a CS

Not a lot of debate today

Purpose to keep it on ethics

Must have unanimous Concept doesn't go in the CS

Create a Language Set

Going prim thru Ethics. Title II off Table

Blue goes before full comm.

Title 15 has 5 tabs

going thru the tabs

Wants tab # & title # when discussing

Change

040 (a) Takes out exemptions - adds every occupation.

Requirement of each individual.

(c)

Coghill objects. Needs to be debated before full
Committee. Campaign NOT ethic.

Bob wants
Tabs to
Ann Sutton

Greenberg

rep lobbyist - doesn't work for entity
they are lobbying. Get Reimb expenses

Lobbying not defined in statute per Tam Cook

Representational ~~to~~ lobbyist - is in the regs

Dan Wayne - Consult. Services
is not defined

Amendments

Garano/ Change definitions to
HB 10

Hold it over
for committee

Where
is it

Not in
matrix or
Book
085

nike has a copy
of this I think -

Looking for unethical behavior
not controlling